

TO: James L. App, City Manager
FROM: Ronald Whisenand, Community Development Director
SUBJECT: Code Amendment 09-002: Employee Housing
DATE: July 7, 2009

Needs: Consider supplemental information and either amend or adopt ordinance relating to housing policies (“employee housing”)

Facts:

1. The Council held a public hearing on June 16, 2009 to consider a draft ordinance relating to employee housing. The draft changes were required in order to comply with adopted City Housing Element policies (2004) and changes in state housing laws.
2. The Council introduced the Ordinance, but asked whether the State’s Health and Safety Code limited the size of permitted housing to employees, or if it includes family members as well.
3. According to the City Attorney (see attached memo), the law was not intended for family members to occupy units permitted under employee housing regulations.

Analysis & Conclusion: Section 3 of the draft Ordinance, as introduced by the Council on June 16th references proposed modifications to the City’s Zoning Ordinance use table (Table 21.16.200. The City Attorney has indicated that employee housing defined in Sections 17021.5 and .6 does not include family members. Council has the option of adopting the language as currently drafted, or consider adding the following clarifying language to both section a. and b. of the draft ordinance:

** Family members of employees are not permitted.

Policy Reference: See staff report for June 16th public hearing

Options:

- a. Adopt Ordinance No. XXX N.S. amending the Zoning Code to establish a definition and regulations for Employee Housing.
- b. Reintroduce Ordinance No. XXX N.S, as modified, amending the Zoning Code to establish a definition and regulations for Employee Housing.
- c. Amend, modify or reject the foregoing options.

Attachment 1 June 16th Report with Attachments

TO: James App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Code Amendment 09-002: Employee Housing
DATE: June 16, 2009

Needs: To consider a City-initiated amendment to the Zoning Code to establish regulations pertaining to employee housing as a means of addressing the city need for housing for seasonal farmworkers, as identified in the Housing Element.

- Facts:
1. State Housing Element Law (Government Code Sections 65580 et seq.) require that the City estimate the number of farmworkers in the community and provide sufficient sites to meet their housing needs without the need for a conditional use permit.
 2. The Draft 2009 Update to the Housing Element (p. H-35) estimates that there are 700 farmworkers in the City, of which 330 could be permanent residents and 370 might be seasonal (migrant) workers.
 3. The current (2004) Housing Element and the Draft 2009 Update both state that the best way to meet the needs of permanent farmworkers is to provide new rental housing that is affordable to low and very-low income households.
 4. The current Housing Element includes Policy H-1B and Action Item 9, which state:

POLICY H-1B: Range of Housing Opportunities. Cooperate with private housing developers, nonprofit housing sponsors, and public agencies to promote and expand housing opportunities for all segments of the community, recognizing such factors as income, age, family size, and mobility.

Action Item 9. Amend the Zoning Code to provide that housing designed to meet the needs of seasonal farmworkers is permitted in the R-4 and R-5 Zones (RMF-16 and RMF-20 Land Use Categories).
 5. As part of the Draft 2009 Update, City staff discovered that the State's Employee Housing Act (Health and Safety Code Section 17000 et seq.) provides options for meeting the housing needs of seasonal farmworkers. This will be discussed in greater detail in the Analysis section below.
 6. This code amendment could enable the filing of an application to develop a dormitory with as many as 36 beds on an agriculturally-zoned property, which could be considered a project under the California Environmental Quality Act (CEQA). While the actual environmental effects of any particular employee housing project would be addressed by an environmental review prepared for a specific project, a Negative Declaration has been prepared for this code amendment.
 7. The Planning Commission conducted a public hearing on the proposed code amendment on May 12, 2009 and unanimously recommended that the Council adopt the ordinance as proposed.

Analysis and
Conclusion:

When the 2004 Housing Element was being prepared, the State Department of Housing and Community Development (HCD) advised the City that the Element had to address the needs of seasonal farmworkers by providing housing by right, as opposed to being subject to issuance of a conditional use permit. At that time, staff did not have as complete an understanding of methods to achieve this objective and prepared Action Item 9, which foresaw dormitories or boardinghouses in the R-4 and R-5 Zones as being necessary. Presently, the Zoning Code requires a conditional use permit in the multi-family zones for such uses.

The State's Employee Housing Act provides opportunities for housing that is owned by an employer and available for occupancy only by its employees. This act provides that two types of housing are permitted by right, subject to obtaining a permit from the HCD's Codes and Standards Division (which also regulates mobile home parks). The two types are described below.

