



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

Planning Commission Staff Report

Meeting Date: July 2, 2024

Prepared By: Kristen Hunter, Associate Planner

PROJECT INFORMATION SUMMARY

Case File: Zone Change (ZC) 2024-04

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 Programs B-2 (Supportive Housing Zoning Amendments) and B-8 (Residential Care Facilities) to comply with Assembly Bill (AB) 2162; (2) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, Section 15060(c)(2) and Section 15060(c)(3).

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-2 and B-8.

2021-2029 Housing Element – Goal B

The Amended 2021-2029 Housing Element, adopted by the City Council on December 13, 2022 (City Council Resolution No. 9150), contains a total of eight (8) goals (A-H). Zone Change (ZC) 2023-03 proposes text amendments Title 10 to address Goal B, *'to facilitate the development of housing for special needs households'* and Implementation Programs B-2 and B-8.

Goal B of the 2021-2029 Housing Element directs the City *'to facilitate the development of housing for special needs households.'* The following Housing Element Implementation Programs describe the zoning ordinance text amendments necessary to address Goal B, and to comply with Assembly Bill (AB) 2162.

- Implementation Program B-2 (Supportive Housing Zoning Amendments): Amend the Zoning Ordinance as necessary to ensure compliance with the Supportive Housing Streamlining Act (AB 2162 (2018)). Supportive housing provides for 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), a subcategory of the term *community care facility* under City Code. AB 2162 requires that supportive housing, as defined under Government Code Section 65650, shall be a use allowed by right without discretionary review where multifamily and mixed uses are permitted, if the proposed housing development satisfies the requirements under AB 2162.

A RSF is a permitted use within the R-2, R-3, R-4, R-5, BP, CBD, C, CC and HWC zones. Within the R-2, R-3, R-4 and R-5 Zones, a RSF as a permitted use is limited to six or fewer residents, and by proximity of 1,000 feet or more from 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 City Code are inconsistent with AB 2162 and must be amended.

Objective: To encourage the development of supportive housing.
Responsibility: Development Services Department Director, Planning Commission and City Council.
Timeframe: January 2023

- Implementation Program B-8 (Residential Care Facilities):
 - (a) The City will amend the Zoning Ordinance to be consistent with state law regarding *residential care facilities* (RCF) serving six or fewer individuals by removing the conditional use permit and separation proximity requirement of 1,000 feet or less from another RCF.
 - (b) The City will evaluate amending the Zoning Ordinance allowing RCF for seven or more persons within the City zone classifications, establish a ministerial permit process, and ensure RCF for seven or more persons are only subject to those restrictions that apply to other residential uses of the same type in the same zone.

Objective: To encourage the development of residential care facility housing citywide.
Responsibility: Development Services Department Director, Planning Commission and City Council.
Timeframe: June 2023

Definitions

The City Code¹ defines a “**Community Care Facility**” as follows:

Any facility, place or building which is maintained and operated to provide nonmedical residential care, daycare or house finding agency services for children, adults, or children and adults, including, but not limited to, the developmentally disabled, physically handicapped, mentally disordered, or incompetent persons. A community care facility may provide incidental medical services. Community care facilities are broken down into four (4) subcategories as follows:

“**Daycare Center**”: A facility which provides nonmedical care to persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis.

“**House Finding Agency**”: An individual or organization engaged in finding homes or other places for placement of persons of any age for temporary or permanent care or adoption.

“**Residential Care Facility**”: A facility licensed by the State of California where care, services or treatment is provided to persons living in a community residential setting.

“**Residential Service Facility**”: A residential facility (e.g., transitional and **supportive housing**) other than a residential care facility where the operator receives compensation for the provision of personal services, in addition to housing, including, but not limited to, protection, supervision, assistance, guidance, training, therapy or other nonmedical care.

A “**Community Care Facility**” is defined by the California Code, Health and Safety Code - HSC § 1502 (a) as follows:

Community care facility means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

“**Residential facility**” means any family home, group care facility, or similar facility determined by the department, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

“**Adult day program**” means any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

“**Therapeutic day services facility**” means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less

¹ Definition of Community Care Facility, as well as subcategories, are included in Zoning Ordinance Section 10-1-4 (Definitions).

than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530 in consultation with therapeutic day services and foster care providers.

Supportive Housing is defined under Government Code Section 65582 as follows:

“Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

For clarification, **“Supportive Housing”** provides for 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), a subcategory of the term **community care facility** under City Code.

PROPOSED AMENDMENTS

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 Section 10-3-4 (Uses Permitted in Any Zone), Section 10-5-9 (R-2, Low Density Multi-Family Residential), Section 10-5-10 (R-3, Medium Density Multi-Family Residential), Section 10-5-11 (R-4, High Density Multi-Family Residential), and Section 10-5-12 (R-5, Very High-Density Multi-Family Residential). Proposed changes are shown with double underlines and strike through.

Supportive Housing – Residential Service Facilities (RSF) and Residential Care Facilities (RCF)

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 Code. Assembly Bill (AB) 2162 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 are permitted, if the proposed housing development satisfies the requirement under AB 2162.

AB 2162, approved September 26, 2018, amended The Planning and Zoning Law which requires the legislative body of each county and city to adopt a long-term, comprehensive general plan that includes mandatory elements, including a housing element. The 2018 amendment requires that RSFs and RCFs be treated as a residential use of a property, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone, expanding the by-

right use to multi-family zones (R-2, R-3, R-4, and R-5) and mix use zones² (BP, CBD, C, CC, and HWC).

Currently, the City's Zoning Ordinance permits:

- By-right RSF or RCF for six (6) or fewer residents within RE, R1-A, R1-20, R1-10, R1-6, R-2, R-3, R-4, R-5, BP, CBD, C, CC, and HWC zones so long as said facility is not within 1,000 feet of another facility.
- RSF or RCF for seven (7) or more residents in any zone under a Conditional Use Permit.

Proposed text amendments would remove the distance requirements for RSF and RCF with six (6) or fewer residents and would remove the requirement for a Conditional Use Permit for RSF greater than seven (7) residents. The evaluation identified by Implementation Program B-8(b), specifically the removal of the CUP requirement for RCF greater than seven (7) residents and the creation of a ministerial permitting process, shall be completed separately from the proposed text amendments included in this Staff Report.

The proposed text amendments for Zoning Ordinance Sections 10-3-4, 10-5-9, 10-5-10, 10-5-11, and 10-5-12 are provided in Attachment 1 of this Staff Report.

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

RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends that the Planning Commission take the following action to approve ZC 24-04:

- I. Adopt as part of the public record the July 2, 2024 Staff Report for Zone Change 24-04;
- II. Recommend that the City Council:
 1. Find that the draft text amendments to Title 10 of the City Code, under Zone Change 24-04, are exempt from the California Environmental Quality Act under Section 15060(c)(2) and (3) of the CEQA Guidelines as the activity is not a 'project'

² Business Professional (BP), Central Business District (CBD), Commercial (C), Convenience Commercial (CC), and Highway Commercial (HWC).

³ §15060(c)(2) & (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.*

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 24-04, amending City Code Sections: 10-3-4: Uses Permitted in Any Zone; 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 July 2, 2024 Staff Report.

ATTACHMENTS: [Draft Ordinance](#)
 [Assembly Bill \(AB\) 2162](#)