

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACERVILLE AMENDING TITLE 10, CHAPTER 5 OF THE PLACERVILLE MUNICIPAL CODE BY ADDING SECTION 24 ENTITLED "HOUSING OPPORTUNITY OVERLAY ZONE (HO)", OTHERWISE KNOWN AS ZONE CHANGE 2016-01

WHEREAS, on February 11, 2014 the Placerville City Council adopted Resolution No. 8168 that approved General Plan Amendment 2013-01, otherwise known as the 2013-2021 Housing Element (5th Cycle), that involved an update to the Housing Element of the City's General Plan to ensure consistency with Government Code Section 65583 that states that a Housing Element is a mandatory element of a General Plan, and shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objective, financial resources, and schedule programs for the preservation, improvement, and development of housing within the planning area; and

WHEREAS, the 2013-2021 Housing Element includes Housing Element Program 3, providing for the City to rezone to accommodate the unmet housing need of 106 units for lower income households identified during the 2008-2013 Housing Element planning period (4th Cycle), and rezone to a multi-family residential zone with a sufficient minimum density to accommodate the unmet housing need of 133 units for lower income households identified during the 2013-2021 Housing Element planning period. The rezoned lands will permit a minimum density of twenty (20) units per acre and a maximum density of twenty four (24) units per acres, and permit owner-occupied or multifamily residential uses by-right, with compliance with local design standards, but without discretionary action; and

WHEREAS, on February 25, 2014 the Placerville City Council adopted Resolution 8174 that authorized staff to initiate amendments to the City of Placerville Zoning Map, the City of Placerville General Plan Land Use Map if necessary, and to rezone an estimated twelve or more acres to implement General Plan 2013-2021 Housing Element Program 3; and

WHEREAS, the City of Placerville was notified in a March 19, 2015 letter by the Department of Housing and Community Development, Division of Housing Policy Development (HCD) that the City's 5th Cycle no longer complies with State housing law, in that required rezoning of sites to accommodate 106 lower income units representing the housing need not met over the 4th Cycle Housing Element (2008-2013) update was not completed by the October 31, 2014 due date under State Housing Law; and

WHEREAS, the facilitation of the development of housing affordable to lower- and moderate-income households comprises Goal C of the 2013-2021 Housing Element (5th Cycle); and

WHEREAS, Policy 3 of Goal C of the 2013-2021 Housing Element calls for the City to review the Zoning Ordinance, permit processes, and development fees to identify and remove potential constraints to the development of a range of housing for all income levels and needs; and

WHEREAS, the City Planning Commission at its June 21, 2016 meeting considered an ordinance adding Section 24: "Housing Opportunity Overlay Zone (HO)" to Title 10, Chapter 5 of the Placerville City Code, otherwise known as Zone Change 2016-01, and recommended that the City Council adopt said Ordinance; and

WHEREAS, after reviewing the Zoning Ordinance the City has set forth amendments to the Zoning Ordinance that are necessary to implement the 2013-2021 Housing Element and to comply with State Housing Law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACERVILLE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE AND AUTHORITY.

The purpose of this ordinance is to amend Title 10 of the Placerville City Code.

SECTION 2. FINDINGS:

1. That the text amendments to the Placerville Zoning Code are exempt from environmental review per Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines under the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment, in that at present there are no lands designated HO (Housing Opportunity Overlay Zone) for the project to significantly effect, therefore the activity is not subject to CEQA.
2. That the proposed amendments are in general conformance with the City of Placerville General Plan, including the 2013-2021 Housing Element.
3. That the public necessity, convenience and general welfare require the adoption of the proposed amendments, in that, the proposed zoning ordinance amendments are necessary for the City to comply with the State Housing Element law.

SECTION 3: ACTION: Amend Placerville City Code (Zoning Ordinance) adding §10-5-24: Housing Opportunity Overlay Zone (HO), with language to be added is shown in Exhibit A, otherwise known as Zone Change 2016-01.

INTRODUCED at the regular meeting of the City Council of the City of Placerville on July 12, 2016 by motion of Councilmember _____, and seconded by Councilmember _____.