Sections 17021.5 and 17021.6, respectively, of the State's Health and Safety Code provide the following:

- That any employee (farmworker) housing providing accommodations for six or fewer employees shall be deemed a single-family structure permitted in an agricultural or residential zoning district and shall not require a conditional use permit;
- That any employee (farmworker) housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household") shall be deemed an "agricultural land use designation" permitted in zoning districts which allow agricultural uses and shall not require a conditional use permit. In the City, agricultural uses are allowed in the AG (Agriculture) and RA (Residential Agriculture) zoning districts.

Most of the AG and RA-zoned properties in the City are located within the Airport Land Use Plan, which provides that no new housing may be developed on properties covered by the plan. It should be noted that the provisions of the Employee Housing Act do not supersede the Airport Land Use Plan's provisions. There are AG and RA-zoned properties located outside of the Airport Land Use Plan.

The following is noteworthy:

- The City has an inventory of thousands of single-family dwelling units that could be the subject of a permit from HCD for employee housing under Section 17021.5. Therefore, there is no dearth of capacity to meet the housing need for seasonal farmworkers in this manner.
- The Employee Housing Act defines employee housing in a strict manner so that persons who are not employees of the owner of the unit may not occupy the unit.
- Non-agricultural employers could also establish employee housing. However, they would be limited to the provisions of Section 17021.5, which limit it to 6 or fewer residents in single-family units on residentially- (but not agriculturally-) zoned property.

The attached ordinance would define “employee housing” as “Housing as described, defined, and regulated by the Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code.” The ordinance would also make the following changes to the land use matrix (Table 21.16.200):

- Delete the term “Temporary farm labor housing”, which is not defined elsewhere in the Zoning Code and is presently listed as a conditional use in the AG Zone.
- Add “Employee Housing as described, defined, and regulated by the State Employee Housing Act (California Health and Safety Code Sections 17000 et seq. and subject to issuance of an Employee Housing Permit by the California Department of Housing and Community Development, Codes and Standards Division.” with two subitems as follows:
 - a. Employee Housing per Section 17021.5 of the California Health and Safety Code for 6 or fewer employees would be permitted in all agricultural (AG and RA) and residential (R-1 through R-5) zones, subject to a limitation that Employee Housing is not permitted on properties within the Airport Land Use Plan.
 - b. Employee Housing per Section 17021.6 of the California Health and Safety Code consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household would be permitted in all agricultural (AG and RA) zones, subject to a limitation that Employee Housing is not permitted on properties within the Airport Land Use Plan.

Policy

Reference: General Plan: Housing Element; Health and Safety Code Sections 17000 et seq.

Fiscal

Impact: None

Options:

After consideration of all public testimony, that the City Council consider the following options:

- a. (1) Adopt the attached resolution approving a Negative Declaration for the proposed code amendment.
- (2) Introduce the attached Ordinance amending the Zoning Code to establish a definition and regulations for Employee Housing, and set July 7, 2009 for adoption.
- b. Amend, modify or reject the foregoing options.

Prepared by Ed Gallagher, City Planner

Attachments:

1. Resolution to Adopt a Negative Declaration (including Initial Study)
2. Ordinance Amending the Zoning Code to Establish Regulations for Employee Housing
3. Newspaper Notice

EDICODE AMENDIFARMWORKER HOUSINGICC REPORT

RESOLUTION NO: _____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
APPROVING A NEGATIVE DECLARATION FOR
CODE AMENDMENT 09-002
(EMPLOYEE HOUSING)

WHEREAS, the Employee Housing Act, embodied in California Health and Safety Code Sections 17000 et seq., provide that certain types of employee housing, including housing designed to meet the needs of agricultural workers, are to be permitted by right in residential and agricultural zoning districts; and

WHEREAS, the Housing Element of the City's General Plan includes Policy H-1B and Action Item 9, which state:

POLICY H-1B: Range of Housing Opportunities. Cooperate with private housing developers, nonprofit housing sponsors, and public agencies to promote and expand housing opportunities for all segments of the community, recognizing such factors as income, age, family size, and mobility.

Action Item 8. Amend the Zoning Code to provide... housing designed to meet the needs of seasonal farmworkers...; and

WHEREAS, the City filed Code Amendment 09-002 both to amend the necessary Zoning Code sections to accommodate Policy H-1B and Action Item 9 of the Housing Element of the City's General Plan; and

WHEREAS, this Code Amendment could enable the filing of an application to develop a dormitory with as many as 35 beds on an agriculturally-zoned property, which could be considered a project under the California Environmental Quality Act (CEQA); and

WHEREAS, public notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study (Exhibit A) prepared for this project and testimony received as a result of the public notice, the City Council finds that there is no substantial evidence that there would be a significant impact on the environment as a result of this city-wide code amendment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve a Negative Declaration for Code Amendment 09-002.

