

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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February 25, 2014

W20b**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
RICK CASSWELL, COASTAL PLANNER, SAN DIEGO COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR LCP
AMENDMENT NO. CAR-MAJ-3-12B (Farmworker Housing) for
Commission Meeting of March 12-14, 2014**

SYNOPSIS

The City of Carlsbad's Local Coastal Program (LCP) amendment request #3-12 involves five Housing Element related revisions proposed to be made to the Zoning Ordinance and the Village Master Plan and Design Manual for establishing minimum densities (#3-12A) in the Village Area; identify sites and establish development standards for farmworker housing (#3-12B), emergency shelters (#3-12C) and transitional and supportive housing (#3-12D) on a citywide basis; along with establishing development standards for managed living units (#3-12E) in the Village Area. This staff report addresses LCP Amendment #3-12 B (Farmworker Housing) only. LCP Amendment #3-12C (Emergency Shelters) will be addressed in a separate report for this hearing, as well as LCP Amendments #3-12A (Minimum Densities) and E (Managed Living Units) for the Village Area in a separate staff report. The City is processing some minor revisions to LCP Amendment #3-12D (Transitional and Supportive Housing) and has asked that the amendment be scheduled at the Commission's June 2014 meeting.

This proposed amendment only involves revisions to the certified Zoning Ordinance which largely comprises the City's Implementation Plan. The subject request was filed as complete on March 29, 2013 and a one-year extension was granted on June 12, 2013; therefore, the Commission must act on the amendment request no later than the June 2014 hearing.

SUMMARY OF AMENDMENT REQUEST

The City of Carlsbad is requesting an amendment to the City's Zoning Ordinance to implement one of four Housing Element programs, which are necessary in order comply with State law. State law requires local governments to identify sites (i.e. land use zones or districts) and remove constraints to provide potential development sites for certain

housing types for all income levels. These housing types include emergency shelters, farmworker housing, managed living units, and transitional and supportive housing.

The proposed LCP amendment would involve permitting by right, or conditionally, small farmworker housing complexes (up to 36 farmworkers or 12 units) within all zoning designations where any form of agricultural land use (whether it be large scale, such as crop production, or small scale, such as greenhouses of 2000 square feet and over) is currently permitted by right, or conditionally. Chapter 21.25 (C-F Community Facilities Zone) would remove the existing provision to conditionally permit agricultural farm worker housing (temporary) and would no longer permit, in any capacity, farmworker housing. This is because agricultural uses have historically not been permitted within the C-F Zone. Additionally, large farmworker housing complexes (in excess of 36 farmworkers or 12 units) would be conditionally permitted only within the M (Industrial Zone). Large farmworker housing complexes would not be permitted by right anywhere in the City. Furthermore, both small and large farmworker housing complexes would be subject to development standards established under Section 21.10.125 of Chapter 21.10 (R-1 One-family Residential Zone), along with off-street parking standards, which would be added to Chapter 21.44 (Parking).

SUMMARY OF STAFF RECOMMENDATION

Since agricultural uses are permitted, or conditionally permitted, within a large number of zoning districts (including residential, commercial, and open space zones), there is the potential for farmworker housing complexes to be developed citywide. The Commission understands that farmworker housing is an important accessory use to support on-going agriculture and agriculture is a priority use protected under Sections 30241 and 30242 of the Coastal Act. However, all development needs to be appropriately regulated to protect significant coastal resources. The proposed amendment raises the potential for several inconsistencies with the certified Land Use Plan. Allowing farmworker housing on constrained sites or in open space areas could potentially have negative impacts to scenic views and environmentally sensitive habitat area (ESHA). However, in this case, because the proposed development standards for farmworker housing still require compliance with the provisions of Chapter 21.201 (Coastal Development Permit Procedures), individual projects within the Coastal Zone will continue to be reviewed for compliance with the certified LCP and its provisions. These provisions include securing access points to the beaches and lagoons of Carlsbad, view preservation through the Scenic Preservation Overlay Zone, and protection of environmentally sensitive habitat areas (ESHA) through the Habitat Management Plan. Therefore, as proposed, the future development of farmworker housing will have to complete the coastal permitting process and the amendment is therefore not expected to result in any significant impacts to sensitive coastal resources.

Another potential concern could be if farmworker housing were to be built in areas designated or potentially available for visitor-serving commercial uses, which, in the case of Carlsbad, is the C-T (Commercial Tourist) Zone. The City of Carlsbad does not have a significant amount of land reserved for high priority visitor uses, and if a large portion of

this C-T designated land were to be developed with farmworker housing, there would be a further reduction in the availability of land intended for such uses. However, this is not expected to occur in this case for several reasons. Areas designated as C-T within the Coastal Zone are predominantly developed with relatively high density, visitor-serving uses (such as hotels), and are surrounded by non-agricultural uses. Based on the development standards of Section 21.10.125, wherein a farmworker housing complex would be required to be setback 50 feet from any other agricultural and non-agricultural use, it would be very difficult to develop farmworker housing that would meet this setback requirement within such areas. The reason being is that the C-T zoned areas of the City are comprised, primarily, of smaller-sized parcels, which would make it difficult to accommodate a 50 foot setback between a farmworker housing complex and another use given the close proximity of surrounding uses. Furthermore, higher density, visitor-serving commercial uses that dominate the existing development found within the limited number of C-T areas of the City are likely to have very high land values. Therefore, it is expected that any potential development/redevelopment of those areas with farmworker housing would be low. In addition, the demand for farmworker housing is still limited when compared to broader demands for visitor uses. Consequently, the proposed amendment is not expected to significantly usurp available lands that could otherwise be committed to recreational or visitor uses.

Finally, the amendment could potentially impact agricultural land itself, if large amounts of existing land currently used for agriculture were converted to housing. However, Sections 21.10.125.I and J ensure that farmworker housing is tied to active agriculture, in that only active farmworkers can reside in this type of housing, and should all the inhabitants of this housing lose their “farmworker” status, the farmworker housing would have to be removed within 90 days. Policy 2-1 of the Mello II LUP segment also contains sub-policies that include mitigation fees for the conversion of agricultural land, as well as listing a number of agricultural land uses (including farmworker housing) which are not considered a conversion of agricultural land. Moreover, because farmworker housing can be located in zones where large scale agricultural production cannot take place (but where a smaller scale agricultural use is currently permitted, or conditionally permitted), there is a greater potential to preserve land designated for large scale agricultural production from future conversion.

