

# **Housing Element Text Amendments**

## Housing Element, New State Laws and Other Needed Updates



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CITY OF HERCULES PLANNING COMMISSION MEETING  
DECEMBER 2, 2024

## 3 TYPES OF AMENDMENTS PROPOSED:



Housing Element



State Law



Consistency Items

# Housing Element Adoption Requirements

## **Promote Housing Development**

- Single Family Homes
- Multi-Family Homes
- Manufactured Housing

## **Design Review Findings**

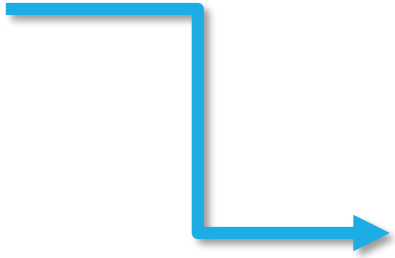
## **Residential Care Facilities**

## **Reasonable Accommodation Procedures**

## **Supportive and Transitional Housing**

- Senate Bill 745
- Assembly Bill 2162

# Development Standards: Review and revise the following uses and development standards in the City's Zoning Ordinance to help promote housing development

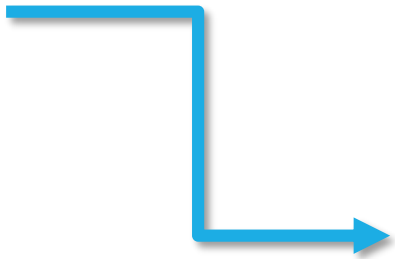


- Single-Family Homes: Remove the Administrative Use permit requirements for single-family homes and allow them by-right in the RS-E and RS-L zones.
- Multi-Family Homes: Remove the CUP and PDP requirements and have all multi-family housing projects, regardless of the number of units, but subject to design review only based on objective design standards.
- Manufactured Housing: Add a definition for manufactured housing. The definition should include that manufactured housing is allowed in any residential zone where a conventional single-family detached dwelling is permitted subject to the same restrictions on density and to the same property development regulations. (Note: Manufactured housing is separate from mobile homes. The City's mobile home regulations remain unchanged).

## Development Standards

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Amend these findings to remove subjective language with language that provides for approval certainty.

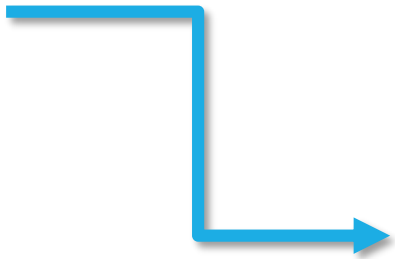


Hercules Municipal Code Section 13-42.500, required findings 4 and 5 for design review approval, contain subjective language that may serve as a constraint to development. The findings are proposed to be amended to remove subjective language with language that promotes approval certainty for housing projects.

# Design Review Findings

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Ensure that any permitting or approval requirements for group homes that provide licensable services to seven or more residents are consistent with state housing laws.

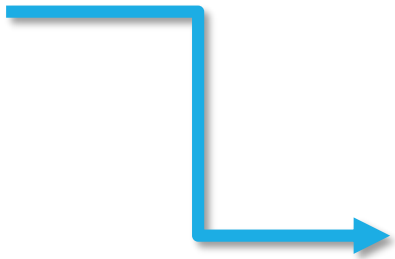


Hercules Municipal Code Table 13-6.1 Land Use Regulations: Residential District and Chapter 13-60 Definitions have been modified to allow group homes that operate as single-family residences to locate in single-family neighborhoods, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences.

# Residential Care Facilities

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Amend Finding #6 under the Reasonable Accommodation Procedures Ordinance to remove subjective language with language that provides for approval certainty.



Hercules Municipal Code Section 13-53.150, Finding 6 in the Reasonable Accommodation for Persons with Disabilities has been deleted to provide for approval certainty.