Introduced at a regular meeting of the City Council held on May 19, 2009, and passed and adopted by the City Council of the City of El Paso de Robles on the 2nd day of June, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy David, Deputy City Clerk

**CITY OF PASO ROBLES – PLANNING DIVISION
INITIAL STUDY**

1. GENERAL PROJECT INFORMATION

PROJECT TITLE: Code Amendment 09-002, Employee Housing

LEAD AGENCY: City of Paso Robles - 1000 Spring Street, Paso Robles, CA 93446

Contact: Darren Nash, Associate Planner
Telephone: (805) 237-3970

PROJECT LOCATION: City Wide

PROJECT PROPONENT: City Initiated

**LEAD AGENCY CONTACT/
INITIAL STUDY PREPARED BY:** Darren Nash, Associate Planner

Telephone: (805) 237-3970
Facsimile: (805) 237-3904
E-Mail: dnash@prcity.com

GENERAL PLAN DESIGNATION: N/A

ZONING: N/A

2. PROJECT DESCRIPTION

To amend the Zoning Code (Title 21 of the Municipal Code) to establish regulations for employee housing, particularly for seasonal agricultural workers. This ordinance implements mandates imposed on local governments by State Housing Element Law (Government Code Sections 65580 et seq.) and the State Employee Housing Act (Health and Safety Code Sections 17000 et seq.).

3. OTHER AGENCIES WHOSE APPROVAL MAY BE REQUIRED (For example, issuance of permits, financing approval, or participation agreement):

None

4. EARLIER ENVIRONMENTAL ANALYSIS AND RELATED ENVIRONMENTAL DOCUMENTATION:

This Initial Study incorporates by reference the City of El Paso de Robles General Plan Environmental Impact Report (EIR) (SCH#2003011123).

5. CONTEXT OF ENVIRONMENTAL ANALYSIS FOR THE PROJECT:

This Initial Study analyzes the effects of this Code Amendment that would effect residential and agriculture zoned properties city-wide. This code amendment could enable the filing of an application to develop a dormitory with as many as 35 beds on an agriculturally-zoned property, which could be considered a project under the California Environmental Quality Act (CEQA). The actual environmental effects of any particular employee housing project would be addressed by an environmental review prepared for a specific project.

6. PURPOSES OF AN INITIAL STUDY

The purposes of an Initial Study for a Development Project Application are:

- A. To provide the City with sufficient information and analysis to use as the basis for deciding whether to prepare an Environmental Impact Report, a Mitigated Negative Declaration, or a Negative Declaration for a site specific development project proposal;
- B. To enable the Applicant of a site specific development project proposal or the City as the lead agency to modify a project, mitigating adverse impacts before an Environmental Impact Report is required to be prepared, thereby enabling the proposed Project to qualify for issuance of a Negative Declaration or a Mitigated Negative Declaration;
- C. To facilitate environmental assessment early in the design of a project;
- D. To eliminate unnecessary EIRs;
- E. To explain the reasons for determining that potentially significant effects would not be significant;
- F. To determine if a previously prepared EIR could be used for the project;
- G. To assist in the preparation of an Environmental Impact Report if one is required; and
- H. To provide documentation of the factual basis for the finding of no significant effect as set forth in a Negative Declaration or a Mitigated Negative Declaration prepared for the a project.

7. EXPLANATION OF ANSWERS FOUND ON THE ENVIRONMENTAL CHECKLIST FORM

A. Scope of Environmental Review

This Initial Study evaluates potential impacts identified in the following checklist.

B. Evaluation of Environmental Impacts

1. A brief explanation is required for all answers to the questions presented on the following Environmental Checklist Form, except where the answer is that the proposed project will have "No Impact." The "No Impact" answers are to be adequately supported by the information sources cited in the parentheses following each question or as otherwise explained in the introductory remarks. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors and/or general standards. The basis for the "No Impact" answers on the following Environmental Checklist Form is explained in further detail in this Initial Study in Section 9 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 10 (Context of Environmental Analysis for the Project).
2. All answers on the following Environmental Checklist Form must take into account the whole action involved with the project, including implementation. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more

“Potentially Significant Impact” entries when the determination is made, preparation of an Environmental Impact Report is warranted.