In summary, the Commission finds that the proposed amendment can be found in conformance with the certified land use plans, provides affordable housing opportunities and will not adversely impact coastal access or coastal resources. Staff is therefore recommending that the amendment be approved as submitted by the City. The appropriate resolution and motion may be found on Page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 6.

BACKGROUND

The City of Carlsbad's LCP Amendment #3-12C was first submitted (along with LCP Amendments #3-12A, B, D and E) on December 20, 2012, but was not filed as complete until March 29, 2013. A one year time extension was granted at the June 2013 Commission meeting, due to insufficient time to adequately review and prepare recommendations on said amendments. Commission staff has worked with Planning staff from the City of Carlsbad during the review of this proposed amendment, which included detailed conference calls on January 13, 2014 and February 10, 2014.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad's LCP Amendment #3-12B may be obtained from Rick Casswell, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of Carlsbad's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties, and Village Redevelopment. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. This amendment modifies the City's Implementation Plan (IP) only.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject Zoning Ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL – RESOLUTION

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided.

MOTION: *I move that the Commission reject the Implementation Program Amendment No. 3-12B for City of Carlsbad as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plans, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment; or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The proposed LCP amendment would involve permitting by right, or conditionally, small farmworker housing complexes (up to 36 farmworkers or 12 units) within all zoning designations where any form of agricultural land use (whether it be large scale, such as crop production, or small scale, such as greenhouses of 2000 square feet and over) is currently permitted by right, or conditionally. Chapter 21.25 (C-F Community Facilities Zone) would remove the existing provision to conditionally permit agricultural farm worker housing (temporary) and would no longer permit, in any capacity, farmworker housing. Additionally, large farmworker housing complexes (in excess of 36 farmworkers or 12 units) would be conditionally permitted only within the M (Industrial Zone). Large farmworker housing complexes would not be permitted by right anywhere in the City. Furthermore, both small and large farmworker housing complexes would be subject to development standards established under Section 21.10.125 of Chapter 21.10 (R-1 One-family Residential Zone), along with off-street parking standards, which would be added to Chapter 21.44 (Parking).

For the City, the proposed amendment will revise the Implementation Plan component of the City's certified LCP, in order to realize the City's Housing Element provisions and meet its Regional Housing Needs Assessment (RHNA). Furthermore, the amendment will also ensure compliance with California Health and Safety Code Section 17021.06. This section states that farmworker housing consisting of no more than 36 beds in a group quarters, or 12 units designed for occupation by a household, shall be considered an agricultural land use for which no conditional use permit, zoning variance, or other permit shall be required, beyond what is required of any other agricultural activity within the same zone.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

1) **Purpose and Intent of the Ordinance.** The primary purpose of this proposed Zoning Ordinance amendment is to define, permit, and establish development standards for, small and large farmworker housing complexes within existing zoning designations that currently permit (either by right or conditionally) any form of agricultural land use.

2) **Major Provisions of the Ordinance.**

- The City’s requested Zoning Ordinance amendment would permit small farmworker housing complexes (up to 36 farmworkers or 12 units) in all zones where an agricultural use (of any kind) is currently permitted by right, or conditionally.
- Chapter 21.25 (C-F Community Facilities Zone) would be revised to remove the existing provision to conditionally permit agricultural farm worker housing (temporary) and would no longer permit, in any capacity, farmworker housing.
- Large farmworker complexes (in excess of 36 farmworkers or 12 units) would only be conditionally permitted within the M (Industrial Zone).
- New definitions (for “agriculture”, “farmworker”, “farmworker”, “farmworker housing complex, large”, and “farmworker housing complex, small”) would be added.
- Farmworker housing complexes would be required to meet all development standards (including height, setback, and lot coverage limitations) applicable to the zone in which it is located.
- A farmworker housing complex or dwelling unit would have to be located at least 75 feet from structures housing livestock or poultry, and no less than 50 feet from any other agricultural or non-agricultural use.
- All permanent farmworker housing would have to provide landscaping around the entire perimeter of the housing.
- Farmworker housing will require execution of a recorded covenant that farmworker housing will be maintained in association with active agriculture, along with submittal of an annual verification form to the City. Farmworker housing complexes are required to be removed from a property within 90 days of termination of the site’s or related property’s agricultural use classification.
- Large farmworker housing complexes are proposed to have their number of off-street parking spaces determined by the City Planner, while small farmworker housing complexes would be required to provide one parking space per four beds, plus one additional space for an onsite manager.

3) **Adequacy of the Ordinance to Implement the Certified LUP Segments.**

The standard of review for LCP implementation plan submittals or amendments is their consistency with, and ability to carry out, the provisions of the certified LUPs (i.e. Mello I, Mello II, Village Area, East Batiquitos Lagoon, and West Batiquitos Lagoon LUPs). The applicable LUP policies are as follows:

Mello I

Policy 7-1.2 for the Mello I Land Use Plan segment states:

Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be

protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Mello II

Policy 1-1 for the Mello II Land Use Plan segment states:

Allowable land uses are those that are consistent with both the General Plan and the Local Coastal Program.

Policy 2-1 (Conservation of agricultural lands) for the Mello II Land Use Plan segment states:

Consistent with the provisions of Sections 30241 and 30242 of the Coastal Act, it is the policy of the City to contribute to the preservation of the maximum amount of prime agricultural land throughout the coastal zone by providing for the balanced, orderly conversion of designated non-prime coastal agricultural lands.

Policy 6-5 for the Mello II Land Use Plan segment states:

...additional visitor-serving (hotel-motel and restaurant) uses should be established...and other visitor-serving facilities also need to be provided.

