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City Manager’s Report

August 27, 2024, City Council Meeting

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Item#: 10.3

Subject: 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 Section 1597.45 (File: ZC 24-03).

Recommendation: Introduce and waive the first Reading of an Ordinance amending Title 10 of the Placerville Municipal Code *Zoning Ordinance* as follows: Amending Code Sections 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.

Purpose: Consideration of a request by the City of Placerville to amend Title 10 (Zoning) of the Placerville City Code to address required 2021-2029 Housing Element Implementation Program B-7, Family Daycare Homes, to conform to new State regulations, specifically the California Health and Safety Code Section 1597.45 and Senate Bill (SB) 234.

Strategic Plan Strategy: Maintain/Improve Quality of Life: Strategy 6 – Maintain and Update Planning Documents.

Discussion: 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

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. Pursuant to Health and Safety Code Section 1597.45, family daycare homes (small and large) require the family daycare provider to reside on site, whether rented, leased, or owned. 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 Section 1597.44 (“small family daycare home”) and Section 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 Section 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 Sections 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.

On June 4, 2024, the Planning Commission considered the proposed amendments and recommended that the City Council approve Zone Change (ZC) 24-03.

Options:

1. Adopt the ordinance as recommended by the Planning Commission and Staff.
2. Do not adopt the ordinance and provide direction to Staff.

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, Sections 15060(c)(2) and (3) 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.

Cost: None

Budget Impact: None



M. Cleve Morris, City Manager



Pierre Rivas, Development Services Director

Attachments:

- A. Draft Ordinance
- B. June 4, 2024 Planning Commission Minutes
- C. June 4, 2024 Planning Commission Staff Report