

City Manager's Report
 May 28, 2013 City Council Agenda
 Prepared By: Andrew Painter, City Planner
 Item # 10.1



- Subject: 1. Conduct a Public Hearing to receive comment regarding the request.
2. Introduce an Ordinance that amends the text of various Sections of the Zoning Ordinance (City Code Title 10) - Zone Change 2013-02

The Ordinance is provided as **Attachment A** of this report.

Proposal: Draft Zoning Ordinance Amendments: Consider amendments to the Zoning Ordinance by the City of Placerville, necessary for clarity, consistency within the Zoning Ordinance, to correct typographical errors, and to add definitions for terms so that they are consistent with State law. The proposed changes include:

- *Medical Cannabis Dispensary:* Removing references to this prohibited use within Sections 10-5-15(B) and 10-5-18(B), the C, Commerical and HC, Heavy Commercial Zones respectively;
- *Mobilehome and Mobilehome Park Definitions:* Definitions of the above terms within Section 10-1-4 are not consistent with their definitions within Section 10-4-15: Mobilehome Parks. Section 10-1-4 is to be amended by referring reader to the definitions within Section 10-4-15;
- *Minimum Parcel Area:* Typographical error within the "Slope Range" Minimum Parcel Area table provided in Section 10-4-2(D)4. The existing range column contains inclusive slope range percentages (0%-10%; 10%-30%...). The minimum parcel area for a project with a 10% average slope for example could therefore be calculated under either the 0%-10% slope range or the 10%-30% slope range. Amendment would change the slope ranges so they are exclusive (0-10%...10.1%-30%...30.1%-35%...35.1%-plus);
- *Conditional Use Permit or Variance Procedure:* Sections 10-3-1 and 10-3-6 define the Planning Commission's responsibility and the process procedure regarding CUP and VAR applications. Existing code language does not address circumstances when a project involves a CUP or VAR along with other entitlements in which the Commission is the advisory body to City Council (e.g. CUP and ZC). The following language would amend Sections 10-3-1 and 10-3-6 to clarify the role of the Commission when projects involve Commission advisory entitlements:

"A public hearing before the planning commission shall be held on an application for a conditional use permit and variance. A conditional use permit or variance being

processed concurrently with an application requiring city council action shall be scheduled for public hearing before the planning commission for its recommendation and then the city council for final action.”

- *Community Development Department References:* The following references to the Community Development Department or Director shall be amended to reflect the newly organized “Development Services Department” title or “Development Services Director”:
 - Chapter 3: Section 10-3-2; Section 10-3-6(A) and (B); Section 10-3-7(B)and (c); 10-3-8(A) and (B); Section 10-3-11(A)(B)(C)(D)(E)and (F); Section 10-3-12(B);
 - Chapter 4: Section 10-4-3(G)(H); Section 10-4-4(C-8); Section 10-4-6(C-4); Section 10-4-7(B); Section 10-4-9 (numerous references); Section 10-4-15(C)(E); Section 10-4-16(C); Section 10-4-17(C-7)(E)(F)(H)(L)(M)(O)(P)(Q);
 - Chapter 5: Section 10-5-21(C - numerous)
 - Chapter 8: Section 10-8-3; Section 10-8-3; Section 10-8-6; Section 10-8-7; Section 10-8-9; Section 10-8-11; Section 10-8-12; Section 10-8-14(G)(I); Section 10-8-21; Section 10-8-36(B); Section 10-8-39; Section 10-8-40;

- *Public Works / Engineering Confusion:* The following references to “public works” shall be amended as described as they inaccurately mention the staff which is assigned to or in charge of, or responsibilities for that specific duty or function:

Chapter 5, Section 10-5-14(D-4), replace “public works” text with “engineering division.”

Chapter 5, Section 10-5-15(D-4), replace “public works” text with “engineering division.”

Chapter 8, Section 10-8-32, replace “public works” text with “development services.”

- *Nonconforming Uses, Structures and Lots:* A typographical error shall be amended within Chapter 2, Section 10-2-5(D-4), a reference to a non-existent “subsection (B)(b).” This reference shall be amended as intended as “(B)1.”

