

EXHIBIT A
Proposed Code Amendment, Redline
Chapter 18.08 (Definitions), Chapter 18.28 (A Agricultural District), Chapter 18.32 (R-1 One-Family Residential District), Chapter 18.36 (RM Multi-Family Residential Districts), and Chapter 18.76 (H-P-D Hillside Planned Development District)

TEXT AMENDMENTS

The proposed text amendments to Title 18 of the Pleasanton Municipal Code is detailed below. Text in bold red with underline (e.g., **example**) is proposed text. Text in red with strikethrough is proposed to be deleted (e.g., ~~example~~).

Chapter 18.08
DEFINITIONS

18.08.015 **Access corridor.**
18.08.017 Agriculture.
18.08.020 **Alley.**

18.08.165 **Electricity generator facility.**
18.08.166 Employee housing (agricultural).
18.08.167 **Family.**

18.08.017 Agriculture.

"Agriculture" means the cultivation of land and raising of plants or animals for commercial use and includes agricultural processing, crop storage and related facilities and structures, and housing of agricultural employees. Retail sales of products is limited to the sale of wine at wineries and products grown on the premises from roadside stands.

18.08.155 Dwelling.

"Dwelling" means a one-family or multi-family dwelling other than mobilehomes, automobile trailers, hotels, motels, ~~labor camps~~, camp cars, tents, railroad cars and temporary structures.

18.08.166 Employee housing (agricultural).

"Employee housing (agricultural)" means housing as described in California Health and Safety Code Sections 17021.5 and 17021.6, and employee housing as defined in California Health and Safety Code Section 17008.

18.08.167 Family.

"Family" means an individual or two or more persons **who are** related by blood, ~~or~~ marriage; or **otherwise live together in a dwelling unit. (See Housing Code Ch. 20.28 and 24 C.C.R. §202, as amended.)** adoption, ~~or a group of not more than five persons, not including servants, who need not be related, living as a single housekeeping unit.~~

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Chapter 18.28

A AGRICULTURAL DISTRICT

18.28.030 Permitted uses.

The following uses shall be permitted in the A district:

- A. One-family dwellings, and second units, ~~and farm employee housing for persons employed on the premises.~~ Not more than one dwelling unit, ~~other than farm employee housing or~~ and a second unit, shall be permitted on each site.
- B. Agriculture for commercial purposes, limited to the growing of field and truck crops and horticultural specialties; nurseries, greenhouses and botanical conservatories; orchards and vineyards; farming and ranching facilities and structures.
- ~~BC.~~ Raising of fruits, nuts, vegetables and horticultural specialties for private noncommercial use; ~~Field and truck crops and horticultural specialties;~~
- ~~CD.~~ Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title;
- ~~DE.~~ Livestock and poultry raising for private, noncommercial use, and private kennels and stables, provided that any building or enclosure in which animals or fowl, except household pets, are contained shall be at least 100 feet from any R, O, C, I-P or P district;
- ~~E.~~ ~~Nurseries, greenhouses and botanical conservatories;~~
- ~~F.~~ ~~Orchards and vineyards;~~
- ~~GE.~~ Photovoltaic facilities;
- ~~HG.~~ Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills (not including wind energy facilities), other farm outbuildings, private garages and carports, or guesthouse or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for persons residing on the site and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no

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testing shall be on federal holidays or on “Spare The Air Days” in Alameda County;

2. Portable, temporary electricity generator, fuel cell, or battery facilities;
3. Photovoltaic facilities;
4. Small electricity generator facilities that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility;
 - b. The facilities shall use the best available control technology to reduce air pollution;
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible;
5. Small fuel cell facilities that meet the following criteria:
 - a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district;

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities;

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- ~~H.~~ Administrative offices for on site and off site agricultural activities which are clearly ancillary to the agricultural pursuits taking place on the site;
- ~~J.~~ Small family daycare homes.
- J. Employee housing (agricultural) that complies with California Health and Safety Code sections 17008, 17021.5 or 17021.6 (depending on the number of employees accommodated) and the other applicable provisions of the Employees Housing Act at California Health and Safety Code Sections 17000 et. seq.**