PASSED, APPROVED AND ADOPTED, by the City Council of the City of Placerville on the 26 day of July, 2016, by the poll taken as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Mayor Trisha Wilkins

Regina O'Connell, Deputy City Clerk

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Exhibit A

10-5-24: HOUSING OPPORTUNITY OVERLAY ZONE (HO)

(A) Purpose. The Housing Opportunity Overlay Zone is intended to:

1. Provide an overlay zoning district to be applied ~~to those parcels~~ to sites that may include, but are not limited to, the potential sites identified as inventoried in the Housing Element of the General Plan as potential sites for housing, as a part of the implementation of the Housing Element goals, policies and programs, or where it can be reasonably demonstrated that the rezoning of the site is necessary to meet the goals of the Regional Housing Need Allocation (RHNA).
2. Provide for the continuation of the ability to development land uses permitted by the existing base (underlying) zoning of a property unless the property is developed for residential uses in accordance with the HO Overlay Zone.
3. Provide a means of achieving the residential housing objectives of the Housing Element of the General Plan, particularly by encouraging new multi-family residential development that includes affordable housing, housing for persons with disabilities, housing for persons with developmental disabilities, and housing that supports aging in place.

(B) Applicability: A parcel that has the HO Overlay Zone may be developed either in the manner provided under this section or the manner provided in the base (underlying) zone, but not both. Once the parcel has developed in the manner provided in the base zone, the property owner shall relinquish the right to redevelop the land using the HO Overlay Zone.

(C) Permitted Uses: The following uses and their accessory uses are permitted outright:

1. Home occupations.
2. Multi-family housing units.
3. Single-family dwellings, attached.
4. Medium family day care home.

(D) General Regulations. The HO Overlay Zone allows for the following:

1. Density: The density for the development of affordable multi-family housing and various forms of affordable attached single-family residential housing shall be based on ~~the State-mandated~~ housing law of twenty (20) dwelling units minimum per acre but will allow for a maximum of twenty-four (24) dwelling units per acre. The minimum required density may be determined by allocating the density to the total acreage of the site (gross) or by aggregating the developable area of a site to remove areas considered to be environmentally sensitive, and all areas for driveways and roadways from the developable area, whichever is more suitable for the site (net). The mini-

imum number of potential units will be determined by multiplying the developable acreage by twenty (20). Where such calculation results in a fractional number, the number of units shall be determined by rounding down to the nearest whole number.

2. Minimum Parcel Area: Six thousand (6,000) square feet or minimum lot area shall be two thousand (2,000) square feet when proposed with various forms of attached single-family dwellings.
3. Minimum Parcel Area Per Dwelling Unit: Two thousand (2,000) square feet.
4. Maximum Parcel Coverage: No more than sixty percent (60%) of the total lot shall be devoted to main and accessory building area, parking area, driveway and covered patio area.
5. Minimum Parcel Width: Sixty feet (60') or twenty feet (20') when proposed with attached single-family dwellings.
6. Minimum Yards: Front, twenty feet (20'); sides, ten percent (10%) of the parcel or ten feet (10') whichever is less; rear, fifteen feet (15'); or zero feet (0') setback for all yards where common wall or party wall exist with attached single-family dwellings.
7. Maximum Building Height: Forty feet (40').
8. Minimum room areas as defined in the California Residential Code.
9. Minimum Parcel Frontage: Sixty feet (60').

(E) Specific Regulations:

1. Environmental Review: The California Environmental Quality Act (CEQA) environmental review will be completed for sites designed under the HO Overlay Zone at the time the sites are rezoned. All identified site specific development standards and CEQA mitigation measures during the rezone process shall be applicable to the development of residential housing for the site. Subsequent environmental review may be required if, and to the extent necessary, to comply with CEQA.
2. Affordability Provisions: A minimum of fifty percent (50%) of all housing must be affordable to very low and low-income households, subject to the minimum mix of affordable dwelling units:
 - (a) Very low-income households: thirty percent (30%) of the total units in the development;
 - (b) Low-income households: twenty percent (20%) of the total units in the development.

Housing development must include binding commitments to the City to ensure the continued availability of the affordable housing for a minimum period of thirty (30) years at the low and very-low income household level.

