



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Jon Sanabria
Acting Director of Planning

July 16, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner
Esther L. Valadez, Commissioner

FROM: Connie Chung, AICP, Supervising Regional Planner
Housing/General Plan Section

SUBJECT: **JULY 29, 2009 – AGENDA ITEM # [6]
PROJECT NO. R2008-01324
ADVANCE PLANNING CASE NO. 2008-00008
ENVIRONMENTAL ASSESSMENT NO. 2009-00045
AMENDMENT TO TITLE 22 (PLANNING AND ZONING) OF THE LOS
ANGELES COUNTY CODE RELATED TO FARMWORKER HOUSING**

SUMMARY

At your meeting on July 29, 2009, we will discuss the revised Draft Farmworker Housing Ordinance **[Attachment 1]**, which implements the requirements of the State Employee Housing Act as set forth in Section 17000 et seq. of the California Health and Safety Code. In addition, the staff will respond to the issues and concerns that your Commission raised at the May 27, 2009 meeting.

BACKGROUND

On May 27, 2009, your Commission conducted a public hearing to consider the Draft Farmworker Housing Ordinance and Negative Declaration. No members of the public testified in regard to the Draft Ordinance; however, the staff informed your Commission that the Executive Director of the Los Angeles County Farm Bureau had phoned the

staff that morning stating that she had concerns, but would not be able to attend the public hearing.

Your Commission raised three specific issues in May:

1. Reconsider the prohibition of farmworker dwelling units in Environmentally Sensitive Habitat Areas (ESHAs) if single-family homes are currently permitted in ESHAs;
2. Consider parking reductions for farmworker housing, and specifically review parking standards for single-room occupancy units (SROs); and
3. Evaluate the conversion of farmworker housing to other uses if no longer occupied by farmworkers, and specifically consider allowing the conversion of farmworker housing into homeless shelters or winter shelters by-right.

Your Commission continued the public hearing and instructed the staff to return on June 24, 2009 and address these concerns. In addition, your Commission requested that the staff follow-up with the Executive Director of the Los Angeles County Farm Bureau.

On June 24, 2009, the staff returned to your Commission. As Commissioner Modugno requested information at the May 27 hearing, but was not in attendance, the staff recommended a continuance to July 29, 2009, which was granted. No members of the public testified in regard to the Draft Ordinance.

ISSUES DISCUSSED AT MAY 27, 2009 PUBLIC HEARING

The revised Draft Farmworker Housing Ordinance contains refinements to the language related to the exemptions made in the interest of public health and safety and environmental protection, as well as a minor alteration in the parking standards for farmworker housing complexes in group living quarters.

Exemptions: The Draft Farmworker Housing Ordinance presented to your Commission on May 27, 2009 includes an exemption prohibiting farmworker dwelling units in ESHA. As farmworker dwelling units are single-family structures, your Commission wanted to ensure that farmworker dwelling units were not treated any differently than single-family residential uses.

The staff included this prohibition for two reasons:

1. Section 30240 (a) of the Public Resources Code states that, "*Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*" Only resource-dependent uses, such as hiking and

horseback riding trails, and nature observation uses, are allowed in these environmentally sensitive areas.

2. The Malibu Land Use Plan (LUP), which was adopted by the Los Angeles County Board of Supervisors on October 7, 1986 and certified by the California Coastal Commission on December 11, 1986, reiterates the ESHA protection requirement in the Public Resources Code. Table 1 of the LUP outlines the uses that are permitted in ESHA, which only include resource-dependent uses.

The staff recommends a minor change to the ordinance language to clarify that farmworker dwelling units are prohibited if any portion of the "building site," as opposed to "lot," is located in an ESHA. Although residential uses, including single-family homes, are not permitted in ESHA, residential uses that are located at least 100 feet from ESHA and consistent with the development standards outlined in the LUP are permitted.

Parking: The Draft Farmworker Housing Ordinance presented to your Commission at the May 27 public hearing does not include any modifications to parking standards for residential uses for farmworker housing, with the exception of the allowance of tandem and uncovered parking and a requirement for farmworker housing complexes that are group living quarters. The staff did not modify parking requirements for farmworker housing due to Section 22.52.1180 of Title 22, which states the following: *"Every single-family residence, two-family residence, apartment house and other structure designed for or intended to be used as a dwelling on a lot or parcel of land having an area of less than one acre per dwelling unit shall have automobile parking as specified herein."* Residential projects at a density of one dwelling unit per acre or less are not subject to the parking requirements in Section 22.52.1180. The staff anticipates that farmworker housing projects, which will most likely occur on large lots in the rural areas of unincorporated Los Angeles County, in particular the Antelope Valley, will not be subject to these provisions for residential parking standards.

The Draft Farmworker Housing Ordinance presented to your Commission includes a requirement for one parking space for every two beds for farmworker housing complexes that are group living quarters, such as bunkhouses. In response to your request to consider parking reductions, the staff recommends a revision to the Draft Ordinance from one parking space for every two beds, to one parking space for every three beds. The staff revisited parking provisions in Sonoma County, which requires one space for every four beds for group quarters for farmworkers, and Napa County, which requires one space for every three beds for group quarters for farmworkers. According to the planning staff in Napa County, their experience has shown that one space for every three beds is sufficient.