18.28.040 Conditional uses.

The following uses shall be permitted in the A district upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title:

- A. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:
 - 1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.
 - 3. Wind energy facilities that meet the following criteria:
 - a. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - b. The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities;
 - c. Facilities on hillsides or ridges shall not be visible from a public right-of-way.
- B. Agriculture processing plants. ~~and wineries.~~
- C. Airports and heliports.
- D. Animal sales yards.
- E. Apiaries.
- F. Automobile and motorcycle racing stadiums and drag strips.
- G. Cemeteries, crematories, and columbariums.
- H. Charitable institutions and social service and social welfare centers.
- I. Churches, convents, monasteries, parish houses, parsonages, and other religious institutions.

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- J. Commercial kennels.
- K. Commercial and private recreation facilities.
- L. Dairies and processing of dairy products.
- M. Drive-in theaters.
- N. Fertilizer plants and yards.
- O. Firearm sales at a rifle or pistol range.
- ~~P. Fur farms and rabbit raising.~~
- ~~QP.~~ Garbage and refuse incineration.
- ~~RQ.~~ Gas and oil wells.
- ~~SR.~~ Golf courses and golf driving ranges.
- ~~TS.~~ Guest ranches.
- ~~UI.~~ Hog and livestock raising, not including feedlots where more than 50 percent of the feed is imported.
- ~~VU.~~ Hospitals.
- ~~W. Labor camps.~~
- ~~XV.~~ Large family daycare homes in accordance with the provisions of Chapter 18.124, Article II of this title and if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- ~~YW.~~ Nursery schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- ~~ZX.~~ Nursing homes, senior care/assisted living facilities, and sanitariums if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- ~~AA.~~ Poultry raising, egg processing, and hatcheries.
- ~~BB.~~ Private schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title, and tutorial schools, and colleges.
- ~~CC.~~ Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways

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and structures, water reservoirs, percolation basins, well fields, storage tanks, and railroad facilities. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.

BB. Rabbit raising.

~~DDCC~~. Recreational vehicle storage facilities.

~~EEDD~~. Riding academies and stables.

~~FFEE~~. Rifle and pistol ranges.

~~GGFF~~. Roadside stands for the sale of agricultural produce grown on the site.

~~HHGG~~. Sanitary landfill operations.

~~HHH~~. Veterinarians' offices.

II. Wineries, winery sales and tasting rooms.

JJ. Wood sales and storage yards for unmilled lumber.

Chapter 18.32
R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

18.32.030 Permitted uses.

The following uses shall be permitted in the R-1 districts:

- A. One-family dwelling in which not more than two guest sleeping rooms may be used for lodging or boarding.
- B. Raising of fruits, ~~and nuts, trees,~~ vegetables and horticultural specialties **for private, noncommercial consumption.**
- C. Temporary subdivision sales offices conducted in accord with the regulations prescribed in Chapter 18.116 of this title.
- D. Accessory structures located on the same site with a permitted use, including private garages and carports, one guesthouse or accessory living quarters without a kitchen, storehouse, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structure and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County;

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- 2. Portable, temporary electricity generator, fuel cell, or battery facilities in the R-1-40,000 district;
- 3. Photovoltaic facilities.
- E. Private stable for the keeping of two horses on a site not less than 40,000 square feet in area, except that one additional horse may be kept for each additional 40,000 square feet of site areas, provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.
- F. Household pets including up to six female chickens.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et. seq.**

18.32.040 Conditional uses.

The following conditional uses shall be permitted in the R-1 districts upon the granting of a use permit in accord with the provisions of Chapter 18.124 of this title:

- A. Agriculture for commercial purposes limited to the raising of fruits, nuts, vegetables, horticultural specialties, and related facilities and structures.**
- AB.** Charitable institutions.
- BC.** Churches, convents, monasteries, parish houses, parsonages and other religious institutions.
- CD.** Golf courses.
- DE.** Nursery schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- EF.** Nursing homes and senior care/assisted living facilities for not more than three patients if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- FG.** Private recreation parks and swim clubs.
- GH.** Private nonprofit schools if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal

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wireless service facilities exempted in Section 18.110.010 of this title, and tutorial schools, and colleges, not including art, craft, music, dancing, business, professional or trade schools and colleges.

