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Planning Commission Staff Report

Meeting Date: June 4, 2024

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PROJECT INFORMATION SUMMARY

Case File: Zone Change (ZC) 2024-03

Request: Consideration of a request from the City of Placerville to: (1) Amend Title 10 (Zoning) of the Placerville City Code to address required 2021-2029 Housing Element Implementation Program B-7 (Family Daycare Homes) to comply with California Health and Safety Code §1597.45; (2) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, §15060(c)(2) and §15060(c)(3) and §15274.

BACKGROUND

Staff has completed a consistency review of Title 10 of the City Code, Zoning Ordinance, relating to recent State legislation and actions identified as part of the 2021-2029 Housing Element Update. Staff has identified necessary text amendments to the City of Placerville's regulations in conformance with State Law, as identified in the 6th Cycle Housing Element.

On March 26, 2024, the City Council approved a Resolution of Intention (ROI) 2024-01, adopting Resolution No. 9293, initiating amendments to the Zoning Ordinance to implement Housing Element Program B-7.

2021-2029 Housing Element – Goal B

The Amended 2021-2029 Housing Element, adopted by the City Council on December 13, 2022 (Resolution No. 9150), contains a total of eight (8) goals (A-H). Zone Change (ZC) 2024-03 proposes text amendments Title 10 to address Goal B, *'to facilitate the development of housing for special needs households'* and Implementation Program B-7.

- Implementation Program B-7 (Family Daycare Homes): The City will amend the Zoning Ordinance regarding family daycare homes (small and large) to bring City regulations

into compliance with state law, and to eliminate constraints in the development of these facilities within residential zones.

Objective: Increase opportunities for the creation of family daycare homes.
Responsibility: Development Services Department
Timeframe: June 2023

PROJECT ANALYSIS

The following is a summary of the proposed amendments to the City’s existing regulations that would bring them into compliance with State law. Amendments can be found in their entirety in Attachment 1 (Draft Ordinance). The proposed amendments would revise Zoning Ordinance §10-1-4 (Definitions), §10-5-4 (RE, Estate Residential), §10-5-5 (R-1A, Single-Family Acre Residential), §10-5-6 (R-1, 20,000 Single-Family Residential), §10-5-7 (R-1, 10,000 Single-Family Residential), §10-5-8 (R-1, 6,000) Single-Family Residential, §10-5-9 (R-2, Low Density Multi-Family Residential), §10-5-10 (R-3, Medium Density Multi-Family Residential), §10-5-11 (R-4, High Density Multi-Family Residential), and §10-5-12 (R-5, Very High Density Multi-Family Residential).

Family Daycare Homes

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, the City’s Zoning Ordinance permits:

- Small and medium family daycare homes by-right within RE, R1-A, R1-20, R1-10, R1-6, R-2, R-3, R-4, and R-5 zones.
- Large family daycare in any zone under a Conditional Use Permit.

Additionally, Zoning Ordinance Section 10-1-4 (Definitions) provides definitions for small, medium, and large family daycare homes as provided below.

Small Family Day Care Home: A home which provides family day care to six (6) or fewer children including children who reside at home.

Medium Family Day Care Home: A home which provides family day care to seven (7) to twelve (12) children inclusive including children who reside at home.

Large Family Day Care Home: A home which provides family day care to greater than twelve (12) children including children who reside at home.

California Health and Safety Code §1597.44 (“small family daycare home”) and §1597.465 (“large family daycare home) provide definitions of family daycare home sizes as provided below:

Small Family Daycare Home: Facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home.

Large Family Daycare Home: Facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home.

In order to abide by State regulations, Staff has identified text amendments to Zoning Ordinance §10-1-4 to remove “Medium Family Day Care Home” and update the definitions of “Small Family Day Care Home” and “Large Family Day Care Home.” These text changes are included in Attachment 1 of this Staff Report. Additionally, text amendments include removal of medium family daycare and addition of large family daycare as a by-right use within RE, R1-A, R1-20, R1-10, R1-6, R-2, R-3, R-4, and R-5 zones.

The proposed text amendments for Zoning Ordinance §10-1-4, §10-5-4, §10-5-5, §10-5-6, §10-5-7, §10-5-8, §10-5-9, §10-5-10, §10-5-11, and §10-5-12 are provided in Attachment 1 of this Staff Report.

The text amendments bring consistency with state housing law only.

Environmental Review: The City has determined that the request to amend the Zoning Ordinance as described is exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, §15060(c)(2) and §15060(c)(3)¹ in that the activity is not a ‘project’ as defined in Section 15378 of the CEQA Guidelines and has no potential for resulting in a physical change to the environment, directly or indirectly. Further, the amendments are exempt pursuant to §15274 as CEQA does not apply to the establishment or operation of large daycare homes.

¹ §15060(c)(2) & §15060(c)(3): *Once an application is deemed complete, a lead agency must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if: (2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or (3) The activity is not a project as defined in Section 15378.*

RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends that the Planning Commission take the following action to approve ZC 24-03:

- I. Adopt as part of the public record the June 4, 2024 Staff Report for Zone Change 24-03;
- II. Recommend that the City Council:
 1. Find that the draft text amendments to Title 10 of the City Code, under Zone Change 24-03, are exempt from the California Environmental Quality Act under §15060(c)(2) and §15060(c)(3) of the CEQA Guidelines as the activity is not a 'project' as defined in Section 15378 of the CEQA Guidelines and has no potential for resulting in a physical change to the environment.
 2. Recommend that the City Council approve Zone Change 24-03, amending City Code §10-1-4: Definitions; §10-5-4: RE, Estate Residential; §10-5-5: R-1A, Single-Family Acre Residential; §10-5-6: R-1, 20,000 Single-Family Residential; §10-5-7: R-1, 10,000 Single-Family Residential; §10-5-8: R-1, 6,000 Single-Family Residential; §10-5-9: R-2, Low Density Multi-Family Residential; §10-5-10: R-3, Medium Density Multi-Family Residential; §10-5-11: R-4, High Density Multi-Family Residential; and §10-5-12: R-5, Very High Density Multi-Family Residential of Title 10 as described in Attachment 1 of Staff's June 4, 2024 Staff Report.

ATTACHMENTS

[Draft Ordinance](#)
[Senate Bill \(SB\) 234](#)