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Prepared January 31, 2020 (for February 12, 2020 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Rainey Graeven, Coastal Planner

**Subject: Santa Cruz County LCP Amendment Number LCP-3-SCO-19-0200-3
(Agricultural & School Employee Housing).**

Proposed Amendment

Santa Cruz County proposes to modify Land Use Plan (LUP) Chapters 2, 5, and 7, and Implementation Plan (IP) Chapters 13.10, 13.14, 16.50, 17.02, and 18.10 to help facilitate the construction of affordable agricultural employee (farmworker) housing within certain agricultural zoning districts/land use designations and affordable rental/school employee housing within the Public Facilities zoning district/land use designation. The amendments also clarify that certain types of farmworker housing projects are an agricultural use permitted on land zoned for agriculture consistent with state law, and both update and clarify existing code sections related to smaller farmworker housing projects. See **Exhibit 1** for the proposed amendment text.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is “minor.” 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

14 CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

14 CCR Section 13554(d)(2). Correction, reorganization, revisions, or deletions of certified language which when taken together does not change the kind, location, intensity or density of use or modify the resource protection measures for any area or property.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a regular LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved and it

becomes a certified part of the LCP.

The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is minor.

The proposed LCP amendment would add new regulations governing agricultural and school employee workforce housing, including requiring the recordation of deed restrictions and monitoring/enforcement to ensure that these units are actually rented to the intended populations. Because residential uses are already allowed within the applicable agricultural and public facilities zoning districts/land use designations, and the proposed amendments add new requirements including related to deed restrictions and enforcement, the proposed amendments strengthen the LCP. Specifically, the proposed amendments related to agricultural workforce housing would ensure that such units are in fact used for agricultural workforce housing, thus helping to ensure a reliable workforce to maintain existing agricultural uses and operations on agriculturally zoned and designated land. In other words, the proposed amendments increase the economic viability of the agricultural industry by facilitating the development of new workforce housing, which in turn will help ensure that agriculturally zoned and designated land continues to be used for agricultural production. Finally, the amendments also allow “Affordable Rental Housing” and “School Employee Housing” as types of residential uses on public properties with the goal of creating affordable rental units for teachers and other school employees.

In terms of whether the proposed amendments would result in a change in density and/or intensity on agricultural land, the proposed amendments essentially entail “clean up” of the existing agricultural use charts by eliminating and consolidating the different types of agricultural workforce housing, and thus no change in density or intensity would occur. Specifically, “Caretaker’s Quarters,” “Farmworker Housing,” “Farm Worker Camps,” and “1-20 Unit Manufactured Homes” would be eliminated from the agricultural use charts and replaced with an Employer Housing Act (EHA)¹ project (i.e., an “Employer-Provided Farmworker Housing Project,”² a “Rural Farmworker Housing Project”³ or a “Small Farmworker Housing Project subject to the EHA,”⁴ or a “Small Farmworker Housing Project not subject to the EHA.”⁵ These types of farmworker housing would be principally permitted with the exception of the “Small Farmworker Housing Project not subject to the EHA” because, as is explained in its name, it is not subject to the State’s EHA law. In addition, the agricultural use charts currently have two separate listings for single dwelling unit and multiple dwelling unit allocations (i.e.,

¹ The County made the proposed amendments related to EHA projects to comply with recently amended State law (the EHA) and to implement an objective in its Housing Element Implementation Plan (part of the County’s General Plan).

² An “Employer-Provided Farmworker Housing Project” is defined as entailing 5 to 36 beds in group quarters designed for single adult farmworkers or 5 to 12 dwelling units or mobile homes designed for farmworker families.

³ A “Rural Farmworker Housing Project” is defined as entailing 5 to 36 beds or 5 to 12 units for seasonal or temporary occupancy or up to 12 mobile homes, manufactured homes, travel trailers, or RVs for permanent occupancy and located in rural areas only.

⁴ A “Small Farmworker Housing Project subject to the EHA” is defined as entailing 1 to 4 dwelling units or mobile homes housing at least 5 farmworkers.

⁵ A Small Farmworker Housing Project not subject to the EHA” is defined as entailing 1 to 4 dwelling units housing no more than 4 farmworkers total in each unit, and at least 1 farmworker per unit.

“single dwelling unit” and “multiple dwelling units” are each listed twice); the proposed amendments would remove the redundant listing of single and multiple dwelling units, leaving only one of each.

