



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: September 19, 2017

Subject: Adoption of Zoning Text Amendment Addressing Farmworker Housing, Transitional and Supportive Housing

RECOMMENDATION(S):

1. OPEN the public hearing on Ordinance No. 2017-14, RECEIVE testimony, and CLOSE the public hearing.
2. FIND, for the purposes of compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, that the negative declaration prepared for the zoning ordinance text amendment adequately analyzes its potential environmental impacts, that there is no substantial evidence that the ordinance text amendment will have a significant effect on the environment, and that the negative declaration reflects the County's independent judgment and analysis.
3. ADOPT the negative declaration for the zoning text amendment.
4. ADOPT Ordinance No. 2017-14 identifying zoning districts and establishing regulations for farmworker housing, transitional housing and supportive housing.
5. DIRECT the Department of Conservation and Development Director, or his designee, to

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **09/19/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 19, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Ruben Hernandez
(925) 674-7785

cc:

file the Notice of Determination with the County Clerk-Recorder.

FISCAL IMPACT:

The costs of preparing this ordinance have been funded by the Department of Conservation and Development's Land Development Fund. The cost of processing farmworker housing applications will be 100% funded by application fees.

BACKGROUND:

I. Executive Summary

This zoning text amendment addressing farmworker housing, supportive housing and transitional housing was initiated by the Department of Conservation and Development in order to bring the County Zoning Code into conformance with specific goals and policies of the 2014 Housing Element Update of the County General Plan and into compliance with State housing and employment law as well as California Housing Element Law as amended by Senate Bill 2 (SB2) in 2007.

For farmworker housing, the proposed zoning text amendment will modify all of the agricultural zoning districts (A-2, A-3, A-4, A-20, A-40 and A-80) to identify farmworker dwellings and farmworker housing complexes as permitted uses, and farmworker housing centers as a use which would require approval of a land use permit. Under the current zoning code a land use permit is required for the establishment of farmworker housing, within any agricultural zoning districts, which is not consistent with state housing and employment law.

The proposed zoning text amendment also includes adoption of a new Farmworker Housing Ordinance. The proposed Farmworker Housing Ordinance will provide definitions, development standards, occupancy standards, and permit and fee requirements for the establishment and operation of farmworker housing. The proposed farmworker housing ordinance identifies specific application submittal requirements in order to ensure the orderly and safe development of farmworker housing as well as discourage exploitation of farmworkers and abuse of the state mandated requirement allowing farmworker housing as a permitted use.

For transitional housing and supportive housing, the zoning text amendment involves modifying all of the single-family (R-), two-family (D-), multiple-family (M-) and Planned Unit (P-1) zoning districts to address the establishment of transitional housing and supportive housing "by right" as required by state law. The text of the aforementioned zoning districts will be modified to identify transitional and supportive housing for up to six (6) residents as a permitted use and transitional and supportive housing for more than seven (7) residents as a use that requires approval of a land use permit.

II. Zoning Text Amendments

The proposed zoning text amendment involves the following amendments to the County Zoning Code: 1) Addition of a new "Farmworker Housing Ordinance" (Chapter 82-50) to the zoning code; 2) Amending all of the agricultural zoning districts (A-2, A-3, A-4, A-20, A-40 and A-80) to identify farmworker dwellings and farmworker housing complexes as permitted uses and farmworker housing center as a use requiring approval of a land use permit; 3) modifying all of the single-family residential zoning districts (R-), the two-family (D-1), multiple-family (M-) and Planned Unit Districts (P-1) zoning districts to identify transitional and supportive housing for up to six (6) residents as a permitted use and transitional and supportive housing for seven (7) or more residents as a use that requires approval of a land use permit.

A summary of the proposed changes and additions to the zoning code are provided below:

- **Farmworker Housing**- The proposed Farmworker Housing Ordinance will provide definitions, development standards, occupancy requirements, permit and fee requirements for the establishment of farmworker housing for ***five or more*** farmworkers. The ordinance will only regulate farmworker housing for five or more occupants, which is consistent with state law. Per state housing and employment law, housing for ***four or fewer*** farmworkers is considered a residential use of property and therefore can be established within any legally established residential unit or residential second unit.

The Farmworker Housing Ordinance includes definitions (Section 82-50.204. Definitions) for the various terms used throughout the Farmworker Housing Ordinance including; "*Agricultural employee*"; "*Agricultural employer*"; "*Agricultural workplace*"; "*Farmworker*"; "*Farmworker housing*"; "*Group housing*"; "*Permanent housing*"; "*Rural area*"; "*Seasonal housing*" and "*Temporary housing*". All of the definitions included in the ordinance are consistent with State law.

The ordinance provides standards for the establishment of farmworker housing, including descriptions of the three specific types of allowed farmworker housing types; "*Farmworker Dwelling*"; "*Farmworker Housing Complex*"; and "*Farmworker Housing Center*", each with specific occupancy and size standards and requirements relating to height, setbacks and parking.

