

ATTACHMENT B

**Resolution Adopting Findings in Support
of the General Plan Amendment and Rezone
and Approving the General Plan Amendment**

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of July 24, 2018

RESOLUTION NO. 18-76

RESOLUTION TO MAKE THE REQUIRED FINDINGS FOR APPROVING THE AMENDMENT OF THE HUMBOLDT BAY AREA PLAN BY CHANGING THE GENERAL PLAN FOR PROPERTY IN THE MYRTLETOWN AREA FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL MEDIUM DENSITY (RM), AND REZONING THE PROPERTY FROM COMMERCIAL GENERAL (CG) TO RESIDENTIAL MULTI-FAMILY (RM); CASE NUMBERS GPA-18-001, ZR-18-001; ASSESSOR PARCEL NUMBERS: 016-152 020, 016-152-021, 016-152-022, & 016-222-001

WHEREAS, State law provides for local governments to amend their General Plans up to four (4) times per year; and

WHEREAS, Housing Element Implementation Measure H-IM37 commits to the county to rezoning properties to increase the inventory of multifamily zoned properties that can accommodate the county's low income housing needs such that an additional 77 multifamily units could be developed at a density of at least 16 units per acre; and

WHEREAS, Kramer Properties Inc. submitted an application and evidence in support of approving a Coastal Development Permit and Notice of Merger that would result in the development of up to 66 multifamily units at a density of 30 units per acre pending the General Plan Amendment (GPA) and Zone Reclassification (ZR); and

WHEREAS, the proposed General Plan Amendment of the Humboldt Bay Area Plan by redesignating lands from Commercial General (CG) to Residential Medium Density (RM), as shown in Exhibit 1 to this resolution, and Zoning Amendment to rezone property in the Myrtle town area from Commercial General (CG) to Residential Multifamily (RM) may be approved if it can be found that:

- (1) The proposed change is in the public interest; and
- (2) The proposed change is consistent with a comprehensive view of the General Plan; and
- (3) The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
- (4) The proposed change is consistent with all the requirements of the Coastal Act; and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, Exhibit 2 to this resolution includes evidence in support of making all of the required findings for approving the proposed General Plan Amendment and rezoning, Case Nos.: GPA18-001 and ZR 18-001; and

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WHEREAS, the Planning Commission reviewed and considered the staff report and other written and spoken evidence and testimony presented during a public hearing on June 21, 2018, and

WHEREAS, at their June 21, 2018 meeting, the Planning Commission recommended that the Board of Supervisors of the County of Humboldt:

- Hold a public hearing in the manner prescribed by law;
- Adopt the findings that the proposed ordinance is consistent with the applicable provisions of the Humboldt County Code and General Plan;
- Adopt a resolution adopting the Mitigated Negative Declaration prepared for the General Plan Amendment and rezoning;
- Adopt a resolution approving the General Plan Amendment;
- By ordinance, approve the zoning ordinance amendment;
- Direct the Planning and Building Department to prepare and file a Notice of Determination pursuant to CEQA for the project;
- Direct the Clerk of the Board to publish a post approval summary in a newspaper of general circulation, and give notice of the decision to interested parties; and
- Adopt a Resolution transmitting the Amendment package, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 30514.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Humboldt County Board of Supervisors, that the Board:

1. Makes the findings for approval of the General Plan Amendment and Zoning Ordinance Amendment, based on the evidence as detailed in Exhibit 2 to this Resolution which is fully incorporated herein by reference, and finds that the proposed amendments to the Humboldt Bay Area Plan and Coastal Zoning Maps conform to the policies contained in Chapter 3 of the Coastal Act, and further finds that the proposed amendments to the Humboldt Bay Area Plan and Coastal Zoning Maps will be carried out in accordance with the Coastal Act; and
2. The Board of Supervisors finds the proposed amendments to the Humboldt Bay Area Plan and Coastal Zoning Maps are in conformity with and appropriately carry out the policies of the Humboldt Bay Area Plan and certifies its intent to carry out the Coastal Plans in a manner fully consistent with the California Coastal Act.

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3. Approves the Humboldt Bay Area Plan amendment re-designating the subject lands from Commercial General (CG) to Residential Medium Density (RM) (as shown in Exhibit 1) for Case No.: GPA-18-001; and

4. The changes to the Humboldt Bay Area Plan and Coastal Zoning Maps will become effective immediately upon certification by the Coastal Commission.

BE IT FURTHER RESOLVED by the Humboldt County Board of Supervisors that:

5. Current Planning Division staff is hereby directed to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and

6. The Clerk of the Board is hereby directed to give notice of the decision to the applicant and any other interested party.