HJ. Public utility and public service facilities including pumping stations, power transmission stations, power distribution stations, equipment buildings, service yards, drainageways and structures, water reservoirs, percolation basins, well fields, and storage tanks. These facilities must be found by the planning commission to be necessary for the public health, safety, or welfare.

HJ. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:

1. Small electricity generator facilities located on the same site as a charitable institution, religious institution, golf course, nursery school, nursing home, senior care/assisted living facility, private recreation facility, private recreation park, private swim club, private nonprofit school, or public facility and that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility;
 - b. The facilities shall use the best available control technology to reduce air pollution;
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible.
2. Small fuel cell facilities that meet the following criteria:
 - a. The facilities shall not create any objectionable odors at any point outside of the property place where the facilities are located;

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- b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
- c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district;

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.

- ~~JK~~. Home occupations conducted in accord with the regulations prescribed in Chapter 18.104 of this title.
- ~~KL~~. Rabbit or fowl **raising** (including more than six female chickens) consistent with the provisions of Section 7.36.010 of this code.
- ~~LM~~. Any grading requiring a permit by Section 7006 of the building code of the city on property having a “weighted incremental slope,” as defined in Chapter 18.76 of this title, of 10 percent or greater. This subsection shall not apply to any recorded lot or to any property on which an approved tentative map exists at the effective date hereof.
- ~~MN~~. Large family daycare homes in accordance with Chapter 18.124, Article II of this title.
- ~~NO~~. Skateboard ramps.
- ~~OP~~. Small bed and breakfasts in accordance with Chapter 18.124, Article III of this title.
- Q Employee housing (agricultural) that complies with California Health and Safety Code sections 17008, 17021.6 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et. seq.**

Chapter 18.28
RM MULTI-FAMILY RESIDENTIAL DISTRICT

18.36.030 Permitted Uses

The following uses shall be permitted in the RM multi-family residential districts:

- A. One-family dwellings in which not more than two guest sleeping rooms may be used for lodging or boarding.
- B. Multi-family dwellings.
- C. Combinations of attached or detached dwellings, including duplexes, multi-family dwellings, dwelling groups, row houses and townhouses.

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- D. Nursing homes and senior care/ assisted living facilities for not more than three patients if located a minimum of 300 feet away from any personal wireless service facility approved after the adoption of the city's personal wireless service facility ordinance, Chapter 18.110 of this title, not including those personal wireless service facilities exempted in Section 18.110.010 of this title.
- E. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County;
 - 2. Photovoltaic facilities.
- F. Not more than two weaned household pets, excepting fish and caged birds.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et. seq.**

Chapter 18.28
H-P-D HILLSIDE PLANNED DEVELOPMENT DISTRICT

The following uses may be permitted in the H-P-D district:

- A. Single-family dwellings and planned unit developments;
- B. Recreation facilities, either for general public use or for the exclusive use of the residents of the subdivision or series of subdivisions of which the recreation facilities are a part;
- C. Recreational vehicle storage, stables, day nurseries, child care centers and managerial offices where any such use is owned by and used exclusively for the residents of the subdivision or series of subdivisions which contain such use;
- D. Schools, public or private, attendance at which satisfied the compulsory laws of the state;
- E. Churches and similar religious institutions; and
- F. Public facilities, such as administrative offices and similar uses, but not including storage yards, corporation yards, or similar uses;

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G. Other uses accessory to any permitted use.

H. Employee housing (agricultural) that complies with California Health and Safety Code sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et. seq.

EXHIBIT B.1

Statutory references

Cal Health & Safety Code § 17021.5 (2012)

§ 17021.5. Single-family structure with residential land use designation; Taxes and fees

(a) Any employee housing which has qualified, or is intended to qualify, for a permit to operate pursuant to this part may invoke the provisions of this section.