Policy 7-10 for the Mello II Land Use Plan segment states:

Parking standards set forth within the City of Carlsbad Zoning Ordinance are appropriate for the future development of various land uses.

Policy 8-1 for the Mello II Land Use Plan segment states:

...Sites considered for development should undergo individual review to determine if the proposed development will obstruct views or otherwise damage the visual beauty of the area.

West Batiquitos Lagoon

Policy B.5. (Agricultural conversion mitigation fee) for the West Batiquitos Lagoon segment states:

[Priority use No. 5 for expenditure of non-prime agricultural land conversion mitigation fees]: Agricultural improvements which will aid in continuation of agricultural production within the Coastal Zone, as determined by the Carlsbad City Council. [includes farmworker housing]

East Batiquitos Lagoon

Policy 2 – Agriculture/Planned Development – for the East Batiquitos Lagoon segment states:

...the uses permitted on either Sub-area shall be consistent with those allowed by the Mello II LCP Segment Policy 2-1C (Permitted Uses on Agricultural Lands).

The proposed amendment raises the potential for several inconsistencies with the certified Land Use Plan. Allowing farmworker housing on constrained sites or in open space areas could potentially have negative impacts to scenic views and environmentally sensitive habitat area (ESHA), as identified in Policy 7-1.2 for the Mello I Land Use Plan segment and Policy 8-1 for the Mello II Land Use Plan segment. However, in this case, because the proposed development standards for farmworker housing still require compliance with the provisions of Chapter 21.201 (Coastal Development Permit Procedures), individual projects within the Coastal Zone will continue to be reviewed for compliance with the certified existing LCP, which is consistent with both of the aforementioned policies. These provisions include securing access points to the beaches and lagoons of Carlsbad, view preservation through the Scenic Preservation Overlay Zone, and protection of environmentally sensitive habitat areas (ESHA) through the Habitat Management Plan. Therefore, as proposed, the future development of any farmworker housing will have to obtain the necessary coastal development permits and the amendment is therefore not expected to have any adverse impacts to sensitive coastal resources.

Another potential concern could be if farmworker housing were to be built in areas designated for visitor-serving commercial uses, which, in the case of Carlsbad, is the C-T (Commercial Tourist) Zone. As provided in Policy 6-5 for the Mello II Land Use Plan, additional visitor-serving uses are needed in the community. The City of Carlsbad does not have a significant amount of land designated for C-T; and if a large portion of this C-T designated land were to be developed with farmworker housing, there would be a further reduction in the availability of land intended to be visitor-serving in nature. However, this is not expected to occur in this case for several reasons. First, Policy 6-5 for the Mello II Land Use Plan segment also states that, with regard to providing additional visitor-serving uses, "...not all of this demand needs to be met with land immediately within the coastal zone." This policy, therefore, allows for greater flexibility in the location of visitor-serving uses within the City. In addition, the areas designated as C-T within the Coastal Zone are predominantly developed with relatively high density visitor-serving uses (such as hotels), and are surrounded by non-agricultural uses. Based on the development standards of Section 21.10.125, wherein a farmworker housing complex would be required to be setback 50 feet from any other use, it would be very difficult to develop farmworker housing that would meet this setback requirement within such areas. The reason being is that the C-T zoned areas of the City are comprised, primarily, of smaller-sized parcels, which would make it difficult to accommodate a 50 foot setback between a farmworker housing complex and another use given the close proximity of surrounding uses. Furthermore, higher density, visitor-serving commercial uses that dominate the existing development found within the limited number of C-T areas of the City are likely to have very high land values.

Therefore, it is expected that any potential development/redevelopment of those areas with farmworker housing would be unlikely. In addition, the demand for farmworker housing will be limited in scope compared to recreational or visitor uses serving the broader public. Consequently, the proposed amendment is not anticipated to substantially decrease lands otherwise available for such uses.

Finally, the amendment could potentially impact agricultural land itself, if large amounts of existing land currently used for agriculture were converted to housing. However, the proposed development standards (Section 21.10.125) include a regulation (subsection I) that farmworker housing be occupied by farmworkers only, and that the property owner shall verify this on an annual basis with the City. Additionally, Section 21.10.125.J. affirms that a farmworker housing complex shall be removed from the property within 90 days of termination of that property owner's agricultural production. These regulations ensure that farmworker housing is tied to active agriculture, in that active farmworkers only can reside in this housing, and should all the inhabitants of this housing type lose their farmworker status, the farmworker housing would have to be removed within 90 days. Policy 2-1(b)Option3(b) of the Mello II LUP segment includes farmworker housing as a use that could benefit from agricultural mitigation fees. Farmworker housing, pursuant to Policies 2-1(c)(1) and (2) is also permitted on all designated coastal agricultural lands. These policies are also consistent with California Health and Safety Code Section 17021.06, which considers farmworker housing an agricultural land use – as opposed to a residential use. Policy 1-1 of the Mello II LUP segment, as well as Policy B.5. of the West Batiquitos Lagoon LUP segment and Policy 2 of the East Batiquitos Lagoon segment, further support the agricultural land use classification of farmworker housing. Moreover, because farmworker housing can be located in zones where large scale agricultural production cannot take place (but where a smaller scale agricultural use is currently permitted or conditionally permitted), there is a greater potential to preserve land designated for large scale agricultural production from future conversion for farmworker housing.

In summary, the Commission finds that the proposed amendment can be found in conformance with the certified land use plans, provides affordable housing opportunities and will not adversely impact coastal access or coastal resources. The Commission therefore finds the amendment can be approved as submitted.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. The Commission's Local Coastal Program (LCP) review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

For purposes of its own obligations under CEQA when amending its Zoning Ordinance at the local level, the City determined that the subject LCP amendment was adequately addressed within the Revised Mitigated Negative Declaration (MND) on the City's update of its Housing Element approved by the City on December 22, 2009.

Nevertheless, the Commission is required in an LCP submittal, such as in this case, to find that the approval of the proposed LCP, or LCP, as amended, does conform with the CEQA provisions. The proposed amendment would not result in an intensification of land uses incompatible with the surrounding development or have adverse impacts on coastal resources. Furthermore, the Commission finds that the proposed amendment is unlikely to have any significant adverse effect on the environment as a whole. Therefore, the Commission finds that the subject LCP implementation plan, as amended, conforms to the provisions of the CEQA.

