

*"We are a welcoming, active and business-friendly rural
foothill community built on California's rich gold rush history"*



City Manager's Report
March 26, 2024, City Council Meeting
Prepared By: Kristen Hunter, Associate Planner

Item#: 12.2

Subject: Adopt a Resolution of Intention (ROI 2024-01) to initiate amendments to the text of the City of Placerville Zoning Ordinance (Municipal Code Title 10) to implement General Plan 2021-2029 Housing Element Program B-2: Supportive Housing Zoning Amendments, Program B-7: Family Daycare Homes, Program B-8: Residential Care Facilities, and Program C-1: Density Bonus Zoning Amendments.

Recommendation: Adopt a Resolution of Intention (ROI 2024-01) to initiate amendments to the text of the City of Placerville Zoning Ordinance (Municipal Code Title 10) to implement General Plan 2021-2029 Housing Element Program B-2: Supportive Housing Zoning Amendments, Program B-7: Family Daycare Homes, Program B-8: Residential Care Facilities, and Program C-1: Density Bonus Zoning Amendments.

Purpose: To implement General Plan Housing Element programs and to bring the Zoning Ordinance into compliance with State Housing Law.

Strategic Plan Strategy: Maintain/Improve Quality of Life – Strategy 6: Maintain and Update Planning Documents, a. Implement the Housing Element and provide annual report to the State.

Discussion: On December 13, 2022, the City Council adopted Resolution 9150 approving the revised 2021-2029 Housing Element. The Housing Element includes twenty-eight (28) implementation programs that comprise the City's strategy for meeting housing needs for the 2021-2029 planning period. Housing Element Program B-2: Supportive Housing Zoning Amendments, Program B-7: Family Daycare Homes, Program B-8: Residential Care Facilities, and Program C-1: Density Bonus are four (4) of these twenty-eight (28).

Program B-2 – Supportive Housing: The objective of this program is to encourage the development of supportive housing. Following approval of Assembly Bill (AB) 2162, the Supportive Housing Streamlining Act, in 2018, Government Code Section 65583 requires that supportive housing, as defined under Government Code Section 65650, shall be a use allowed by right without discretionary review where multi-family and mixed uses area permitted, if the proposed housing development satisfies the requirements of Government Code Section 65583.

Program B-2 required the City to revise the Zoning Ordinance by January 2023. Implementation of this program was delayed due to required revisions and adoption of the 6th Cycle Housing Element.

Program B-7 – Family Daycare Homes: The objective of this program is to increase the opportunity for the creation of family daycare homes within the city. Senate Bill (SB) 234 (The Keeping Kids

Close to Home Act) was approved by Governor Newsom on September 5, 2019, and became effective in January 2020. SB 234 amended the California Health and Safety Code as it relates to family daycare homes, requiring that both small and large family daycare facilities be treated as a by-right residential use of the property for purposes of all local ordinances. Further, the law prohibits local jurisdictions from imposing fees, business licenses, or taxes on any sized family daycare home and also extends protections to family day care homes from prohibiting the sale or rent of a property to an applicant because that person is a family daycare provider.

Currently, Title 10 allows by right small and medium family daycare homes within the RE, R1-A, R1-20, R1-10, R1-6, R-2, R-3, R-4, and R-5 zones. Large family daycare homes are allowed in any zone under a Conditional Use Permit (CUP).

Program B-7 required the City to revise the Zoning Ordinance by January 2023. Implementation of this program was delayed due to required revisions and adoption of the 6th Cycle Housing Element.

Program B-8 – Residential Care Facilities: The objective of this program is to encourage the development of residential care facilities (RCF) housing citywide. Supportive housing provides permanent housing and supportive services, such as medical and mental health care, substance abuse treatment, employment services and advocacy for benefits to assist homeless residents into independent living. A supportive housing use is a type of *residential service facility (RSF)* or *residential care facility (RCF)*, both subcategories of the term *community care facility* under City Code¹. Assembly Bill (AB) 2162 requires that supportive housing, as defined under Government Code §65650, shall be a use allowed by right without discretionary review where multi-family and mixed uses are permitted, if the proposed housing development satisfies the requirement under AB 2162.

Currently, the City Municipal Code limits RSF to six or fewer residents and by proximity of 1,000 feet of another RSF. A seven or more resident proposed RSF development, when a six or fewer resident RSF is located less than 1,000 feet from another RSF, requires a conditional use permit (CUP). The proximity and CUP requirements in the City Code are inconsistent with AB 2162 and must be amended.

Program B-2 required the City to revise the Zoning Ordinance by June 2023. Implementation of this program was delayed due to required revisions and adoption of the 6th Cycle Housing Element.

Program C-1 – Density Bonus: The objective of this program is to update Title 10, Chapter 12 (Affordable Housing Density Bonus) to be consistent with the California Density Bonus Law (Government Code Section 65915). Text amendments identified include allowing up to an 80% density bonus for 100% affordable development and other changes to ensure consistency with the State density bonus law, and that establishes procedures for obtaining and monitoring density bonuses in compliance with State law.

Program C-1 required the City to revise the Zoning Ordinance by June 2023 and to be reviewed annually for compliance. Implementation of this program was delayed due to required revisions and adoption of the 6th Cycle Housing Element.

Environmental Review: The proposed Resolution of Intention is not subject to the California

¹ Definition of Community Care Facility, as well as subcategories, are included in Zoning Ordinance §10-1-4 (Definitions). Community Care Facilities include Day Care Centers, house finding agencies, Residential Care Facilities, and Residential Service Facilities.

Environmental Quality Act (CEQA) pursuant to Section 15378 as the adoption of the Resolution of Intention is not a 'project' as defined under CEQA.

Zoning Amendment Procedure: Pursuant to City of Placerville Zoning Ordinance Section 10-1-7, an amendment to the Ordinance may be initiated by a resolution of intention or minute order of the City Council; resolution of intention of the Planning Commission, or by a petition of an owner of property affected by amendment.

The Resolution of Intention, if approved by City Council, will direct staff to initiate draft changes to the text of the Zoning Ordinance as necessary to implement Housing Element Program B-2, B-7, B-8, and C-1. Upon completion of the draft amendments and an environmental analysis of the draft amendments, staff will prepare, circulate, and publish public notice in compliance with Section 10-1-7 of the Zoning Ordinance. A public hearing will be scheduled for the Planning Commission to consider the draft amendments, the environmental analysis prepared, and any public comment received. The Commission will then make a recommendation on the draft amendments and the environmental analysis document to the City Council. The City Council shall then schedule a public hearing, giving proper notice in compliance with Section 10-1-7. The Council may then adopt or reject the amendment, or any part thereof as set forth in the Planning Commission's recommendation.

Options: City Council could:

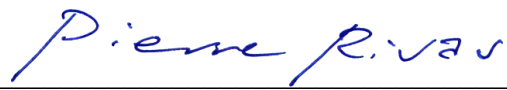
1. Adopt the Resolution of Intention as recommended by staff.
2. Do not adopt the Resolution of Intention and direct staff to revise the Resolution of Intention as specified by City Council.
3. Do not adopt the Resolution of Intention.

Cost: There is no cost for the consideration and potential adoption of the Resolution of Intention. Should the City Council adopt the Resolution of Intention the costs associated with amending the Zoning Ordinance, would be borne by the City under the General Fund.

Budget Impact: Consideration and potential adoption of the Resolution of Intention will have no budget impact.



M. Cleve Morris, City Manager



Pierre Rivas, Development Services Director