(b) Any 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 section. For the purpose of all local ordinances, employee housing shall not be included within the definition of a 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. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone. Use of a family dwelling for purposes of employee housing serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) or local building codes.

(c) Except as otherwise provided in this part, employee housing that serves six or fewer employees shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other family dwellings of the same type in the same zone are not likewise subject. Nothing in this subdivision shall be construed to forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other family dwellings of the same type in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator or any resident for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to employee housing which serves six or fewer persons.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing which serves six or fewer employees shall be considered a residential use of property and a use of property by a single household, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivision (b) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local needs. This section shall apply equally to any charter city, general law city, county, city and county, district and any other local public entity.

History:

Added [Stats 1992 ch 1298 § 14 \(AB 3526\)](#). Amended [Stats 1993 ch 952 § 1 \(AB 2011\)](#).

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EXHIBIT B.2

Cal Health & Safety Code § 17021.6 (2012)

§ 17021.6. Agricultural land use designation; Taxes and fees

(a) The owner of any employee housing who has qualified or intends to qualify for a permit to operate pursuant to this part may invoke this section.

(b) Any employee 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 for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

(c) Except as otherwise provided in this part, employee 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 not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other agricultural activities in the same zone are not likewise subject. This subdivision does not forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other agricultural activities in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator, or any resident for enforcing fire inspection regulation pursuant to state law or regulations or local ordinance, with respect to employee 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.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee 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 considered an agricultural use of property, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivision (b) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need. This section shall apply equally to any charter city, general law city, county, city and county, district, and any other local public entity.

(f) If any owner who invokes the provisions of this section fails to maintain a permit to operate pursuant to this part throughout the first 10 consecutive years following the issuance of the original certificate of occupancy, both of the following shall occur:

(1) The enforcement agency shall notify the appropriate local government entity.

(2) The public agency that has waived any taxes, fees, assessments, or charges for

employee housing pursuant to this section may recover the amount of those taxes, fees, assessments, or charges from the landowner, less 10 percent of that amount for each year that a valid permit has been maintained.

(g) Subdivision (f) shall not apply to an owner of any prospective, planned, or unfinished employee housing facility who has applied to the appropriate state and local public entities for a permit to construct or operate pursuant to this part prior to January 1, 1996.

History:

Added [Stats 1992 ch 1298 § 15 \(AB 3526\)](#). Amended [Stats 1993 ch 952 § 2 \(AB 2011\)](#); [Stats 1995 ch 376 § 1 \(SB 305\)](#); [Stats 2004 ch 818 § 2 \(SB 1777\)](#); [Stats 2006 ch 520 § 1 \(SB 1802\)](#) (ch 520 prevails), [ch 538 § 373 \(SB 1852\)](#), effective January 1, 2007; [Stats 2011 ch 74 § 1 \(AB 840\)](#), effective January 1, 2012.

EXHIBIT B.3

Statutory references Cal Health & Safety Code § 17008

§ 17008. Definition of employee housing

17008. (a) "Employee housing," as used in this part, means any portion of any housing accommodation, or property upon which a housing accommodation is located, if all of the following factors exist:

(1) The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.

(2) The accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved.

(b) (1) "Employee housing," as used in this part, also includes any portion of any housing accommodation or property upon which housing accommodations are located, if all of the following factors exist:

(A) The housing accommodations or property are located in any rural area, as defined by Section 50101.

(B) The housing accommodations or property are not maintained in connection with any work or workplace.

(C) The housing accommodations or property are provided by someone other than an agricultural employer, as defined in Section 1140.4 of the Labor Code.

(D) The housing accommodations or property are used by five or more agricultural employees of any agricultural employer or employers for any of the following:

(i) Temporary or seasonal residency.

(ii) Permanent residency, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.