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RESOLUTION NO. 2012-227

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING LOCAL COASTAL PROGRAM AMENDMENTS TO IMPLEMENT PROGRAMS 3.13 (FARM LABOR HOUSING), 3.14 (EMERGENCY SHELTER), 3.15 (TRANSITIONAL AND SUPPORTIVE HOUSING), AND 3.17 (ALTERNATIVE HOUSING) OF THE 2005-2010 HOUSING ELEMENT.

CASE NAME: HOUSING ELEMENT PROGRAM IMPLEMENTATION
CASE NO.: LCPA 09-03/LCPA 09-04/LCPA 11-08/
LCPA 95-10(B)

The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, pursuant to the provisions of the Municipal Code, the Housing Commission did, on June 14, 2012, hold a public meeting as prescribed by law to consider Local Coastal Program Amendment (LCPA) 95-10(B) as referenced in Housing Commission Resolution No. 2012-005; and

WHEREAS, the Housing Commission adopted Housing Commission Resolution No. 2012-005 and recommended to the City Council approval of LCPA 95-10(B); and

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on July 3, 2012, hold a duly noticed public hearing as prescribed by law to consider LCPA 09-03, LCPA 09-04, LCPA 11-08, and LCPA 95-10(B) as referenced in Planning Commission Resolutions No. 8893, 8895, 8897, and 8898, respectively; and

WHEREAS, the Planning Commission adopted Planning Commission Resolutions No. 8893, 8895, 8897, and 8898 and recommended to the City Council approval of LCPA 09-03, LCPA 09-04, LCPA 11-08, and LCPA 95-10(B), respectively; and

WHEREAS, the City Council of the City of Carlsbad, on the 25th day of September, 2012, held a duly noticed public hearing to consider said Local Coastal Program Amendments; and

WHEREAS, at said public hearing, upon hearing and consideration and arguments, if any, of all persons desiring to be heard, the City Council relating to the Local Coastal Program Amendments.

EXHIBIT NO. 1
APPLICATION NO. CAR-MAJ-3-12B
(Farmworker Housing)
Resolution
 California Coastal Commission

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NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Carlsbad as follows:

1. That the above recitations are true and correct.

2. That the recommendation of the Housing Commission for the approval of LCPA 95-10(B) is adopted and approved, and that the findings of the Housing Commission contained in Housing Commission Resolution No. 2012-005 on file with the City Clerk and incorporated herein by reference are the findings of the City Council.

3. That the recommendations of the Planning Commission for the approval of LCPA 09-03, LCPA 09-04, LCPA 11-08 and LCPA 95-10(B) are adopted and approved, and that the findings of the Planning Commission contained in Planning Commission Resolutions No. 6893, 6895, 6897, and 6898 on file with the City Clerk and incorporated herein by reference are the findings of the City Council.

4. That the approval of LCPA 09-03, LCPA 09-04, LCPA 11-08 and LCPA 95-10(B) shall not become effective until it is approved by the California Coastal Commission and the California Coastal Commission's approval becomes effective.

5. This action is final the date this resolution is adopted by the City Council. The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review," shall apply:

"NOTICE TO INTERESTED PARTIES"

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the nineteenth day following the date on which this decision becomes final; however, if within ten days after the decision becomes final a request for the record of the deposit in an amount sufficient to cover the estimated cost or preparation of such record, the time within which such petition may be filed in court is extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA. 92008."

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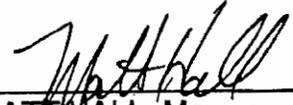
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PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council
of the City of Carlsbad on the 25th day of September 2012, by the following vote to wit:

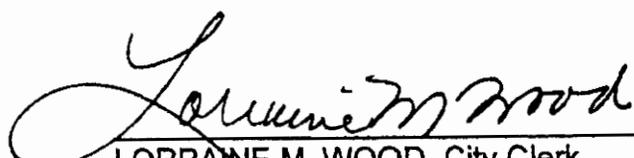
AYES: Council Members Hall, Kulchin, Blackburn, Douglas, Packard.

NOES: None.

ABSENT: None.


MATT HALL, Mayor

ATTEST:


LORRAINE M. WOOD, City Clerk

(SEAL)



ZCA 09-04/LCPA 09-03
FARMWORKER HOUSING
STRIKE-OUT/UNDERLINE

List of Sections in Chapter 21.04

The list of sections in Chapter 21.04 (Definitions) is proposed to be amended by the addition of references to 21.04.023, 21.04.148.1, 21.04.148.2, 21.04.148.3 and 21.04.148.4, as follows:

21.04.023 Agriculture.

21.04.148.1 Farmworker.

21.04.148.3 Farmworker housing complex, large.

21.04.148.4 Farmworker housing complex, small.

21.04.023

Section 21.04.023 (Definitions, "Agriculture") is proposed to be amended as follows:

21.04.023 Agriculture.

"Agriculture" means farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 1141j(g) of Title 12 of the United States Code), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

21.04.148.1

21.04.148.1 Farmworker.

"Farmworker" means any individual engaged in agriculture (as defined in Section 21.04.023).

EXHIBIT NO. 2
APPLICATION NO.
CAR-MAJ-3-12B
(Farmworker Housing)
Strikeout
 California Coastal Commission

21.04.148.3

21.04.148.3 Farmworker housing complex, large.

"Farmworker housing complex, large" includes conventional and non-conventional structures, housing more than 36 farmworkers or more than 12 units/spaces, such as: group living quarters (including barracks and bunkhouses); a dwelling, boardinghouse, or tent; a mobile home, manufactured home, recreational vehicle, or travel trailer; or other housing accommodations, and which is occupied by farmworkers or farmworkers and their households, and may be for temporary, seasonal, or permanent residence.