4. Potentially Significant Impact Unless Mitigated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level. Mitigation Measures from Section 9 (Earlier Environmental Analysis and Related Environmental Documentation) may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). See Section 4 (Earlier Environmental Analysis and Related Environmental Documentation) and Section 11 (Earlier Analysis and Background Materials) of this Initial Study.
6. References to the information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the Environmental Checklist Form. See Section 11 (Earlier Analysis and Related Environmental Documentation). Other sources used or individuals contacted are cited where appropriate.
7. The following Environmental Checklist Form generally is the same as the one contained in Title 14, California Code of Regulations, with some modifications to reflect the City’s needs and requirements.
8. Standard Conditions of Approval: The City imposes standard conditions of approval on Projects. These conditions are considered to be components of and/or modifications to the Project and some reduce or minimize environmental impacts to a level of insignificance. Because they are considered part of the Project, they have not been identified as mitigation measures. For the readers’ information, the standard conditions identified in this Initial Study are available for review at the Community Development Department.
9. Certification Statement: The statements made in this Initial Study and those made in the documents referenced herein present the data and information that are required to satisfy the provisions of the California Environmental Quality Act (CEQA) – Statutes and Guidelines, as well as the City’s Procedures for Implementing CEQA. Further, the facts, statements, information, and analysis presented are true and correct in accordance with standard business practices of qualified professionals with expertise in the development review process, including building, planning, and engineering.

8. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The proposed project may potentially affect the environmental factors checked below, and may involve at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," if so indicated on the following Environmental Checklist Form (Pages 8 to.15)

- | | | |
|---|---|--|
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy & Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| | <input type="checkbox"/> Mandatory Findings of Significance | |

9. ENVIRONMENTAL DETERMINATION: On the basis of this initial evaluation: I find that:

The proposed project could not have a significant effect on the environment; and, therefore, a **NEGATIVE DECLARATION** will be prepared.

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. Therefore, a **MITIGATED NEGATIVE DECLARATION** will be prepared.

The proposed project may have a significant effect on the environment; and, therefore an **ENVIRONMENTAL IMPACT REPORT** is required.

The proposed project may have a significant effect(s) on the environment, but one or more effects (1) have been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) have been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or is "potentially significant unless mitigated."

Therefore, an **ENVIRONMENTAL IMPACT REPORT** is required, but it will analyze only the effect or effects that remain to be addressed.

Signature: 

Date:
April 27, 2009

Darren Nash, Associate Planner

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. Would the Proposal:

- a) Conflict with general plan designation or zoning? (Sources: 1 & 8)

Discussion: The Code Amendment would propose to allow employee (farm worker) housing in the residential zoning district (R1, R2, R3 & R4) as well as AG (Agriculture) and RA (Residential Agriculture). Most of the AG and RA-zoned properties in the City are located within the Airport Land Use Plan (ALUP) area, which provides that no new housing be developed on properties covered by the plan. It should be noted that the provisions of the Employee Housing Act do not supersede the Airport Land Use Plan's provisions. Consequently the code amendment proposes that employee housing shall not be permitted on properties within the ALUP area. There are AG and RA zoned properties located outside of the Airport Land Use Plan.

It is necessary to amend the Zoning Ordinance in order to comply with Policy H-1B and Action Item 9 of the Housing Element of the General Plan, which requires the City to promote and expand housing opportunities for all segments of the community, and since this amendment would bring the zoning code into compliance with the General Plan, there would not be any impacts with the general plan designation or zoning. In the future when a project development project is submitted to the City, through the development review process environmental impacts will be analyzed and any necessary mitigation will be implemented.

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? (Sources: 1 & 3)
- c) Be incompatible with existing land uses in the vicinity? (Sources: 1 & 3)
- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses)?
- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (Sources: 1 & 3)

Discussion b-e: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to this section.

II. POPULATION AND HOUSING. Would the proposal:

- a) Cumulatively exceed official regional or local population projections? (Sources: 1 & 3)

Discussion: The proposed code amendment would not increase current densities allowed in the residential zones, therefore there will not be an impact to local population projects as a result of this code amendment.

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The code amendment would provide for employee housing in existing residential and agricultural zoning districts, and as noted above will not increase current population projections, therefore there will not be an impact related to inducing substantial growth.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace existing housing, especially affordable housing? (Sources: 1, 3, & 5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to this section.

III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Seismic ground shaking? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Seismic ground failure, including liquefaction? (Sources: 1, 2 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Seiche, tsunami, or volcanic hazard? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Landslides or Mudflows? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 1, 2, 3, & 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Subsidence of the land? (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expansive soils? (Sources: 4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Unique geologic or physical features? (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion a-i: Since this amendment is necessary in order to comply with the Housing Element of the

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

IV. WATER. Would the proposal result in:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of people or property to water related hazards such as flooding? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Changes in the amount of surface water in any water body? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Changes in currents, or the course or direction of water movement? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? (Sources: 1,3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Altered direction or rate of flow of groundwater? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Impacts to groundwater quality? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion a-i: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

V. AIR QUALITY. Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any air quality standard or contribute to an existing or projected air quality violation? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Expose sensitive receptors to pollutants? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion a-d: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.</i>				

VI. TRANSPORTATION/CIRCULATION.

Would the proposal result in:

a) Increased vehicle trips or traffic congestion? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or inadequate access to nearby uses? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity on-site or off-site? (Sources: 1, 3, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Sources: 1 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-g: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

VII. BIOLOGICAL RESOURCES.

Would the proposal result in impacts to:

a) Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-e: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

VIII. ENERGY AND MINERAL RESOURCES. Would the proposal:

a) Conflict with adopted energy conservation plans? (Sources: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use non-renewable resources in a wasteful and inefficient manner? (Sources: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (Sources: 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-c: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

IX. HAZARDS. Would the proposal involve:

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan? (Sources: 1 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-d: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	-----------

Amendment, there will be no impacts to these sections.