The permitting, application, and fee process for the establishment of farmworker housing can be found in Article 82-50.6 (Permits and Fees) of the ordinance. The ordinance will require approval of a ministerial permit for the establishment of a farmworker dwelling or a farmworker housing complex and a land use permit for the establishment of a farmworker housing center.

The ordinance identifies a list of required information to be provided with applications for farmworker housing. The list includes information such as housing

type, number of beds, and identification agricultural workplace. The ordinance also requires applicants for farmworker housing provide verification of a State license for employee housing prior to establishment of farmworker housing within the County as well as ongoing annual verification.

The ordinance also includes a provision (Section 82-50.610) providing for the establishment of fees for farmworker housing. After review of the fee schedule, staff has determined that the appropriate deposit for a land use permit to establish a farmworker housing center should remain the same for "other" land use permit types, which is \$2,700. A deposit of \$2,700 should be sufficient to cover staff time and material costs for review of a land use permit for a "farmworker housing center" and would not require establishment of a new fee category or fee analysis. The ministerial permit would be processed via a \$500. planning consideration application.

- **Transitional and Supportive Housing**- To be consistent with state law, and to conform with provisions of the County's Housing Element, the zoning code will be modified to address the establishment of transitional and supportive housing. The zoning text amendment involves modifying all of the residential zoning districts, including all of the single-family (R-) zoning districts, the two-family (D-) zoning district, the multiple-family (M-) zoning districts and the Planned Unit (P-) district to identify transitional and supportive housing as residential use of land.

Per Government Code Section 65582(j) “transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Per Government Code Section 65582(g) “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.

The following language will be added to the list of ***permitted uses*** in all of the single-family residential (R-), two-family (D-), multiple-family (M-) and planned unit (P-) zoning districts:

- *“Supportive housing, operated by a person with all required state and local agency approvals and licenses, where not more than six persons reside.”*
- *“Transitional housing, operated by a person with all required state and local agency approval and licenses, where not more than six persons reside.*

The following language will be added to the list of ***uses requiring a land use permit*** in all of the single-family residential (R-), two-family (D-), multiple-family (M-)

and planned unit (P-) zoning districts:

- *“Supportive housing, operated by a person with all required state and local agency approvals and licenses, where seven or more persons reside.”*
- *“Transitional housing, operated by a person with all required state and local agency approval and licenses, where seven or more persons reside.*

II. Environmental Review

In accordance with the provisions of the California Environmental Quality Act (CEQA), on June 7, 2012, an Initial Study and Negative Declaration was prepared for the proposed zoning text amendment. The Negative Declaration was posted at the County Recorder's office and circulated to various agencies throughout the County, including all of the County Municipal Advisory Committees (MAC's), all of the incorporated cities within the County, and various other agencies and groups for comment. No comments were received on the adequacy of the environmental review in relation to the farmworker housing, transitional housing and supportive housing zoning text amendments.

III. County Planning Commission Hearing

The zoning text amendments were heard before the County Planning Commission on April 26, 2017. At the hearing, the County Planning Commission unanimously approved staff's recommendation and Planning Commission recommended that the Board of Supervisors adopt the proposed zoning text amendments addressing farmworker housing, transitional housing and supportive housing.

IV. Conclusion

The zoning text amendments for farmworker housing, transitional housing and supportive housing will address the needs of three specific special needs housing populations as required by the County's Housing Element. The zoning text amendment includes adoption of a "Farmworker Housing Ordinance" which will provide for the safe and orderly establishment of farmworker housing within the County. Adoption of the attached zoning text amendments will bring the County Zoning Code into conformance with portions of state employee and housing law as well as bring the zoning code into compliance with specific provisions of the 2014 Housing Element Update of the County General Plan.

CONSEQUENCE OF NEGATIVE ACTION:

If the proposed zoning text amendments addressing farmworker housing, transitional housing and supportive housing are not adopted by the Board, the County's Housing Element of the General Plan may not be certified by the Department of Housing and Community Development which would prevent the County from being eligible for several State and Regional funding programs.

CHILDREN'S IMPACT STATEMENT:

Approval of the farmworker housing, supportive housing and transitional housing zoning text amendments will promote the establishment of safe housing for individuals and families, especially families that may be facing homelessness. This will support outcomes #3 and #5 in the children's report card: #3) Families are economically self sufficient and #5) Communities are safe and provide a high quality of life for children and families.

CLERK'S ADDENDUM

CLOSED the public hearing; FOUND for the purposes of compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, that the negative declaration prepared for the zoning ordinance text amendment adequately analyzes its potential environmental impacts, that there is no substantial evidence that the ordinance text amendment will have a significant effect on the environment, and that the negative declaration reflects the County's independent judgment and analysis; ADOPTED the negative declaration for the zoning text amendment; ADOPTED Ordinance No. 2017-14 identifying zoning districts and establishing regulations for farmworker housing, transitional housing and supportive housing; and DIRECTED the Department of Conservation and Development Director, or his designee, to file the Notice of Determination with the County Clerk-Recorder.

ATTACHMENTS

Ordinance 2017-14 Farmworker Housing

CPC 4-26-17 Resolution

CPC Staff Report ZT09-0003

State Law Comparison Chart