21.04.148.4

21.04.148.4 Farmworker housing complex, small.

"Farmworker housing complex, small" includes conventional and non-conventional structures, housing up to 36 farmworkers or 12 units/spaces, such as: group living quarters (including barracks and bunkhouses); a dwelling, boardinghouse, or tent; a mobile home, manufactured home, recreational vehicle, or travel trailer; or other housing accommodations, and which is occupied by farmworkers or farmworkers and their households, and may be for temporary, seasonal, or permanent residence.

AMENDMENTS TO CHAPTER **21.07**

21.07.020

Table A of Section 21.07.020 (E-A Exclusive Agricultural Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use and renumbering of the following footnotes:

**Table A
Permitted Uses**

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

- "P" indicates use is permitted. (See note 6 below)
- "CUP" indicates use is permitted with approval of a conditional use permit. (See note 7 below)
- 1 = Administrative hearing process
- 2 = Planning commission hearing process
- 3 = City council hearing process
- "Acc" indicates use is permitted as an accessory use.

Use	P	CUP	Acc
Accessory uses and structures (see note 54)			X

Airports		3	
Animals and poultry — small (less than 25) (see note 21)	X		
Animals and poultry — small (more than 25) (see note 21)		1	
Apiary/bee keeping (subject to Section 21.42.140(B)(5))		1	
Aquaculture (defined: Section 21.04.036)		2	
Aviary		1	
Biological habitat preserve (subject to Section 21.42.140(B)(30)) (defined: Section 21.04.048)		2	
Campsites (overnight) (subject to Section 21.42.140(B)(40))		2	
Cattle, sheep, goats and swine production (see note 32)	X		
Cemeteries		3	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2	
Columbariums, crematories, and mausoleums (not within a cemetery)		2	
Crop production	X		
Drive-thru facilities (not restaurants)		2	
Dwelling, single-family (farm house)			X
Fairgrounds		3	
Family day care home (large) (defined: Section 21.04.147) (subject to Chapter 21.83)			X
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>X</u>		
Floriculture	X		
Golf courses		2	
Greenhouses > 2,000 square feet (subject to Section 21.42.140(B)(70))		1	
Greenhouses (2,000 square feet maximum)	X		

Guest house			X
Hay and feed stores		i	
Horses, private use	X		
Mobile buildings (subject to Section 21.42.140(B)(90)) (defined: Section 21.04.265)		2	
Mobile home (see note 65)			X
Nursery crop production	X		
Other uses or enterprises similar to the above customarily carried on in the field of agriculture	X		
Packing/sorting sheds > 600 square feet (subject to Section 21.42.140(B)(70))		1	
Plant nurseries and nursery supplies		1	
Processing plant (for crops) (subject to Section 21.04.140(B)(115))		1	
Produce/flower stand for display and sale of products produced on the same premises (see note 43)	X		
Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)		2	
Radio/television/microwave/broadcast station/tower		2	
Recreation facilities		2	
Satellite television antennae (subject to Section 21.53.130, et seq.)			X
Signs (subject to Chapter 21.41) (defined: Section 21.04.305)			X
Stables/riding academies (defined: Sections 21.04.310 and 21.04.315)		2	
Stadiums		3	
Tree farms	X		
Truck farms	X		
Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)		1	
Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))		2	

Wireless communications facilities (subject to Section 21.42.140(B)(165)) (defined: Section 21.04.379)		1 / 2	
Zoos (private) (subject to Section 21.42.140(B)(170)) (defined: Section 21.04.400)		2	

21.07.020

Table A of Section 21.07.020 (E-A Exclusive Agricultural Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2)) (see also note 1)		3	

21.07.020

Table A of Section 21.07.020 (E-A Exclusive Agricultural Zone, Permitted uses) is proposed to be amended by the deletion of the following footnote and renumbering of the remaining footnotes:

Notes:

- ~~1. Farm worker housing: Provided the number of units shall not exceed two per gross acre of land area and no such housing is located closer than fifty feet from any lot line.~~
- 2.1. Small animals and poultry: Provided that not more than twenty-five of any one or combination thereof shall be kept within ~~fifty-seventy-five~~ feet of any habitable structure, nor shall they be located within three hundred feet of a habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
- ~~3.2.~~ 3.2. Cattle, ~~small animals~~ sheep, goats and swine production, etc.: Provided that the number of any one or combination of said animals shall not exceed one animal per half acre of lot area. Said animals shall not be located within ~~fifty-seventy-five~~ feet of any habitable structure, nor shall they be located within three hundred feet of a habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
- 4.3. Produce/flower stands: Provided that the floor area shall not exceed two hundred square feet and is located not nearer than twenty feet to any street or highway.
- 5.4. Accessory uses/structures: Include but are not limited to: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, offices, coops, lath houses, stables, pens, corrals, and other similar accessory uses and structures required for the conduct of the permitted uses.
- 6.5. Mobile home: Certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.

AMENDMENTS TO CHAPTER **21.08**

21.08.020

Table A of Section 21.08.020 (R-A Residential Agricultural Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125)</u> <u>(defined: Section 21.04.148.4)</u>	<u>X</u>		

AMENDMENTS TO CHAPTER **21.09**

21.09.020

Table A of Section 21.09.020 (R-E Rural Agricultural Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125)</u> <u>(defined: Section 21.04.148.4)</u>	<u>X</u>		

21.09.020

Table A of Section 21.09.020 (R-E Rural Agricultural Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER **21.10**

21.10

The list of sections in Chapter 21.10 (R-1 One-Family Residential Zone) is proposed to be amended to add the following reference to Section 21.10.125:

- 21.10.010 - Intent and purpose.
- 21.10.020 - Permitted uses.

- 21.10.030 - Second dwelling units.
- 21.10.040 - Home occupations.
- 21.10.050 - Building height.
- 21.10.060 - Front yard.
- 21.10.070 - Side yards.
- 21.10.080 - Placement of buildings.
- 21.10.090 - Minimum lot area.
- 21.10.100 - Lot width.
- 21.10.110 - Lot coverage.
- 21.10.120 - Development standards.
- 21.10.125 - Farmworker housing complex standards.**
- 21.10.130 - Severability.