X. NOISE. Would the proposal result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increases in existing noise levels? (Sources: 1, 7, & 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of people to severe noise levels? (Source: 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion a-b: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

XI. PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection? (Sources: 1, 3, 6, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police Protection? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Maintenance of public facilities, including roads?
(Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other governmental services? (Sources: 1,3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion a-e: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

XII. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Power or natural gas? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Communication systems? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Local or regional water treatment or distribution facilities? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Sewer or septic tanks? (Sources: 1, 3, 7, & 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Storm water drainage? (Sources: 1, 3, & 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Solid waste disposal? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-g: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

XIII. AESTHETICS. Would the proposal:

a) Affect a scenic vista or scenic highway? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare? (Sources: 1, 3, 7, & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-c: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

XIV. CULTURAL RESOURCES. Would the proposal:

a) Disturb paleontological resources? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Affect historical resources? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have the potential to cause a physical change which would affect unique ethnic cultural values? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Restrict existing religious or sacred uses within the potential impact area? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion a-e: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

XV. RECREATION. Would the proposal:

a) Increase the demand for neighborhood or regional parks or other recreational facilities? (Sources: 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect existing recreational opportunities? (Sources 1, 3, & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10 Environmental Checklist Form

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

3, & 7)

Discussion a-b: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

XVI.MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals? (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: 1 & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion a-d: Since this amendment is necessary in order to comply with the Housing Element of the General Plan and State Housing Law, and since there is no development proposed with this Code Amendment, there will be no impacts to these sections.

11. EARLIER ANALYSIS AND BACKGROUND MATERIALS

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). The earlier documents that have been used in this Initial Study are listed below.

Reference Number	Document Title	Available for Review At
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
2	Seismic Safety Element for City of Paso Robles	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
3	Final Environmental Impact Report City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
4	Soil Survey of San Luis Obispo County, California Paso Robles Area	USDA-NRCS, 65 Main Street-Suite 108 Templeton, CA 93465
5	Uniform Building Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
6	City of Paso Robles Standard Conditions of Approval For New Development	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
7	City of Paso Robles Zoning Code	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
8	City of Paso Robles, Water Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
9	City of Paso Robles, Sewer Master Plan	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446
10	Federal Emergency Management Agency Flood Insurance Rate Map	City of Paso Robles Community Development Department 1000 Spring Street, Paso Robles, CA 93446

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 21.08, DEFINITIONS AND TABLE 21.16.200,
PERMITTED LAND USE MATRIX OF THE MUNICIPAL CODE,
ADDRESSING EMPLOYEE HOUSING

WHEREAS, the Employee Housing Act, embodied in California Health and Safety Code Sections 17000 et seq., provide that certain types of employee housing, including housing designed to meet the needs of agricultural workers, are to be permitted by right in residential and agricultural zoning districts; and

WHEREAS, the Housing Element of the City's General Plan includes Policy H-1B and Action Item 9, which state:

POLICY H-1B: Range of Housing Opportunities. Cooperate with private housing developers, nonprofit housing sponsors, and public agencies to promote and expand housing opportunities for all segments of the community, recognizing such factors as income, age, family size, and mobility.

Action Item 8. Amend the Zoning Code to provide... housing designed to meet the needs of seasonal farmworkers...; and

WHEREAS, the City filed Code Amendment 09-002 both to amend the necessary Zoning Code sections to accommodate Policy H-1B and Action Item 9 of the Housing Element of the City's General Plan; and

WHEREAS, this Zoning Ordinance Amendment would add to, and revise, existing definitions pertaining to housing; and

WHEREAS, this Zoning Ordinance Amendment would update the Land Use Matrix (Table 21.16.200) to accommodate the additions to, and revisions of, existing definitions pertaining to housing; and

WHEREAS, at a meeting held on May 12, 2009, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and
- d. Based on the information contained in the Initial Study, recommended that the City Council find that there would not be a significant impact on the environment as a result of the adoption of the ordinance and adopt a Negative Declaration in accordance with the California Environmental Quality Act; and