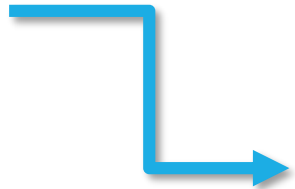
# Reasonable Accommodation

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Amend the Residential Land Use Regulations table in the Zoning Ordinance, and associated text, to comply with:

**SB 745:** requires transitional and supportive housing to be considered a regular residential use to be similarly permitted as other similar residential uses in the same zone.

**AB 2162:** requires that supportive housing meeting specific criteria to be permitted by right in zones where multi-family and mixed-use developments are permitted.

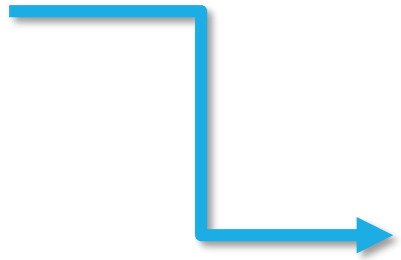


Hercules Municipal Code Tables 13-6.1, 13-12.1, 13-15.1, 13-18.1 and Chapter 13-60 Definitions have been modified to accommodate the requirements of SB 745 and AB 2162.

# Supportive & Transitional Housing

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Senate Bill No. 450 prohibits the City from imposing objective zoning standards, objective subdivision standards and objective design standards for SB 9 projects that do not apply uniformly to development within the underlying zone



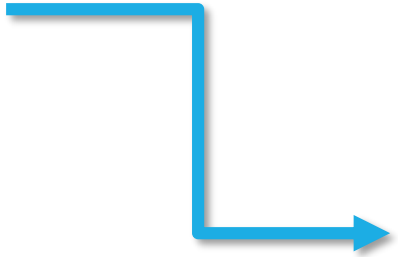
The standards that are not more permissive are proposed to be removed, and the remaining subsections that pertain to Building Height, Lot Coverage, Minimum Living Area, Parking, Setbacks and Paving have been retained as they are no more restrictive than the underlying zoning minimum standards.

# Senate Bill No. 450

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Senate Bill No. 477 reorganized and consolidated Accessory Dwelling Unit (ADU) laws into Government Code Chapter 13, Accessory Dwelling Units

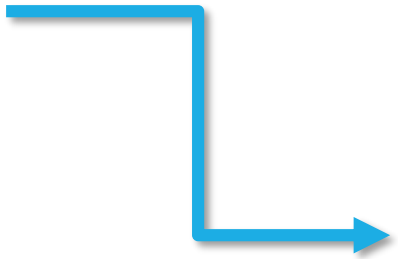


This requires an update of two (2) references that currently point to previous Government Code Section 65852.2.

# Senate Bill No. 477

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Senate Bill No. 1211 increases the allowable detached accessory dwelling units (ADUs) on a lot with an existing multifamily dwelling from no more than two (2) detached ADUs to no more than eight (8) detached ADUs



Amendment to increase the number of allowable ADUs from the existing 2 to 8 and to not require replacement parking when an uncovered parking space is demolished or replaced with an ADU.

# Senate Bill No. 1211

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- Removal of Religious Assembly use to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA)
- Removal of Design review Required (DR) from the Key reference in the Land use Regulations tables to rely on HMC Chapter 13-42 – Design Review
- The "Mobile Home" land use category is being removed from the Residential District zoning table (Section 13-6.1) to avoid confusion between “Mobile Home” and “Manufactured Home” classifications.
- The Planned Unit Development (PUD) use is proposed to be removed from the Land Use Regulations tables. The Zoning Ordinance may have included standards for PUDs in the past, however these standards no longer exist within the Zoning Ordinance.

## Other Text Amendments

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# Environmental Determination

- Categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities.

## **Conclusion & Recommendation**

- Staff and the Planning Commission recommend that the City Council adopt the proposed Municipal Code amendments to implement the 6<sup>th</sup> Cycle Housing Element; comply with Senate Bills No. 450, 477 and 1211, Assembly Bill No. 2162 and the Religious Land use and Institutionalized Persons Act (RLUIPA); and correct identified inconsistencies.
- Categorically Exempt from CEQA