21.10.020

Table A of Section 21.10.020 (R-1 One-Family Residential Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>X</u>		

21.10.020

That the footnote of Table A of Section 21.39.020 (R-1 One-Family Residential Zone, Permitted uses) is proposed to be amended as follows:

Notes:

1. On each lot or combination of adjacent lots under one ownership, there may be kept one horse for each ten thousand square feet in the lot or lots; provided, however, that any such horse may be kept only if it is fenced and stabled so that at no time it is able to graze, stray or roam closer than ~~fifty-seventy-five~~ feet to any building used for human habitation, other than buildings on the lot or lots, and as to those buildings, no closer than ~~forty-fifty~~ feet.
2. A conditional use permit is not required for a golf course if it is approved as part of a master plan for a planned community development.
3. Mobile homes must be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.
4. Any use meeting the definition of an entertainment establishment, as defined in Section 8.09.020 of the Carlsbad Municipal Code (CMC), shall be subject to the requirements of CMC Chapter 8.09.

21.10.125

Section 21.10.125 (R-1 One-Family Residential Zone, Farmworker Dwelling Unit and Farmworker Housing Complex Standards) is proposed to be added to read as follows:

21.10.125 – Farmworker housing complex standards.

- A. Purpose.
1. The purpose of this section is to establish standards to ensure that the development of farmworker housing complexes does not adversely impact adjacent parcels or the surrounding neighborhood and that they are developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, and the character of the City of Carlsbad.
 2. The Employee Housing Act allows for flexibility in housing types for farmworker housing, including conventional and non-conventional structures, such as: living quarters, boardinghouse, tent, bunkhouse, mobilehome, manufactured home, recreational vehicle and travel trailers. The laws and regulations governing these structures depends on the housing type; however, all employee housing must comply with: the Employee Housing Act (Health and Safety Code Section 17000); the Employee Housing Regulations (Title 25 – Housing and Community Development), which outline specific requirements for the construction of housing, maintenance of grounds, buildings, sleeping space and facilities, sanitation and heating; and the provisions of this section.
- B. The provisions of this section shall apply to: 1) single-family zones E-A, R-A, R-E, R-T, R-W, RD-M, L-C and R-1, areas designated by a master plan for single-family detached dwellings in P-C zones where agricultural uses are allowed; 2) lots within multifamily zones R-2, R-3, R-P and RMHP; 3) commercial, office and industrial zones C-1, O, C-2, C-T, C-M, C-L, M, P-M and P-U; and 4) open space zones O-S and CR-A/OS, which are developed with a farmworker dwelling unit or farmworker housing complex.
- C. The property owner shall obtain all permits and/or approvals from the City of Carlsbad, as applicable, and the State Department of Housing and Community Development (HCD) pursuant to Title 25 of the California Code of Regulations. A farmworker dwelling unit or farmworker housing complex may require a building permit, and if located in the coastal zone, may also require a coastal development permit issued according to the provisions of Section 21.201 of this title.
- D. A farmworker housing complex shall meet the setback, lot coverage, height, and other development standards applicable to the zone in which it is located. Additionally, a farmworker dwelling unit or farmworker housing complex shall be located not less than 75 feet from barns, pens, or other structures that house livestock or poultry, pursuant to Title 25 of the California Code of Regulations, and not less than 50 feet from any other agricultural and non-agricultural use.
- E. All permanent farmworker housing shall provide landscaping around the entire perimeter of the housing to shield the housing from adjacent structures.
- F. Parking shall be as required by Chapter 21.44.
- G. Farmworker housing complexes shall comply, as applicable, with the following: 1) Employee Housing Act (California Health and Safety Code Sections 17000 – 17062); 2) Mobilehome Parks Act (California Health and Safety Code Sections 18200 – 18700); and Special Occupancy Parks Act (California Health and Safety Code Sections 18860 – 18874).
- H. Within 30 days after approval from the City of Carlsbad for farmworker housing, the applicant shall record in the office of the County Registrar-Recorder/County Clerk a

covenant running with the land for the benefit of the City of Carlsbad, declaring that the farmworker housing will continuously be maintained as such in accordance with Chapter 21 of the Carlsbad Municipal Code and also that:

1. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from State Department of Housing and Community Development (HCD) pursuant to the Employee Housing Act and the regulations promulgated thereunder;
 2. The improvements required by the City of Carlsbad related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
 3. The applicant will submit the annual verification form to the City Planner as required by Section 22.10.125(D); and
 4. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Title 1 of the Carlsbad Municipal Code.
- I. The property owner shall, if applicable: 1) complete and submit to the City Planner a verification form no later than 30 days after receiving a permit to operate from HCD; 2) a verification form shall be submitted to the City Planner annually to ensure compliance with Title 21 of the Carlsbad Municipal Code; and 3) the verification form shall include: information regarding the agricultural use, housing type, number of dwelling units or beds, number of occupants, occupants' employment information, and proof that a permit to operate from HCD has been obtained and maintained.
- J. Farmworker housing complex shall be removed from the property within 90 days of termination of the property's use from agricultural production.

AMENDMENTS TO CHAPTER **21.12**

21.12.020

Table A of Section 21.12.020 (R-2 Two-Family Residential Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)	X		

AMENDMENTS TO CHAPTER **21.16**

21.16.020

Table A of Section 21.16.020 (R-3 Multi-Family Residential Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>X</u>		



21.18.020

Table A of Section 21.18.020 (R-P Residential Professional Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>X</u>		

21.18.020

Table A of Section 21.18.020 (R-P Residential Professional Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>X</u>		

21.18.020

Table A of Section 21.18.020 (R-P Residential Professional Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agriicultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

21.18.020

Table B of Section 21.18.020 (R-P Residential Professional Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>X</u>		

AMENDMENTS TO CHAPTER 21.20

21.20.020

Table A of Section 21.20.020 (R-T Residential Tourist Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125)</u> (defined: Section 21.04.148.4)		<u>1</u>	

AMENDMENTS TO CHAPTER 21.22

21.22.020

Table A of Section 21.22.020 (R-W Residential Waterway Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125)</u> (defined: Section 21.04.148.4)		<u>1</u>	