WHEREAS, based on information received at its meeting on May 19, 2009, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Planning Commission's recommendation from its May 12, 2009 public meeting;
- d. Based on the information contained in the Initial Study, found that there would not be a significant impact on the environment as a result of the adoption of the ordinance and adopted a Negative Declaration in accordance with the California Environmental Quality Act;
- e. Introduced said ordinance for the first reading; and

WHEREAS, on June 2, 2009, the City Council held a second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. City Council Findings. The City Council finds that it is necessary to amend the Zoning Ordinance in order to comply with Policy H-1B and Action Item 9 of the Housing Element, which requires the City to promote and expand housing opportunities for all segments of the community;

SECTION 2: Section 21.08.163 is added to the Zoning Ordinance to read as follows:

21.08.163 Employee Housing. Housing as described, defined, and regulated by the Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code.

SECTION 3: Table 21.16.200 of the Zoning Ordinance is hereby amended by the changes set forth in Exhibit A.

SECTION 6: Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 7. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 8. Inconsistency. To the extent that the terms or provisions of this ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on May 19, 2009, and passed and adopted by the City Council of the City of El Paso de Robles on the 2nd day of June, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy David, Deputy City Clerk

TABLE 21.16.200
 (As amended through Ordinance 934 N.S.)
 PERMITTED LAND USES FOR ALL ZONING DISTRICTS

EXPLANATION OF CODES USED IN THIS CHART

- P (permitted use) denotes a land use which is permitted.
- C (conditional use) denotes a land use which requires approval of a conditional use permit (CUP).
- N (non-permitted use) denotes a land use which is not permitted.
- T (temporary use permit) denotes a land use which requires approval of a temporary use permit per Chapter 21.23C.

NOTES:

1. All uses are subject to compliance with the general regulations and performance standards contained within Chapters 21.20 and 21.21, and specific limits and/or restrictions contained in chapters for specific zoning districts. Additionally, there may be limits and restrictions within overlay zoning districts and specific plan areas.
2. Any use not specifically listed below is not permitted unless the Planning Commission determines a particular land use to be similar to another permitted, conditional or temporary use within a particular zoning district.

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
B. Residential																			
1. Boardinghouse, roominghouse	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N
2. Caretaker residence accessory to a business																			
...																			
12. Temporary farm labor housing Employee Housing as described, defined, and regulated by the State Employee Housing Act (California Health and Safety Code Sections 17000 et seq. and subject to issuance of an Employee Housing Permit by the	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

ZONING DISTRICT

LAND USE	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
California Department of Housing and Community Development, Codes and Standards Division.																		
a. Employee Housing per Section 17021.5 of the California Health and Safety Code for 6 or fewer employees.	P *	P *	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N
* Employee Housing is not permitted on properties within the Airport Land Use Plan.																		
b. Employee Housing per Section 17021.6 of the California Health and Safety Code consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.	P *	P *	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
* Employee Housing is not permitted on properties within the Airport Land Use Plan.																		
13. Domestic violence center	N	N	N	P	P	N	P	P	N	N	N	N	N	N	N	N	N	N

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

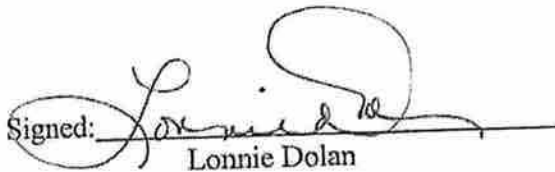
Newspaper: Tribune

Date of Publication: May 26, 2009

Hearing Date: June 16, 2009
(City Council)

Project: Code Amendment 09-002
Establishing Regulations for Employee
Housing

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING

Amendment to Zoning Code
Establishing Regulations for Employee
Housing Code Amendment 09-002

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider Code Amendment 09-002, initiated by the City of Paso Robles, to amend the Zoning Code (Title 21 of the Municipal Code) to establish regulations for employee housing, particularly for seasonal agricultural workers. This ordinance implements mandates imposed on local governments by State Housing Element Law (Government Code Sections 65580 et seq.) and the State Employee Housing Act (Health and Safety Code Sections 17000 et seq.).

This hearing will take place on Tuesday, June 16, 2009 at the hour of 7:30 pm. The hearing will be held in the Conference Room at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California.

All interested parties may appear and be heard at the above hearings.

At this hearing on June 16, the City Council will consider the following unanimous recommendations made by the Planning Commission at a public hearing on this code amendment held on May 12, 2009:

1. To adopt a Negative Declaration (a statement that there will be no significant environmental effects in connection with adoption of the proposed code amendment) in accordance with the provisions of the California Environmental Quality Act (CEQA); and
2. To adopt the proposed code amendment in the same form and content as presented to the Planning Commission.