Regarding your Commission's request for the staff to look into parking standards for single-room occupancy (SRO) housing, there are currently no parking standards outlined in the zoning code for SROs. However, residential uses without specified parking standards are subject to Section 22.52.1220 of Title 22, which outlines

procedures for unspecified uses. The Housing Element includes a program to address this issue, *Program 2 – Removal of Governmental Constraints*, which in part creates standards, including parking requirements, for SROs through the Zoning Ordinance Update Program (ZOUN). Until then, Section 22.52.1220 can be used to determine the parking needs of SROs and other unspecified residential uses on a case-by-case basis.

Conversion of Farmworker Housing to Other Uses: At the May 27 public hearing, your Commission requested that the staff further evaluate the potential to convert farmworker housing to other uses, specifically homeless shelters.

In order to comply with the requirements of the Employee Housing Act, which only include specific protections for farmworkers, the Draft Ordinance makes special zoning and land use exceptions for housing provided to farmworkers. Housing permitted through the Draft Ordinance that is no longer occupied by farmworkers is out of compliance with the Employee Housing Act and Title 22 of the Los Angeles County Code, as well as the recorded covenant required by the Draft Ordinance. Such housing would be subject to the County's enforcement procedures.

Given that the Draft Ordinance is tied directly to the requirements of the Employee Housing Act, the staff does not recommend including provisions for converting farmworker housing to homeless shelters. In addition to the strategies already laid out in the Housing Element to clarify the provisions for emergency shelters through the ZOUN, your Commission may consider alternative regulatory strategies for addressing the needs of the homeless in the unincorporated areas, such as allowing homeless shelters in zones where they are currently prohibited (R-A, R-1, R-2, RPD, A-1, A-2, C-R, and CPD), and clarifying provisions for temporary winter shelters in Title 22.

Meeting with the Los Angeles County Farm Bureau: The staff met with Laura Blank, the Executive Director of the Los Angeles County Farm Bureau on June 23, 2009 to discuss the Draft Farmworker Housing Ordinance and background report **[Attachment 2]**. At the meeting, the staff provided Ms. Blank with an overview of the Employee Housing Act and the Draft Ordinance. The staff also answered her questions related to the Draft Ordinance and committed to working with the Farm Bureau on the development of implementation guidelines to help growers interested in providing farmworker housing. For more information, please refer to Ms. Blank's email regarding the Draft Ordinance dated June 14, 2009 **[Attachment 3]** and the meeting summary **[Attachment 4]**.

Farmworker Housing Types: Your Commission also requested that the staff reiterate the flexibility in housing types, which are included in the definition of farmworker housing complexes, elsewhere in the Draft Ordinance. In response, the staff outlined the flexibility in housing types in Section 22.52.2430.C of the revised Draft Ordinance.

ENVIRONMENTAL DOCUMENTATION

The staff has prepared a Draft Initial Study and Negative Declaration [**Attachment 5**] for the proposed amendments to Title 22 in compliance with the California Environmental Quality Act (CEQA) and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles.

Since the May 27 public hearing, the staff has received letters from the Department of Parks and Recreation [**Attachment 6**] and the Fire Department [**Attachment 7**] regarding the environmental documentation. Neither department has comments at this time.

STAFF RECOMMENDATION

The staff recommends that the Regional Planning Commission approve the revised Draft Farmworker Housing Ordinance and direct the staff to transmit it to the Board of Supervisors for their consideration at a public hearing, by approving the draft resolution [**Attachment 8**].

RECOMMENDED MOTION

I move that the Regional Planning Commission close the public hearing and find that the Negative Declaration reflects the independent judgment and analysis of the County, and approve the resolution recommending that the Board of Supervisors hold a public hearing to consider and adopt the Negative Declaration and find that the Draft Farmworker Housing Ordinance, with the staff's recommended changes, will not have a significant effect on the environment.

I also move that the Regional Planning Commission approve the resolution recommending that the Board of Supervisors hold a public hearing to consider and adopt the proposed Draft Farmworker Housing Ordinance, along with the staff's recommended changes as discussed at the May 27th hearing and today's hearing, and determine that it is compatible with and supports the goals and policies of the Los Angeles County General Plan.

Should you have any questions about this memo, please contact Anne Russett in the Housing/General Plan Section at arussett@planning.lacounty.gov or (213) 974-6417.

GMN:CC:AR

Attachments:

1. Revised Draft Farmworker Housing Ordinance; July 1, 2009
2. Revised Draft Farmworker Housing Ordinance Background Report, July 2009
3. Email Correspondence from Laura Blank; June 14, 2009
4. Summary of the Meeting with the Los Angeles County Farm Bureau; June 23, 2009
5. Draft Initial Study and Negative Declaration; July 1, 2009
6. Letter from Department of Parks and Recreation; June 10, 2009
7. Letter from Fire Department; June 16, 2009
8. Draft Resolution