AMENDMENTS TO CHAPTER 24.22

21.24.020

Table A of Section 21.24.020 (RD-M Residential Density-Multiple Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125)</u> (defined: Section 21.04.148.4)		<u>1</u>	

AMENDMENTS TO CHAPTER 21.25

21.25.020

Table A of Section 21.25.020 (C-F Community Facilities Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER 21.26

21.26.020

Table A of Section 21.26.020 (C-1 Neighborhood Commercial Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following uses:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>		<u>1</u>	

21.26.020

Table A of Section 21.26.020 (C-1 Neighborhood Commercial Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER 21.27

21.27.020

Table A of Section 21.27.020 (O Office Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>		<u>1</u>	

21.27.020

Table A of Section 21.27.020 (O Office Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER 21.28

21.28.020

Table A of Section 21.28.020 (C-2 General Commercial Zone, Permitted uses) is amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>		<u>1</u>	

21.28.020

Table A of Section 21.28.020 (C-2 General Commercial Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER 21.29

21.29.020

Table A of Section 21.29.020 (C-T Commercial Tourist Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>		<u>1</u>	

21.29.020

Table A of Section 21.29.020 (C-T Commercial Tourist Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(P)(2))		3	

AMENDMENTS TO CHAPTER 21.30

21.30.020

Table A of Section 21.30.020 (C-M Heavy Commercial – Limited Industrial Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>x</u>		

21.30.020

Table A of Section 21.30.020 (C-M Heavy Commercial – Limited Industrial Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER 21.31

21.31.020

Table A of Section 21.31.020 (C-L Local Shopping Center Zone, Permitted Uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>		<u>1</u>	

21.31.020

Table A of Section 21.31.020 (C-L Local Shopping Center Zone, Permitted Uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER **21.32**

21.32:020

Table A of Section 21.32.020 (M Industrial Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following uses:

Uses	P	CUP	Acc
<u>Farmworker housing complex, large (subject to Section 21.10.125) (defined: Section 21.04.148.3)</u>		<u>3</u>	
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>x</u>		

21.32:020

Table A of Section 21.32.020 (M Industrial Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER **21.33**

21.33:020

Table A of Section 21.33.020 (O-S Open Space Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>x</u>		

21.33:020

Table A of Section 21.33.020 (O-S Open Space Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER 21.34

21.34.020

Table A of Section 21.34.020 (P-M Planned Industrial Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>		<u>1</u>	

21.34.020

Table A of Section 21.34.020 (P-M Planned Industrial Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER 21.36

21.36.020

Table A of Section 21.36.020 (P-U Public Utility Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>	<u>X</u>		

21.36.020

Table A of Section 21.36.020 (P-U Public Utility Zone, Permitted uses) is proposed to be amended by the deletion of the following use:

Uses	P	CUP	Acc
Agricultural farm worker housing (temporary) (subject to Section 21.42.140(B)(2))		3	

AMENDMENTS TO CHAPTER **21.37**

21.37.020

Table A of Section 21.37.020 (RMHP Residential Mobile Home Park Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use:

Uses	P	CUP	Acc
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)</u>		1	

AMENDMENTS TO CHAPTER **21.39**

21.39.020

Table A of Section 21.39.020 (L-C Limited Control Zone, Permitted uses) is proposed to be amended to add in alphabetical order the following use and renumbering of the following footnotes:

**Table A
Permitted Uses**

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

- "P" indicates use is permitted.
- "CUP" indicates use is permitted with approval of a conditional use permit.
- 1 = Administrative hearing process.
- 2 = Planning commission hearing process.
- 3 = City council hearing process.
- "Acc" indicates use is permitted as an accessory use.

Use	P	CUP	Acc
Animals and poultry — small (less than 25) (see note 21)	x		
Cattle, sheep, goats, and swine production (see note 32)	x		
Crop production	x		
Family day care home (large and small) (subject to Chapter 21.83 of this title)	x		
<u>Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section</u>	<u>x</u>		

21.04.148.4)			
Floriculture	X		
Greenhouses, less than 2,000 square feet	X		
Horses, private use	X		
Nursery crop production	X		
Other uses or enterprises similar to the above customarily carried on in the field of agriculture	X		
Produce stand for display and sale of products produced on the same premises (see note 43)	X		
Tree farms	X		
Truck farms	X		

21.39.020

Table A of Section 21.39.020 (L-C Limited Control Zone, Permitted Uses) is proposed to be amended by the deletion and amendments of the following footnotes and renumbering of the remaining footnotes:

Notes:

- ~~1.~~ ~~Farm worker housing: Provided the number of units shall not exceed two per gross acre of land area and no such housing is located closer than fifty feet from any lot line.~~
21. Small animals and poultry: Provided that not more than twenty-five of any one or combination thereof shall be kept within ~~fifty~~ seventy-five feet of any habitable structure, nor shall they be located within three hundred feet of a habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
32. Cattle, ~~small animals~~ sheep, goats and swine production etc.: Provided that the number of any one or combination of said animals shall not exceed one animal per half acres of lot area. Said animals shall not be located within ~~fifty~~ seventy-five feet of any habitable structure, nor shall they be located within three hundred feet of a habitable structure on an adjoining parcel zoned for residential uses, nor shall they be located within one hundred feet of a parcel zoned for residential uses when a habitable structure is not involved. In any event, the distance from the parcel zoned for residential uses shall be the greater of the distances so indicated.
43. Produce stands: Provided that the floor area shall not exceed two hundred square feet and is located not nearer than twenty feet to any street or highway.
54. Accessory uses/structures: Include but are not limited to: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, offices, coops, lath houses, stables, pens, corrals, and other similar accessory uses and structures required for the conduct of the permitted uses.
65. Mobile home: Certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the State Health and Safety Code.