- *Transitional and Supportive Housing Provisions and Definitions:* The California Legislature passed Senate Bill (SB) 2 (effective January 1, 2008) modifying State law to require cities to amend local zoning regulations to allow “transitional housing” and “supportive housing” uses in zoning districts where similar housing types are already allowed. Changes are proposed to comply with state law by defining the terms “transitional housing” and “supportive housing.” In addition the definition of “residential service facility” a subcategory of “community care facility” within Section 10-1-4, is amended to include transitional and supportive housing as examples of types of residential service facilities (“e.g. transitional housing, and supportive housing”). Note: A residential service facility is a permitted use within each of the City’s residential zones.

Definitions for “transitional housing and “supportive housing” that are consistent with State law are added to Section 10-1-4 as follows:

Transitional Housing: “Transitional housing” and “transitional housing development” means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Supportive Housing: “Supportive housing” means housing with no limit on length of stay, that is occupied by a target population, and that is linked to onsite or offsite services that assist 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.

- *Non-existent Zoning Classifications:* Sections 10-4-7(A) and 10-8-36(B) reference zone categories “CG” (General Commercial) and “R/T”(Tourist Residential) which do not exist. These references would be deleted.

Planning Commission Review: On May 7, 2013, the Planning Commission conducted a public hearing on the above mentioned amendments to the City Zoning Ordinance. The Commission recommended approval. Two revisions were requested by the Commission:

- A. Revise the slope percentage ranges in §10-4-2, Parcel Area, to account for the percentage points which lie between the whole percents at the upper and lower bounds of the slope ranges, e.g. change the ranges of 0%—10%, 10%—30% 30%—35% and 35%-plus to 0%—10.0%, 10.1%—30%, 30.1%—35% and 35.1%-plus.*
- B. In the "Supportive Housing" definition in §10-1-4, replace the phrase "the target population" with "a target population."*

Staff concurred with the Commission’s revisions. The revisions have been incorporated into the draft Ordinance, provided as **Attachment A**.

Environmental Review - CEQA: These draft ordinance amendments are categorically exempt from environmental review pursuant to 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. Because there is no possibility that the proposed Zoning Ordinance amendments may have a significant effect on the environment, this project is exempt from CEQA.

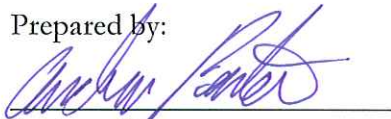
Cost and Budget Impact: The cost of Staff time to develop, prepare and implement the proposed Zoning Code amendment will be absorbed into the Development Services Department’s existing operating budget. There will be minimal costs associated with codifying the amendment.

RECOMMENDED ACTION

Staff recommends the City Council take the following actions:

1. Conduct a Public Hearing to receive comment regarding the request.
2. Introduce the attached ordinance, and waive the first reading of the ordinance.

Prepared by:

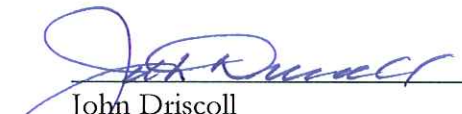


Andrew Painter
City Planner

Reviewed by:



Cleve Morris
City Manager



John Driscoll
City Attorney

Attachment A

CITY OF PLACERVILLE
ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 10 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF PLACERVILLE FOR MINOR TECHNICAL ZONING CORRECTIONS, ELIMINATING INCONSISTENT LANGUAGE, CORRECTING TYPOGRAPHICAL ERRORS, CLARIFYING PROCEDURE, UPDATING AND ADDING DEFINITIONS, INCORPORATING NEW DEFINITIONS CONSISTENT WITH REQUIREMENTS UNDER STATE LAW, AND OTHER NON-SUBSTANTIVE CLARIFICATIONS

WHEREAS, the purpose of the Title 10 (Zoning) of the Municipal Code of the City of Placerville is to establish clear standards and processes for orderly development in the city; and

WHEREAS, the Zoning Ordinance includes a number of typing mistakes, redundant sentences and language, outdated references, minor inconsistencies, and other non-substantive clarifications needing correction; and

WHEREAS, the Planning Commission held a public hearing on May 7, 2013 to consider amendments to the Title 10 of the Municipal Code and recommended that the City Council adopt the amendments to the Code to clarify these standards; and

WHEREAS, the City Council of the City of Placerville held a public hearing on May 28, 2013 to consider adoption of the amendments to the Code; and

WHEREAS, the proposed amendments are exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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

SECTION 1. Medical Cannabis Dispensary References.

