

ANALYSIS

This ordinance amends Title 22 — Planning and Zoning of the Los Angeles County Code relating to the development of and standards for farmworker housing in accordance with the California Employee Housing Act, section 17000 et seq., of the California Health and Safety Code.

ANDREA SHERIDAN ORDIN
County Counsel

By 

LAWRENCE L. HARETZ
Principal Deputy County Counsel
Property Division

LLH:sh

11/17/09 (requested)

08/12/10 (revised)

ORDINANCE NO. _____

An ordinance amending Title 22 — Planning and Zoning of the Los Angeles County Code, relating to the development of and standards for farmworker housing in accordance with the California Employee Housing Act, section 17000, et seq., of the California Health and Safety Code.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1 Section 22.08.060 is hereby amended to add in alphabetical order as follows:

22.08.060 F.

...

— "Farmworker" means the same as "agricultural employee" as defined in section 1140.4(b) of the California Labor Code.

— "Farmworker dwelling unit" means a single-family residential unit, other than a mobile home, that accommodates five or six farmworkers at any one time and must be occupied exclusively by these farmworkers.

— "Farmworker housing" means a housing accommodation developed for and/or provided to a minimum of five farmworkers, and shall consist of any living quarters, dwelling, boarding house, tent, barracks, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodation maintained in one or more buildings and on one or more sites.
Farmworker housing shall consist of either: (1) a farmworker dwelling unit; or (2) a farmworker housing complex.

— "Farmworker housing complex" means farmworker housing other than a farmworker dwelling unit that: (1) contains a maximum of 36 beds if the housing consists of any group living quarters, such as barracks or a bunkhouse, and is occupied exclusively by farmworkers; or (2) contains a maximum of 12 residential units, occupied exclusively by farmworkers and their households, if the housing does not consist of any group living quarters.

...

SECTION 2. Section 22.20.070 is hereby amended to add in alphabetical order as follows:

22.20.070 Permitted uses.

Property in Zone R-1 may be used for:

...

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

...

SECTION 3. Section 22.20.100 is hereby amended to add in alphabetical order as follows:

22.20.100 Uses subject to permits.

Property in Zone R-1 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of each permit for:

...

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52.

...

SECTION 4. Section 22.20.170 is hereby amended to add in alphabetical order as follows:

22.20.170 Permitted uses.

Property in Zone R-2 may be used for:

...

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

...

SECTION 5. Section 22.20.200 is hereby amended to add in alphabetical order as follows:

22.20.200 Uses subject to permits.

Property in Zone R-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52.

...

SECTION 6. Section 22.20.260 is hereby amended to add in alphabetical order as follows:

22.20.260 Permitted uses.

Property in Zone R-3-()U may be used for:

...

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52, and to the requirements of Section 22.20.310, provided these complexes are any of the following:

1. An apartment house;
2. A two-family residence; or
3. Multiple detached residential units on one lot, each unit of which

complies with Section 22.20.105, subject to any applicable requirements of the Subdivision Map Act, California Government Code section 66410, et seq., and/or Title 21 of the County Code, regarding a lease-project subdivision.

...

SECTION 7. Section 22.20.290 is hereby amended to add in alphabetical order as follows:

22.20.290 Uses subject to permits.

Property in Zone R-3-()U may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52, provided these complexes consist of accommodations other than those farmworker housing complex types authorized as permitted uses in Section 22.20.260.

...

SECTION 8. Section 22.20.340 is hereby amended to add in alphabetical order as follows:

22.20.340 Permitted uses.

Property in Zone R-4-()U may be used for:

...

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52, and to the requirements of Section 22.20.390, provided these complexes are any of the following:

1. An apartment house;
2. A rooming house or boarding house;
3. A two-family residence; or

4. Multiple detached residential units on one lot, each unit of which complies with Section 22.20.105, subject to any applicable requirements of the Subdivision Map Act, California Government Code section 66410, et seq., and/or Title 21 of the County Code, regarding a lease-project subdivision.

...

SECTION 9. Section 22.20.370 is hereby amended to add in alphabetical order as follows:

22.20.370 Uses subject to permits.

Property in Zone R-4-()U may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52, provided these complexes consist of accommodations other than those farmworker housing complex types authorized as permitted uses in Section 22.20.340.