AMENDMENTS TO CHAPTER 21.42

21.42.140

That Section 21.42.140 (Minor Conditional Use Permits and Conditional Use Permits, Development standards and special regulations) is proposed to be amended by the deletion of the following use:

- ~~2. Agricultural farm worker housing (temporary):~~
- ~~a. A CUP is required unless exempted by Government Code Section 65589.4.~~

AMENDMENTS TO CHAPTER 21.44

21.44.020

Table A in Section 21.44.020 (Number of off-street parking spaces required) is amended by the addition of the following residential uses to be added at the end of Table A's list of "Residential Uses":

**Table A
Number of Off-Street Parking Spaces Required**

Use		Number Of Off-Street Parking Spaces
Residential Uses	<u>Farmworker housing complex, large</u>	<u>The number of required parking spaces shall be determined by the city planner and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: 1) employees, 2) beds and 3) service deliveries.</u>
	<u>Farmworker housing complex, small</u>	<u>One parking space for every four beds plus one space for an on-site manager.</u>

AMENDMENTS TO CHAPTER 21.209

21.209.040

Table A of Section 21.209.040 (CR-A/OS Cannon Road Agricultural/Open Space Zone, Permitted primary and secondary uses) is proposed to be amended to add in alphabetical order the following Primary agricultural use and renumbering of the following footnote:

**Table A
Permitted Uses**

In the table, below, subject to all applicable permitting and development requirements of the municipal code:

“P” indicates that the use is permitted.

“CUP” indicates use is permitted with approval of a conditional use permit.

1 = Administrative hearing process

2 = Planning Commission process

Agricultural Uses		
Primary Agricultural Uses	P	CUP
Agricultural crop production (wholesale) (including floriculture and horticulture, and structures necessary for production, maintenance, harvesting, storage and distribution functions associated with directly supporting the on-site primary agricultural crop production use)	X	
Agricultural-related educational, research and development facilities		1
Community farming (example: individual citizens or community groups growing agricultural crops)	X	
<u>Farmworker, housing complex, small (subject to Section 21.10.125)</u> <u>(defined: Section 21.04.148.4)</u>	<u>X</u>	
Energy transmission and distribution facilities, including but not limited to rights-of-way and pressure control or booster stations, substations, gas metering/regulating stations or operating centers for gasoline, electricity, natural gas, synthetic natural gas, oil or other forms of energy sources, with the necessary accessory equipment incidental thereto	X	
Farmers market (sale of primarily agricultural products)		1
Floral trade center (wholesale or retail)		2
Greenhouses	X	
Plant nurseries and supplies (retail)		1
Tree and seed growing farms	X	
Utility buildings/facilities that are built, operated, or maintained by a public utility to the extent that they are regulated by the California Public Utilities Commission	X	
Vineyards and wineries	X	
Secondary Agricultural Uses	P	CUP
Agricultural distribution facilities		2
Other accessory or related uses that promote the continuation of a primary permitted agricultural use, as determined by the City Planner		1
Public/private events and activities (permanent or temporary) related to promoting a primary permitted agricultural use (examples: demonstrations, seasonal sales/temporary sales, special events, tours) (see note 2-1 below)	X	
Retail sales of agricultural crops and related products limited to a cumulative area of 1,000 square feet or less (examples: on- premise sale of crops to the public, produce store, “you pick” operations, sale of products made from crops)	X	
Retail sales of agricultural crops and related products with a cumulative		1

area of more than 1,000 square feet (examples: on-premise sale of crops to the public, produce store, "you pick" operations, sale of products made from crops)		
Open Space Uses		
Primary Open Space Uses	P	CUP
Amphitheater		2
Aquarium		1
Art gallery		1
Civic and public gathering spaces (examples: art display, gazebos, public plazas, sitting areas, water features, wedding areas)	X	
Community learning center (excluding "educational institution or school" as defined in Section 21.04.140)		1
Community meeting center (excluding a city hall or civic center)		1
Cultural center		1
Dog park		1
Energy transmission and distribution facilities, including but not limited to rights-of-way and pressure control or booster stations, substations, gas metering/regulating stations or operating centers for gasoline, electricity, natural gas, synthetic natural gas, oil or other forms of energy sources, with the necessary accessory equipment incidental thereto	X	
Gardens (public or private) (examples: botanical, rose, tea, and meditation gardens)		1
Habitat preserves and natural areas	X	
Historic center		1
Museum		1
Parks (public or private)		1
Performing arts center		2
Picnic areas		1
Sports or recreation center (public or private) (indoor or outdoor) (examples: athletic courts and fields, boys and girls club, lawn bowling, swimming pools, tennis courts)		2
Trails (examples: bicycle, exercise, equestrian, nature, pedestrian)	X	
Utility buildings/facilities that are built, operated, or maintained by a public utility to the extent that they are regulated by the California Public Utilities Commission	X	
Secondary Open Space Uses	P	CUP
Food service, including restaurants and cafes, limited to a cumulative area of 500 square feet or less	X	
Food service, including restaurants and cafes with a cumulative area of more than 500 square feet		1
Other accessory or related uses that promote the continuation of a primary permitted open space use		1
Public/private events and activities (permanent or temporary) related to promoting a primary permitted open	X	

space use (examples: demonstrations, seasonal sales/temporary sales, special events, tours) (see note 2-1 below)		
Retail sales of goods and products, related to a primary permitted open space use, limited to a cumulative area of 500 square feet or less	X	
Retail sales of goods and products, related to a primary permitted open space use, with a cumulative area of more than 500 square feet		1

~~21.209.040~~

Table A of Section 21.209.040 (CR-A/OS Cannon Road Agricultural/Open Space Zone, Primary Agricultural uses) is proposed to be amended by the deletion of the following Primary Agricultural use:

Uses	P	CUP	Acc
Agricultural farm worker housing (see note 1 below)	X		

~~21.209.040~~

Table A of Section 21.209.040 (CR-A/OS Cannon Road Agricultural/Open Space Zone, Permitted primary and secondary uses) is proposed to be amended by the deletion of the following footnote and renumbering of the remaining footnote:

Notes:

- ~~1. Agricultural farm worker housing consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household is permitted in accordance with California Health and Safety Code Section 17021.6.~~
- ~~2. 1. Subject to Special Events (Chapter 8.17 of this Code), Minor Special Events on Private Property and/or Temporary Sales Location permits as appropriate.~~