The proposed code amendment and Negative Declaration may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California between the date of publication of this notice and the date of the hearings.

Comments on the proposed code amendment and Negative Declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or e-mailed to CDdirector@prcity.com provided that such comments are received prior to the time of the respective hearings.

If you challenge the Code Amendment in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council at, or prior to, the public hearing.

Erin Gallagher, City Planner
May 26, 2009

Attachment 2 City Attorney Memo

Memorandum

Iris P. Yang
Attorney at Law

Sacramento Office
916.444.3900 tel
916.444.8334 fax
iyang@mhalaw.com

DATE June 23, 2009

TO Mayor Duane Picanco, Councilmembers Nick Gilman, John Hamon, Ed Steinbeck and Fred Strong

FROM Iris Yang, City Attorney

RE City Council Questions Concerning the Definition of "Family" and the Scope of "Employee Housing"

When proposed Ordinances 958 and 959 were discussed at the last City Council meeting, the Council expressed concern regarding two issues:

- A. The proposed new definition of "family," which removes the limitation the old definition placed on the number of unrelated persons that could reside in one household.
- B. With respect to employee housing, the City Council would like to clarify whether a dwelling limited in occupancy to 6 "employees" must allow the family members of those 6 employees to reside in the same dwelling.

DISCUSSION

A. Definition of "family"

The reasons for the proposed change in the definition of "family" is based on a decision from the California Supreme Court (and related cases) that held that an ordinance's definition of "family" cannot make a distinction between related and unrelated persons that choose to live together. The pertinent case concerned a city ordinance that defined "family" as either "[a]n individual, or two (2) or more persons related by blood, marriage or legal adoption living together as a single housekeeping unit in a dwelling unit..." **or** "[a] group of not to exceed five (5) persons, excluding servants, living together as a single housekeeping unit in a dwelling unit." *Santa Barbara v. Adamson*, 27 Cal.3d 123, 127 (1980). In that case, a group of 12 adults, who were not related by blood, marriage, or adoption, were prohibited from residing in a very large home located in a single-family zone because they did not fit within

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9th Floor
Oakland, CA
94612
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fax 510.839.9104

the ordinance's definition of "family." *Id.* The court noted that their household illustrates the type of living arrangement that the ordinance's rule-of-five prohibits.

The court highlighted the close relationships that the individuals within the group have developed with one another. The individuals living together "have become a close group with social, economic, and psychological commitments to each other." *Id.* at 127. Furthermore, "[t]hey share expenses, rotate chores, and eat evening meals together." Some have contributed money towards improving the house. Also, "[e]motional support and stability are provided by the members to each other; they enjoy recreational activities...together; they have chosen to live together mainly because of their compatibility." *Id.* at 127-28.

Because the individuals did not constitute a "family" as defined by the zoning ordinance, they were foreclosed from living together in a one-family, two-family, or multiple-family dwelling. If they wanted to continue to live together, the ordinance provided them with three options: (1) if some were accepted as masters, the others could sign on as servants (since the second definition of "family" excludes servants from the number of unrelated people that may reside together - the court did, however, question the legality of such an arrangement); (2) they might obtain a conditional use permit to maintain a boarding house in another zone; or (3) they might apply for a zoning variance. *Id.* at 129.

Taking into account the constitutional right to privacy, the court first examined whether the city had a compelling public interest to restrict communal living. To that end, the court turned to the intent of the zoning ordinance, to see if the ordinance's rule-of-five truly and substantially helped to fulfill its goals. The court questioned whether "the preservation of a residential environment" was dependent on a blood, marriage, or adoption relationship among the residents of a household, or whether transiency was determined by the lack of such relationships. *Id.* at 132. With respect to pronouncements of "low density," the court noted that the ordinance only limits the number of unrelated residents, not the number of related residents or of servants. Thus, the definition of "family" did "not appear to have been designed to prevent overcrowding, which may be a legitimate zoning goal." *Id.*

The court decided that the city's zoning goals could be furthered by means that are less restrictive than the rule-of-five, noting that "zoning ordinances are much less suspect when they focus on the use than when they command inquiry into who are the users." *Id.* at 133. For example:

- Residential character → can be preserved by restrictions on transient and institutional uses such as hotels, motels, boardinghouses, etc.
- Population density → can be regulated by reference to floor space and facilities.

- Noise and morality → can be dealt with by enforcement of police power ordinances and criminal statutes.
- Traffic and parking → can be handled by limitations on the number of cars (applied evenly to all households) and by off-street parking requirements.

It is important to note that the court did not address the question of how many people should be allowed to live in one house. It "merely h[e]ld invalid the distinction effected by the ordinance between (1) an individual or two or more persons related by blood, marriage, or adoption, and (2) groups of more than five other persons." *Id.* at 134.