...

SECTION 10. Section 22.20.410 is hereby amended to add in alphabetical order as follows:

22.20.410 Permitted uses.

Property in Zone R-A may be used for:

...

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52.

...

SECTION 11. Section 22.24.070 is hereby amended to add in alphabetical order as follows:

22.24.070 Permitted uses.

Premises in Zone A-1 may be used for:

A. The following uses:

...

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52.

...

SECTION 12. Section 22.24.120 is hereby amended to add in alphabetical order as follows:

22.24.120 Permitted uses.

Premises in Zone A-2 may be used for:

A. The following uses:

...

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52

...

SECTION 13. Section 22.24.150 is hereby amended to read as follows:

22.24.150 Uses subject to permits.

Property in Zone A-2 may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— ~~Farm labor camps.~~

...

SECTION 14. Section 22.28.030 is hereby amended to read as follows:

22.28.030 Permitted uses.

Premises in Zone C-H may be used for the following ~~commercial uses~~:

...

C. Residential Uses.

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52.

SECTION 15. Section 22.28.080 is hereby amended to read as follows:

22.28.080 Permitted uses.

Premises in the Zone C-1 may be used for:

...

C. The following residential uses:

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52.

SECTION 16. Section 22.28.130 is hereby amended to read as follows:

22.28.130 Permitted uses.

Premises in Zone C-2 may be used for:

...

C. The following residential uses:

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52.

SECTION 17. Section 22.28.180 is hereby amended to read as follows:

22.28.180 Permitted uses.

Premises in Zone C-3 may be used for:

...

C. The following residential uses:

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52.

SECTION 18. Section 22.28.260 is hereby amended to add in alphabetical order as follows:

22.28.260 Uses subject to permits.

Premises in Zone C-M may be used for:

A. The following uses, provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, and while such permit is in full force and effect in conformity with the conditions of such permit for:

...

— Farmworker dwelling units, subject to the applicable provisions of Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable provisions of Part 24 of Chapter 22.52.

...

SECTION 19. Section 22.28.290 is hereby amended to read as follows:

22.28.290 Permitted uses.

A. Premises in Zone C-R may be used for:

...

3. Farmworker Housing.

— Farmworker dwelling units, subject to the applicable provisions of

Part 24 of Chapter 22.52.

— Farmworker housing complexes, subject to the applicable

provisions of Part 24 of Chapter 22.52.

...

SECTION 20. Section 22.52.1180 is hereby amended to read as follows:

22.52.1180 Residential uses.

...

F.

1. Notwithstanding any other provision of this section to the contrary,
parking spaces for farmworker dwelling units and farmworker housing complexes may
be uncovered and/or in tandem.

2. A farmworker housing complex consisting of any group living
quarters, such as barracks or a bunkhouse, shall have one parking space for every
three beds in the complex.

SECTION 21. Part 24 of Chapter 22.52 is hereby added to read as follows:

PART 24

FARMWORKER HOUSING

SECTIONS:

- 22.52.2500 Purpose.
- 22.52.2510 Prohibited areas for farmworker housing.
- 22.52.2520 Farmworker housing requirements.
- 22.52.2530 Development standards.
- 22.52.2540 Covenant and agreement.

22.52.2500 Purpose.

Under California Government Code section 65580(a), the Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. The purpose of this Part 24 is to promote the development of, and to establish development standards for, farmworker housing consistent with this legislative declaration and pursuant to California Health and Safety Code section 17000 et seq., known as the Employee Housing Act.

22.52.2510 Prohibited areas for farmworker housing.

A. Farmworker housing shall be prohibited at any location where any portion of the building site is located in:

1. An airport influence area, as described in the applicable airport land use plan adopted by the County, as such plan may be amended from time to time; or

2. An environmentally sensitive habitat area, as described in the California Coastal Act, California Public Resources Code section 30000, et seq., and/or any applicable County local coastal program adopted thereunder.

B. In addition to the prohibited areas described in subsection A of this section, a farmworker housing complex shall also be prohibited in any location designated by the County Fire Department as a very high fire hazard severity zone.