3. **Density Bonus:** The HO Overlay Zone provisions under this Section shall not apply if a housing development applicant requests a density bonus under the City's Density Bonus provisions set forth in Section 10-12-1 to 10-12-14.
 4. **Energy and Environmental Efficiency:** Multi-family and attached single-family residential housing developed within the HO Overlay Zone is encouraged to utilize energy efficient design techniques and environmentally sensitive design and building materials.
 5. **Accessibility:** Multi-family and attached single-family residential housing developed within the HO Overlay Zone is encouraged to include units accessible for persons with physical disabilities, persons with developmental disabilities, and that support aging in place.
 6. **Housing Opportunity Overlay Zone Development Incentives:**
 - (a) **Incentives:** Applications meeting the Purpose and Applicability (Section 10-5-24 (A) and (B)) of the HO Overlay Zone will qualify for one of several incentive options for the creation of affordable housing. The following development incentives are available to qualifying residential developments:
 - (1) Deferment of City generated construction and impact fees until project completion or occupancy.
 - (2) Payment of construction and impact fee over a twelve (12) month or longer period after project completion.
 - (3) Reduction of City generated fees for specific facilities or services for which the applicant can show a connection between the lower fee and lower facility/service demand from project residents.
- (F) **By-Right Development:** When required by State law, housing development that is affordable to low-income and very low-income households for sites within a HO Overlay Zone shall be developed by-right in that the use and density shall not require a Use Permit, Planned Unit Development Plan or other discretionary action for the use or density of that site. For these sites, the following standards and alternative process shall apply:
1. The developable acreage of the site and the required number of units will be determined as described in Section 10-5-24 (D) 1.
 2. Environmental review, as required by the California Environmental Quality Act, will be completed as part of the process for the rezoning of such sites into the HO Overlay zone to address the uses and minimum densities allowed by the HO Overlay Zone. Subsequent environmental review may be required if, and to the extent, necessary to comply with CEQA.

3. In addition to assigning density, the HO Overlay Zone shall outline site specific development standards and any CEQA mitigation measures adopted for each site at the time the site is rezoned. All identified site specific development standards and CEQA mitigation measures shall be included within all development of multi-family housing on an HO site shall be done in compliance with the rezone.
4. All development proposals within the HO Overlay Zone, which meet the by-right provision, are subject to zoning compliance and Building Permit issuance and the payment of all applicable building permit and mitigation fees, which are otherwise applicable to the development proposal.
5. Development proposals shall be subject to an administrative design review process at the staff level. An application for design review shall be filed with the Development Services Department on a form furnished by the Department and a fee set by the City.

The Development Services Department shall use all established and adopted City guidelines, development and construction standards, general regulations including but not limited to grading, water quality, aesthetics, landscaping, lighting, and air quality when evaluating a development proposal under design review.

6. Prior to Building Permit Issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the applicable public utility, water and sewer service provider demonstrating that adequate public utilities, water and sewage disposal is available to accommodate the use and minimum densities required for a site. If the property does not have direct access to adequate public utilities to serve the anticipated development of the site, it shall be the responsibility of the property owner or developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider.
7. Prior to Building Permit Issuance, it shall be the responsibility of the land owner or developer to provide written documentation from the fire protection district demonstrating that the site has adequate fire flow, emergency escape routes, fire equipment access, and is designed to meet all applicable requirements of the California Fire Code.
8. If a property does not have direct access to a City maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the City minimum standards to serve the development proposed. The land owner or developer shall also be responsible for providing an offer of dedication of the road(s) for acceptance into the City maintained road system, if required by the Development Services Department. If roads are determined to be inadequate, in width, size, surfacing, capacity, safety or some other standard, it shall be the responsibility of the land owner or developer to bring the road up to the minimum standard required by the Development Services Department prior to issuance of a certificate of final occupancy.

9. Subdivision: Development that includes approval of a Tentative Map is subject to the provisions of the Subdivision Map Act and the Subdivision Regulations under Chapter VII of the Zoning Ordinance. Where a tentative map is proposed, the public hearing may be expanded to address findings under the Subdivision Map Act. Wherever possible the environmental review performed at the time the site was designated under the HO Overlay Zone will be utilized in the processing of the subdivision.

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