Amend Sections 10-5-15(B) and 10-5-18(B) of Title 10 of the Municipal Code of the City of Placerville, as amended, to remove references to Medical Cannabis Dispensary as a permitted use from the Commercial (C) and Heavy Commercial (HC) zones as follows:

10-5-15: C COMMERCIAL ZONE is amended as follows:

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

~~Medical cannabis dispensary.~~

10-5-18: HC HEAVY COMMERCIAL ZONE is amended as follows:

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

~~Medical cannabis dispensary.~~

SECTION 2. Mobilehome and Mobilehome Park Definition References.

Amend Section 10-1-4 of Title 10 of the Municipal Code of the City of Placerville, as amended, to refer to the definitions set forth in Sections 10-4-15 as follows:

10-1-4: DEFINITIONS is amended as follows:

~~MOBILEHOME: Vehicle designed or used as a semipermanent dwelling unit. See Section 10-4-15(D).~~

~~MOBILEHOME PARK: Land designed or used for the rental of one or more spaces for the occupancy of mobilehomes. See Section 10-4-15(D).~~

SECTION 3. Minimum Parcel Area Typographical Error.

Amend Section 10-4-2(D)(4) of Title 10 of the Municipal Code of the City of Placerville, as amended, to correct a typographical error, as follows:

10-4-2: PARCEL AREA:

(b) Minimum Parcel Area: The minimum parcel area for sloping parcels with slopes in excess of ten percent (10%) is determined by the following formulas:

<u>Slope Range</u>	<u>Minimum Parcel Area</u>
0% - 10%	6,000 sq. ft. or that allowed by the zone the parcel is within
10.1% - 30%	$((S-10\%) \times 1,200 \text{ sq. ft.}) + 6,000 \text{ sq. ft.} = \text{minimum parcel size}$
30.1% - 35%	$((S-30\%) \times 2,000 \text{ sq. ft.}) + 30,000 \text{ sq. ft.} = \text{minimum parcel size}$
35.1% - plus	$((S-35\%) \times 10,000 \text{ sq. ft.}) + 35,000 \text{ sq. ft.} = \text{minimum parcel size}$
	S = Slope of parcel

SECTION 4. Procedure Clarification.

Amend Section 10-3-1 and 10-3-6 of Title 10 of the Municipal Code of the City of Placerville, as amended, to add language to clarify the review procedure for applications and conditional use permit and variance applications when part of an application that requires City Council review, as follows:

10-3-1: PLANNING COMMISSION:

(G) Applications being processed concurrently with an application requiring city council action shall be scheduled for public hearing before the planning commission for its recommendation and the city council for final action.

10-3-6: CONDITIONAL USE PERMIT AND VARIANCE PROCEDURE:

(I) A conditional use permit or variance being processed concurrently with an application requiring city council action shall be scheduled for public hearing before the planning commission for its recommendation and the city council for final action.

SECTION 5. Department Name and Title References.

Amend all Sections of Title 10 of the Municipal Code of the City of Placerville, as amended, as follows:

All Sections:

~~Community Development Department~~ Development Services Department
~~Community Development Director~~ Development Services Director

SECTION 6. Public Works/Engineering Reference Corrections.

Amend Sections 10-5-14, 10-5-15, and 10-8-32 of Title 10 of the Municipal Code of the City of Placerville, as amended, as follows:

10-5-14 (D) General Regulations:

4. Minimum yards: None. (A marquee, canopy, eaves, unenclosed and uncovered balcony and other similar projections, appendages or overhangs may be allowed to encroach beyond the front yard setback and into the public right of way upon the issuance of an encroachment permit by the ~~public works department~~ engineering division and a building permit by the building division. Signs will be allowed to extend into the front yard setback and into the public right of way, and said signs shall conform with the provisions of section 10-4-17 of this title.)