In a similar case, the City of Chula Vista sought to abate as a nuisance religious family households that consisted of up to 24 unrelated individuals living in single-family dwellings, in violation of the city's zoning ordinance. *City of Chula Vista v. Pagard*, 115 Cal.App.3d 785, 787 (1981). The groups did not meet the city's definition of "family." The ordinance defined "family" as including two or more related persons, or a group of not more than three unrelated persons. *Id.* at 789.

Unlike the household at issue in *Adamson*, the dwellings in this case were in fact overcrowded. *Id.* at 791. The court noted that *Adamson* does not preclude a zoning ordinance that is designed to prevent overcrowding, nor does it "preclude Chula Vista from redefining 'family' to specify a concept more rationally and substantially related to the legitimate aim of maintaining a family style of living." *Id.* at 792. Since the ordinance did not directly address the problem of overcrowding, it was deemed invalid. *Id.* at 793. The court recognized, however, that the city could "enact a properly drawn ordinance regulating the number of occupants...." to prevent overcrowding, alleviate parking concerns, and the like, as "[a]n ordinance which limits population density directly, tying the maximum permitted occupancy in a dwelling to the habitable floor area is one specifically addressed to the problem of overcrowding." *Id.* (quoting *Moore v. East Cleveland*, 431 U.S. 494 (1977)).¹

The City's current definition of "family" is problematic because it is similar to the definition held invalid in *Adamson*. It is currently defined as "parents and children or not more than five unrelated individuals living together as a family and sharing household expenses, meals, and chores." 21.08.170. Given the ruling in *Adamson*, it is unlikely that the City would be able to limit the number of unrelated individuals living in one house, so long as those individuals "operated" like a traditional family.

¹ The City may be limited by the Uniform Housing Code in its ability to increase the square footage requirements for dwelling units. See *Briseno v. City of Santa Ana*, 6 Cal.App.4th 1378 (1992), holding that the Uniform Housing Code preempts local occupancy ordinances generally. While a city may enact occupancy standards that differ from those set forth in the Uniform Housing Code, specific procedures must be followed, and certain findings must be made, to accomplish such local regulation.

Definitions of "family" adopted by other cities are similar including:

- An individual or group of two or more persons occupying a dwelling and living together as a single housekeeping unit in which each resident has access to all parts of the dwelling and where the adult residents share expenses for food or rent.
- "Family" means one or more persons occupying a premises and living as a single housekeeping unit. "Single housekeeping unit" is in turn defined as: the functional equivalent of a traditional family; whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses. (City of San Jose)
- "Family" means any group of individuals living together based on personal relationships. Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, nunneries, residential care facilities or military barracks, nor does it include such commercial group living arrangements as boardinghouses, lodginghouses and the like. (City of Long Beach)

B. Employee housing

The City Council also inquired as to whether a dwelling limited in occupancy to 6 "employees" must allow the family members of those 6 employees to reside in the same dwelling. This would seem to be contrary to occupancy standards and may lead to overcrowding. We do not believe that an employee's family members are allowed to live in such housing.

Employee housing is regulated under the Employee Housing Act, commencing with Health & Safety Code Section 17000. Employee housing is housing that meets the definitions set forth in Section 17008. Notably, those wishing to operate employee housing must obtain a permit to do so, subject to certain exceptions. § 17030. Local use zone requirements are left to local agencies "[e]xcept as provided in Section 17021.5 and 17021.6...." § 17021(a).

The Council's concern appears to stem from Section 17021.5.² That section basically provides that employee housing that serves six or fewer employees must be treated like any other single-family structure. Specifically, "[a]ny employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation for the purposes of this

² The section begins by providing that "[a]ny employee housing which has qualified, or is intended to qualify, for a permit to operate...may invoke the provisions of this section." (emphasis added).

section." § 17021.5(a). Moreover, local regulations cannot include this housing within the definition of "boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling." Additionally, local government may not require a conditional use permit, zoning variance, or other zoning clearance of employee housing that houses 6 or fewer employees that is not required of a family dwelling of the same type in the same zone. § 17021.5(b).

We believe that this section does not allow family members of those employees must be allowed to reside in the same dwelling. Section 17009.5 specifies that "person" may be used interchangeably with "employee." Furthermore, "[t]hose terms are used interchangeably when the context does not imply an employer or an owner of employee housing." § 17009.5(b), emphasis added. If the Legislature had intended to include an employee's family within the definition of "employee," it would have so stated. Moreover, allowing family members to live in such housing would create a number of other potential public health, safety and privacy issues.

Please let me know if you have any further questions.