(iii) Permanent residency, if the housing accommodation is subject to the State Housing Law and is more than 30 years old and at least 51 percent of the structures in the housing accommodation, or 51 percent of the accommodation if not separated into units, are occupied by agricultural employees.

(E) "Employee housing" does not include a hotel, motel, inn, tourist hotel, multifamily dwelling, or single-family house if all of the following factors exist:

(i) The housing is offered and rented to nonagricultural employees on the same terms that it is offered and rented to agricultural employees.

(ii) None of the occupants of the housing are employed by the owner or property manager of the housing or any party with an interest in the housing.

(iii) None of the occupants of the housing have rent deducted from their wages.

(iv) The owner or property manager of the housing is not an agricultural employer as defined in Section 1140.4 of the Labor Code, or an agent, as it relates to the housing in question, of an agricultural employer.

(v) Negotiation of the terms of occupancy of the housing is conducted between each occupant and the owner of the housing or between each occupant and a manager of the property who is employed

by the owner of the housing.

(vi) The occupants are not required to live in the housing as a condition of employment or of securing employment and the occupants are not referred to live in the housing by the employer of the occupants, the agent of the employer of the occupants, or an agricultural employer as defined in Section 1140.4 of the Labor Code.

(vii) The housing accommodation was not at any time prior to January 1, 1984, employee housing as defined in subdivision (a).

(2) "Employee housing," as defined by this subdivision, does not include a hotel, motel, inn, tourist hotel, or permanent housing as defined by subdivision (d) of Section 17010, which has not been maintained, prior to January 1, 1984, or is not maintained on or after that date, as employee housing, as defined in subdivision (a).

(3) If at any time prior to January 1, 1984, a housing accommodation was employee housing, as defined in subdivision (a), and on or after January 1, 1984, was employee housing, as defined in this subdivision, the owner and operator shall comply with all requirements of this part. The owner and operator of any other housing accommodation which is employee housing pursuant to this subdivision shall be subject to the licensing and inspection provisions of this part and shall comply with all other provisions of this part, except that if any portion of the housing accommodation is held out for rent or lease to the general public, the construction and physical maintenance standards of the housing accommodation shall be consistent with the applicable provisions of the State Housing Law, Part 1.5 (commencing with Section 17910), the Mobilehome-Manufactured Homes Act, Part 2 (commencing with Section 18000); or the Mobilehome Parks Act, Part 2.1 (commencing with Section 18200). The owner or operator of the employee housing shall designate all units or spaces which are employee housing, as defined in this subdivision, for the purpose of inspection and licensing by the enforcement agency, subject to confirmation by the enforcement agency, based on all relevant evidence.

(c) "Employee housing" does not include employee community housing, as defined by Section 17005.5, which has been granted an exemption pursuant to Section 17031.3; housing, and the premises upon which it is situated, owned by a public entity; or privately owned housing, including ownership by a nonprofit entity, and the premises upon which it is situated, financed with public funds equaling 50 percent or more of the original development or purchase cost.

(d) "Employee housing" means the same as "labor camp," as that term may be used in this or other codes and, notwithstanding any local ordinance to the contrary in a general law or charter city, county, or city and county, shall be deemed a residential use if it exists in structures that are single-family houses or apartment houses as those terms are used in the State Housing Law (Part 1.5 (commencing with Section 17910)).

DEFINITIONS

manent provisions for living, sleeping, eating, cooking and sanitation.

[DSA-AC & HCD 1-AC] See Chapter 11A, Section 1107A.4-D, and Chapter 11B, Section 1102B.

EFFICIENCY DWELLING UNIT. [HCD 1] A dwelling unit containing only one habitable room and includes an efficiency unit as defined by Health and Safety Code Section 17958.1. See Section 1208.4.

EGRESS COURT. See Section 1002.1.

ELECTRIC VEHICLE. See Section 406.7.

ELEMENT. [DSA-AC] See Chapter 11B, Section 1102B.

ELEVATOR, PASSENGER. [DSA-AC] See Chapter 11B, Section 1102B. [HCD 1 & HCD 2] See "PASSENGER ELEVATOR."

