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June 14, 2016

To: Members of the Planning Commission, City of Placerville

From: Larry D. Parker
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Camino, CA 95709

Subject: Comments on Agenda Item 4.2, **ZC 16-01 – Housing Opportunity Overlay Zone**, Planning Commission Meeting on June 21, 2016

Reference: City of Placerville Planning Commission Staff Report, Zone Change (ZC) 2016-01, June 7, 2016

Comments

1. General – This proposed new **Overlay Zone** represents an approach to affordable housing that is far superior to the City's previous plan to rezone a few selected parcels to R-5. Rezoning a parcel to R-5 would be a major violation of property rights, because the imposed unrealistic minimum density would prohibit most if not all appropriate and feasible development uses of the parcel and thus greatly decrease its value. The great advantage of this new Overlay approach is that it would still allow a rezoned parcel to be developed in accordance with the already existing original zoning designation, thus preserving the owner's right to develop the property as appropriate. (*"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."* – see Reference, Section 10-5-24 (B).)
2. Section 10-5-24 (A) 1. of the Reference states that the overlay zoning district is *"to be applied to those parcels inventoried in the Housing Element of the General Plan as potential sites for housing . . ."*. That language needs to be made less restrictive, because it is inconsistent with the following sentence from page i of the Reference, under the second "Whereas": *"The sites to be rezoned may include, but are not limited to, the potential sites identified in Table 40 and Appendix E of the 2013-2021 Housing Element."* (emphasis added) **The potential rezoning should not be limited to just the 10 sites identified in the Housing Element.**
3. Section 10-5-24 (D) 1. includes a reference to *"the State mandated twenty (20) dwelling units minimum per acre"*. It is important to be aware that this is not a State mandate. To verify this assertion, see California Code 65583.2(c)(3)(A),

which provides two options for the City to meet the requirement. The City chose the default density option instead of the analysis option.

4. Section 10-5-24 (D) 1. introduces the term “*developable area*” (or “*developable acreage*”) of a parcel, which is to be found by removing “*areas considered to be environmentally sensitive, and all areas for driveways and roadways*”. This is a crucial concept because it will be used to determine the minimum number of dwelling units required to be built on the parcel. Unfortunately, the definition is vague and subject to interpretation. At the time of rezoning, who will determine which areas are environmentally sensitive? How will areas for driveways and roadways be determined, when it is probable that driveways won’t even be designed until a project is designed for the parcel? What about areas that are too steep to build? It appears that the required minimum density determined from this ill-defined process will be quite arbitrary and possibly unrealistic.
5. Why does Section 10-5-24 (E) 2. not include any requirement for “extremely low-income” households? Compare Table 1 on page 3 of the Reference.
6. Same question for Section 10-5-24 (F).
7. The final sentence in Section 10-5-24 (F) 3. (beginning “All identified site specific . . .”) is semantically not a well-constructed sentence.
8. Regarding Section 10-5-24 (F) 6. – Isn’t the City responsible, at the time of rezoning, for ensuring that public utility, water and sewer service is adequate to handle the parcel’s required minimum density? Why should that responsibility be left to the developer of the parcel?
9. Regarding Section 10-5-24 (F) 7. – Isn’t the City responsible, at the time of rezoning, for ensuring that the road network serving the parcel meets the requirements of the California Fire Code? Why should that responsibility be left to the developer of the parcel?