Pursuant to the proposed amendments, EHA projects located on a single property (i.e., a single farm operation, potentially including multiple contiguous parcels under common ownership) would be limited to a farmworker housing project of up to 12 units or 36 beds, regardless of the number of parcels comprising the farm, if the applicant wishes to utilize the permitting path prescribed in Section 17021.6 of the EHA and in the proposed amendments (e.g., IP Sections 13.10.631(D) and (F)). Projects above those size limits would not be principally permitted and would be subject to additional LCP requirements, including with respect to density.

Therefore the amendments consolidate the type and number of farmworker housing units compared to the existing use charts, which technically do not specify a maximum cap on the number of dwelling units, farm worker camps, caretakers quarters, and manufactured homes provided the density requirements (i.e., the minimum parcel size per residential unit) for each type of housing are met, in addition to allowing a single-family residence and an accessory dwelling unit. In sum, the proposed amendments replace certain types of allowable farmworker housing with the specific types of farmworker housing articulated in recently amended state law (EHA projects), or a “Small Farmworker Housing Project not subject to the EHA.” Thus, the proposed amendments would not result in an increase in density of residential uses on agricultural land compared to what is currently allowed by the LCP. Furthermore, the existing necessary coastal development permit (CDP) findings, including that the project meets LCP policies related to public access/recreation, visual resource protection, and ESHA, would continue to apply to principally permitted EHA projects and to non-EHA projects. In addition, the density requirements and specific agricultural findings listed under IP Section 13.10.312 would continue to apply to all non-EHA projects within the coastal zone. Moreover, the required special findings for Commercial Agriculture and Agricultural Preserve uses (including that the use will enhance or support the continued operation of commercial agriculture; will not reduce, restrict, or adversely affect agricultural resources, etc. [see IP section 13.10.314]) would continue to apply to EHA projects and the “Small Farmworker Housing Project not subject to the EHA,” thereby ensuring the protection of agricultural land.

Finally, under the proposed amendments, both EHA projects and “Small Farmworker Projects not subject to the EHA” would require a “Level 5” CDP, which would be subject to noticing and public hearing requirements and be appealable to the Commission (notwithstanding the fact that for EHA projects, the use is principally permitted pursuant to state law).

The proposed school employee housing/affordable rental housing on PF-zoned land is intended to encourage the development of affordable housing for teachers and other school workers. Residential uses are already allowed on PF-zoned land pursuant to a master use permit and CDP (at densities allowed within residential zoning districts), and thus the proposed amendments would not result in a change in density or intensity of use on PF-zoned land. The proposed amendments would require a Level 5 review for 2 to 4 units, and a Level 6 review for 5+ units, both of which would be appealable to the Commission.

In conclusion, the proposed amendments strengthen the LCP by eliminating redundancy, increasing specificity, and adding additional requirements to ensure adequate protection of

agricultural land, and will encourage the development of affordable housing for school employees. Thus, the proposed LCP amendment qualifies under the regulatory definition of a minor LCP amendment as “changes in wording” and “correction, reorganization, revisions, or deletions” “which do not change the kind, location, intensity, or density of use.”

California Environmental Quality Act (CEQA)

The Coastal Commission’s review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. (*See* 14 CCR Section 15251(f).) Local governments are not required to undertake environmental analysis of proposed LCP amendments (*see* Pub. Res. Code Section 21080.9; *see also* 14 CCR Section 15265(a)(1)), although the Commission can and does use any environmental information that the local government has developed in certifying LCP amendments consistent with Coastal Act and CEQA requirements. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

Santa Cruz County adopted a Negative Declaration for the proposed LCP amendments (i.e., December 12, 2019 Agricultural Employee (Farmworker), Public Facility and School Employee Housing Policy and Code Amendments) and in doing so found that the amendment would not have significant adverse environmental impacts. This report has discussed the relevant coastal resource issues with the proposal including those related to land use and agricultural resources. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its February 12, 2020 meeting in Long Beach. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Rainey Graeven at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by 5:00 p.m. on February 7, 2020.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 10, 2020. It amends both the IP and LUP components of the LCP. The 90-working-day action deadline is May 20, 2020. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until May 20, 2020 to take a final action on this LCP amendment.

Exhibit:

Exhibit 1: Proposed Amendment Text in Strikethrough and Underline