10-5-15 (D) General Regulations:

4. Minimum yards: Front, four feet (4'); sides and rear, five feet (5') or on the property line if fireproof wall without opening is provided. Exceptions: A marquee, canopy, eaves, unenclosed and uncovered balcony and other similar projections, appendages or overhangs may be allowed to encroach beyond the front yard setback and into the public right of way upon the issuance of an encroachment permit by the ~~public works department~~ engineering division and a building permit by the building division. Signs will be allowed to extend into the front yard setback and into the public right of way, and said signs shall conform with the provisions of section 10-4-17 of this title.

10-8-32: ACCEPTANCE OR REJECTION:

If a dedication is made on a parcel map, or by separate instrument, the ~~public-works~~ development services director or city engineer shall accept, accept subject to improvement, or reject any offer of dedication. The city clerk shall certify on the map the actions by the ~~public-works~~ development services director or city engineer, or attest to the action of the ~~public-works~~ development services director or city engineer on a separate certificate when the dedication occurs by separate instrument. (Ord. 1607, 1-10-2006)

SECTION 7. Nonconforming Uses, Structures, and Lots.

Amend Section 10-2-5 of Title 10 of the Municipal Code of the City of Placerville, as amended, to correct a typographical error, as follows:

10-2-5: NONCONFORMING USES, STRUCTURES AND LOTS:

(D) Modification may be made to compatible nonconforming uses, structures and premises if they comply with current provisions of this chapter or meet the following requirements:

4. Single-family residential uses, structures, or premises designated in subsection (B) ~~b-1~~ of this section may be reconstructed, added to or enlarged provided that the other provisions of this title are met.

SECTION 8. Transitional and Supportive Housing Definitions.

Amend Section 10-1-4 of Title 10 of the Municipal Code of the City of Placerville, as amended, to incorporate definitions, as follows:

10-1-4: DEFINITIONS:

TRANSITIONAL HOUSING: "Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

SUPPORTIVE HOUSING: "Supportive housing" means housing with no limit on length of stay, that is occupied by a target population, and that is linked to onsite or offsite services that assist 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.

COMMUNITY CARE FACILITY: 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.

SECTION 9. Deletion of Zone Category References.

Amend Section 10-4-7 and 10-8-36 of Title 10 of the Municipal Code of the City of Placerville, as amended, to eliminate references to the CG and R/T zones, as follows:

10-4-7: SPECIAL TEMPORARY USE PERMITS:

(A) Uses Permitted Subject To Special Temporary Use Permits: The following uses shall be allowed upon the issuance of a temporary use permit:

Temporary outside display and sales of merchandise in the C or CG zone.

10-8-36: IMPROVEMENTS:

(B) Concrete curbs, gutters and sidewalks; such improvements shall apply to CG; C; R-1, 6,000; R-1, 10,000; RM; BP; R-2 and R/T zones. In lieu of concrete curbs, gutters and sidewalks, a minimum of four feet (4') in width of asphaltic paving shall be provided to serve pedestrian movement and a positive means of drainage control shall be provided as per subsection (A) of this section for R-E, R-1A, and R-1, 20,000 zones. Location and alignment shall be subject to approval of the community development director; (Ord. 1256, 4-14-1981)

SECTION 10. Findings.

The City Council of the City of Placerville hereby finds:

1. That the Planning Commission held a public hearing on May 7, 2013 to receive comments and consider the zoning amendments.
2. That the proposed amendments are in general conformance with the City of Placerville General Plan.
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 to update and

clean up minor typing mistakes, eliminate outdated references, improve internal consistency, incorporate definitions, and make other minor corrections and non-substantive clarifications.

4. That the proposed amendments are exempt from further environmental review pursuant to CEQA Guidelines Section 15061, the general rule that CEQA only applies to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 11. Effective Date

These ordinance amendments shall become effective on and after the thirtieth (30th) day following its adoption.

INTRODUCED on MAY 28, 2013, AND PASSED AND ADOPTED on _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

Wendy Mattson, Mayor

ATTEST:

Susan Zito, CMC, City Clerk