22.52.2520 Farmworker housing requirements.

A. In addition to complying with the Employee Housing Act, all farmworker housing shall comply, where applicable, with the California Mobilehome Parks Act, section 18200, et seq., of the California Health and Safety Code, and the California Special Occupancy Parks Act, section 18860, et seq., of the California Health and Safety Code.

B. Farmworker housing may be developed and/or maintained for the purpose of providing temporary, seasonal, or permanent housing for farmworkers, where temporary and seasonal housing shall have the same meaning as "temporary employee housing" and "seasonal employee housing," as defined in sections 17010(a) and 17010(b), respectively, of the California Health and Safety Code.

C. Farmworker housing shall be allowed, but shall not be required to be: (1) developed or provided by the employer(s) of the farmworker; and/or (2) located on the same property where the involved farmwork is performed.

D. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of: (1) temporary or seasonal farmworker housing, as described in subsection B of this section; or (2) a mobile home, manufactured home, travel trailer, or recreational vehicle, if such housing is intended to be permanent.

E. Prior to obtaining an approval for a farmworker housing complex, the applicant shall submit all required information and obtain all applicable approvals to and from the County Departments of Regional Planning, Public Health, Fire, and Public Works related to the complex. All fees associated with each department's review shall be paid to the respective department. Improvements to the farmworker housing complex required by these departments shall be constructed and/or installed by the applicant.

F. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development ("HCD") to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing the farmworker housing; the number of its units, spaces, or beds; the number and employment status of its occupants; any other employment information of the occupants required by the Director; and proof that the HCD permit for the farmworker housing is current and valid.

22.52.2530 Development standards.

A. Setbacks. Notwithstanding any setback standards otherwise applicable in the underlying zone, all farmworker housing shall be located a minimum of 75 feet from

any barn, pen, or other structure that houses livestock or poultry, and a minimum of 50 feet from any other agricultural use, as described in section 1140.4(a) of the California Labor Code.

B. Floor area. Notwithstanding any floor area standards otherwise applicable in the underlying zone, farmworker housing complexes that consist of group living quarters, such as barracks or a bunkhouse, shall have a minimum floor area of 50 square feet per occupant for sleeping purposes.

22.52.2540 **Covenant and agreement.**

Within 30 days after approval of an application 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 County of Los Angeles, declaring that the farmworker housing will continuously be maintained as such in accordance with this Part 24 and also that:

A. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from HCD pursuant to the Employee Housing Act and the regulations promulgated thereunder;

B. The improvements required by the County Departments of Regional Planning, Public Health, Fire, and Public Works related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;

C The applicant will submit the annual verification form to the Director as required by Section 22.52.2520(F) of this Part; and

D. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Part 6 of Chapter 22.60.

[2220070LHCC]

EXECUTIVE OFFICE – BOARD OF SUPERVISORS

AGENDA ENTRY

DATE OF MEETING	SEPTEMBER 14, 2010
DEPARTMENT NAME:	COUNTY COUNSEL
BOARD LETTERHEAD:	COUNTY COUNSEL
SUPERVISORIAL DISTRICT AFFECTED:	ALL
VOTES REQUIRED:	3
CHIEF INFORMATION OFFICER'S RECOMMENDATION:	<input type="checkbox"/> APPROVE <input type="checkbox"/> APPROVE WITH MODIFICATION <input type="checkbox"/> DISAPPROVE

****** ENTRY MUST BE IN MICROSOFT WORD ******

Instructions: To comply with the Brown Act requirement, the reader should fully understand what the department is asking the Board to approve. The recommendation must describe what the action is for, with whom the action is being taken, fiscal impact, including money amounts, funding sources and effective dates. Also, include an instruction for the Chair(man) or Director to sign when such signature is required on a document.

Recommendation: Ordinance for adoption of amending Title 22 – Planning and Zoning relating to the development of and standards for farmworker housing in accordance with the California Employee Housing Act, section 17000, et seq., of the California Health and Safety Code. (On October 27, 2009, the Board indicated its intent to approve) (County Counsel)