ELEVATOR GROUP. See Section 902.1.

[F] EMERGENCY ALARM SYSTEM. See Section 902.1.

[F] EMERGENCY CONTROL STATION. See Section 415.2.

EMERGENCY ESCAPE AND RESCUE OPENING. See Section 1002.1.

[F] EMERGENCY VOICE/ALARM COMMUNICATIONS. See Section 902.1.

ENFORCEMENT. [HCD 1 & HCD 2] The applicable section of the Health and Safety Code is repeated here for clarity and reads as follows:

Section 17920. "Enforcement" means diligent effort to secure compliance, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this part, "enforcement" may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to these existing buildings.

ENFORCING AGENCY [DSA-AC, HCD 1, HCD 2, SFM & OSHPD 1, 2, 3 & 4]. The designated department or agency as specified by statute or regulation.

ENTRANCE. [DSA-AC] See Chapter 11B, Section 1102B.

EQUIPMENT PLATFORM. See Section 502.1.

EQUIVALENT FACILITATION. [DSA-AC & HCD 1-AC] See Chapter 11A, Section 1107A.5-E, and Chapter 11B, Section 1102B.

ESSENTIAL FACILITIES. See Section 1602.1.

[F] EXHAUSTED ENCLOSURE. See Section 415.2.

EXISTING BUILDINGS. [DSA-AC] See "Building, existing."

EXISTING CONSTRUCTION. See Section 1612.2.

EXISTING STRUCTURE. See Sections 1612.2 and 3402.1.

EXIT. See Section 1002.1.

EXIT ACCESS. See Section 1002.1.

EXIT ACCESS DOORWAY. See Section 1002.1.

EXIT DISCHARGE. See Section 1002.1.

EXIT DISCHARGE, LEVEL OF. See Section 1002.1.

EXIT ENCLOSURE. See Section 1002.1.

EXIT, HORIZONTAL. See Section 1002.1.

EXIT PASSAGEWAY. See Section 1002.1.

EXPANDED VINYL WALL COVERING. See Section 802.1.

[F] EXPLOSION. See Section 307.2.

[F] EXPLOSIVE. See Section 307.2.

High explosive. See Section 307.2.

Low explosive. See Section 307.2.

Mass detonating explosives. See Section 307.2.

UN/DOTn Class 1 Explosives. See Section 307.2.

Division 1.1. See Section 307.2.

Division 1.2. See Section 307.2.

Division 1.3. See Section 307.2.

Division 1.4. See Section 307.2.

Division 1.5. See Section 307.2.

Division 1.6. See Section 307.2.

EXTERIOR INSULATION AND FINISH SYSTEM (EIFS). See Section 1402.1.

EXTERIOR INSULATION AND FINISH SYSTEM (EIFS) WITH DRAINAGE. See Section 1402.1.

EXTERIOR SURFACES. See Section 2502.1.

EXTERIOR WALL. See Section 1402.1.

EXTERIOR WALL COVERING. See Section 1402.1.

EXTERIOR WALL ENVELOPE. See Section 1402.1.

F RATING. See Section 702.1.

FABRIC PARTITION. See Section 1602.1.

FABRICATED ITEM. See Section 1702.1.

[F] FABRICATION AREA. See Section 415.2.

FACILITY (OR FACILITIES). [DSA-AC & HCD 1-AC] See Chapter 11A, Section 1107A.6-F, and Chapter 11B, Section 1102B.

FACTORED LOAD. See Section 1602.1.

FAMILY [HCD 1] is an individual or two or more persons who are related by blood or marriage; or otherwise live together in a dwelling unit.

FIBER CEMENT SIDING. See Section 1402.1.

FIBER REINFORCED POLYMER. See Section 2602.1.

Fiberglass Reinforced Polymer. See Section 2602.1.

FIBERBOARD. See Section 2302.1.

FIRE ALARM BOX, MANUAL. See Section 902.1.

[F] FIRE ALARM CONTROL UNIT. See Section 902.1.

[F] FIRE ALARM SIGNAL. See Section 902.1.