

## Attachment 2: Consistency Analysis

Government Code 65863 prohibits a jurisdiction from reducing the residential density of any parcel unless the reduction is consistent with the adopted General Plan (including the Housing Element) and it does not negatively impact the jurisdiction's ability to maintain its identified Regional Housing Needs Allocation. In addition, Government Code 66300 prohibits a jurisdiction from changing the land use designation or zoning of any parcel to a less intensive land use unless the jurisdiction concurrently changes the land use or zoning elsewhere to ensure there is no cumulative reduction in residential development capacity. The relevant text of these codes is included at the end of this analysis, with key portions emphasized in **bold, italics**.

Although the Project does include reducing the land use density or intensity of parcels, the Project is consistent with the General Plan, implements a strategy of the Housing Element Rezone Program, and does not result in net loss of residential capacity, as described in the analyses below.

The Project changes the land use designation of approximately 49 acres from Low Density Residential to Open Space. These are all irregularly-shaped parcels located within the Dry Creek open space and floodplain area, which is designated as open space within the City's Open Space Preserve Overarching Management Plan (approved by the City, the United States Army Corps of Engineers, and the United States Fish and Wildlife Service), and is owned by the City of Roseville. The area is also described as passive open space within the City's General Plan Open Space and Conservation element and Parks and Recreation element, and is within either the Floodway or Floodway Fringe zone district. None of these parcels are identified within the City's Housing Element or General Plan as having residential development capacity, so the change in land use designation will have no effect on the City's adequate sites and regional housing needs analysis. The properties have *zero residential development potential or capacity*, and therefore, changing the land use designation will have no effect on residential density, intensity, or capacity.

The land use designation of these parcels on the City's General Plan Land Use Map (General Plan Land Use element Figure II-2) is Low Density Residential because this is the oldest area of the City and the land use designation was applied at a time when it was standard practice to use the Low Density Residential designation over open space areas. This land use has never been updated to the City's modern Open Space designation. In revising the land use designation to Open Space, the City is not reducing the residential density or intensity of the underlying parcels, it is correcting a land use irregularity.

In addition to the above, the Project also changes the land use designation of approximately 29 acres of land from Low Density Residential, Medium Density Residential, or commercial land use designations to the High Density Residential land use designation. In general, this land use change brings the affected properties into consistency with the underlying zone district, which is already Multifamily Residential. The land use change reduces procedural and financial barriers to multifamily residential development by correcting a land use inconsistency. City Council first identified the framework of the Project as a priority in 2020, and the Project was subsequently included as a strategy of the 2021 Housing Element Rezone Program, which anticipated ensuring capacity for up to 400 multifamily units in the Project area by providing streamlining and reducing barriers to multifamily development. The Project exceeds this target, providing streamlining for up to 850 units within the Plan Areas by correcting land use discrepancies, removing the requirement for a Conditional Use Permit for multifamily development within the Community

Commercial and Neighborhood Commercial zone districts in the Plan Area, and by providing supporting technical studies to ensure there is utility capacity for up to 850 multifamily units within the Plan Areas.

Based upon the foregoing, the Project is consistent with the General Plan (including the Housing Element), does not remove or reduce the intensity of any site listed in the Housing Element adequate sites inventory, and facilitates the production of up to 850 units of High Density Residential capacity. The regional housing needs quantification included within the Housing Element therefore remains unchanged, and can be found at [www.roseville.ca.us/housingelement](http://www.roseville.ca.us/housingelement).

#### **Government Code 86563 (portion)**

(b) (1) ***No city, county, or city and county shall***, by administrative, quasi-judicial, legislative, or other action, ***reduce, or require or permit the reduction of, the residential density for any parcel*** to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), ***unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:***

(A) ***The reduction is consistent with the adopted general plan, including the housing element.***

(B) ***The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584.*** The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

#### **Government Code 66300 (portion)**

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected county or an affected city ***shall not*** enact a development policy, standard, or condition that would have any of the following effects:

(A) ***Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use*** within an existing general plan land use designation, specific plan land use designation, or zoning district in effect at the time of the proposed change, below what was allowed under the land use designation or zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B) or subdivision (i). [ ]

(i) (1) ***This section does not prohibit an affected county or an affected city,*** including the local electorate acting through the initiative process, ***from changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.***