7. Planning and Building Department staff are hereby directed to transmit the amendment to the Humboldt Bay Area Plan and Coastal Zoning Ordinance, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 30514

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Dated: July 24, 2018



Ryan Sundberg, Chair
Humboldt County Board of Supervisors


Adopted on motion by Supervisor Bass, seconded by Supervisor Fennell, and the following vote:

AYES: Supervisors Bohn, Fennell, Bass, Wilson, Sundberg
NAYS: Supervisors --
ABSENT: Supervisors --
ABSTAIN: Supervisors --

STATE OF CALIFORNIA)
County of Humboldt)

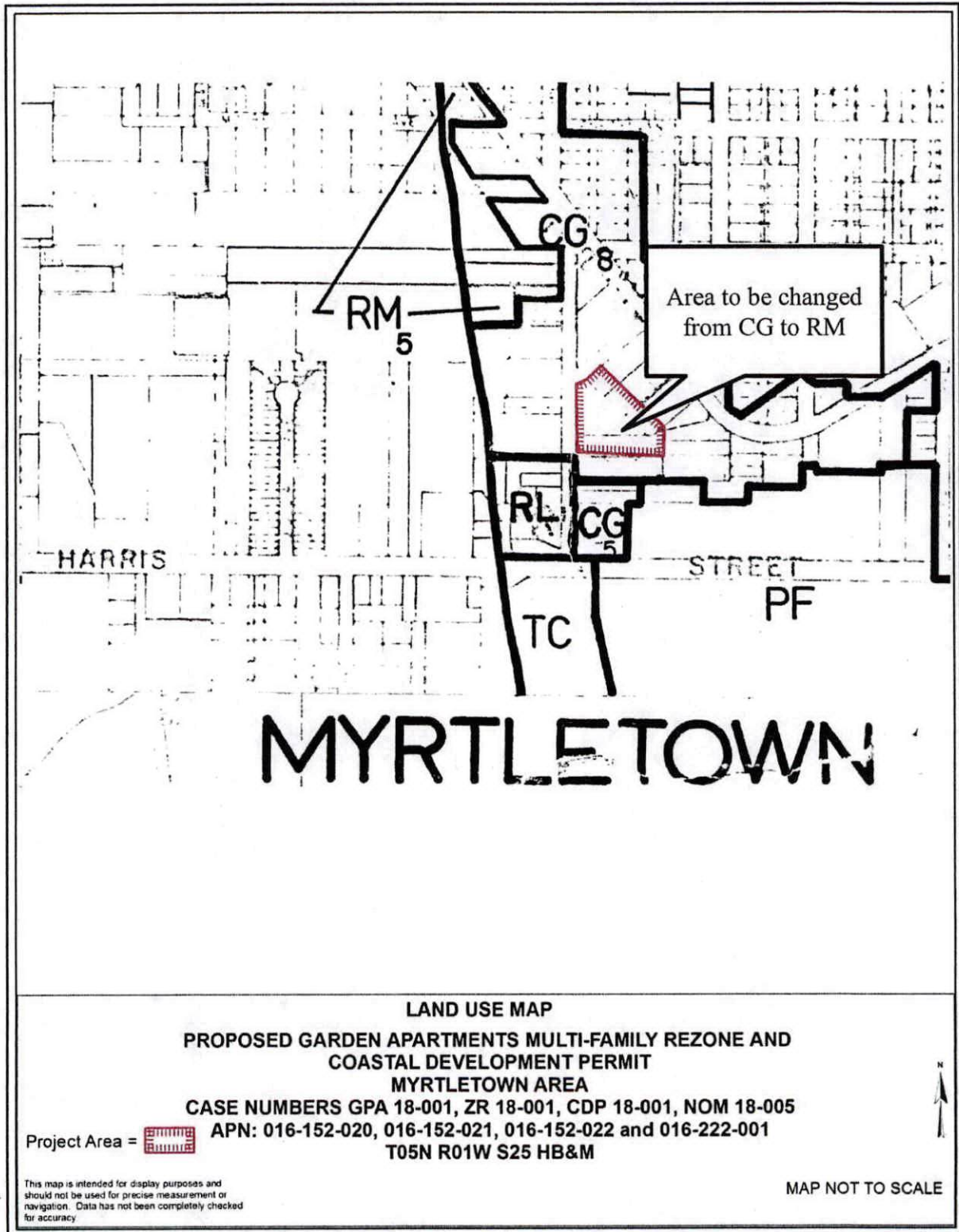
I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By Ryan Sharp
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California

EXHIBIT 1



Existing and Proposed Plan Designations

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EXHIBIT 2

**FINDINGS IN SUPPORT OF THE GENERAL PLAN AMENDMENT,
AND ZONING ORDINANCE AMENDMENT
FOR CASE NOS.: GPA-18-01, ZR-18-01**

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The Board of Supervisors hereby find as follows:

A. Findings for a General Plan Amendment

1. The General Plan of Humboldt County is a dynamic document that can be modified to reflect changing social, economic or environmental conditions, or changes in state law. These changes include changing property from one plan designation or zone to another. Per Policy G-P8, *Required Findings and Criteria for Amendments* of the 2017 General Plan, an amendment may be approved if:
 - a) Base information or physical conditions have changed; or
 - b) Community values and assumptions have changed; or
 - c) There is an error in the plan; or
 - d) To maintain established uses otherwise consistent with a comprehensive view of the plan; or
 - e) The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan.
2. In addition, the Board must determine that the revision is not appropriate for the next scheduled update; and
3. The Plan amendment must be found to be in the public interest in accordance with Section 65358(a) of the California Government Code; and
4. The plan is required to be consistent with the Zoning or other implementation of the Plan.
5. For changes within the Coastal Zone, state law requires that amendments to the Local Coastal Plan (LCP) be consistent with the California Coastal Act, Public Resources Code §30200 et seq.

B. Amendments to the Zoning Map

Section 312-50.3 of the Zoning Ordinance requires all the following findings for approval of changes to the Zoning Map:

1. The amendment is consistent with the County General Plan; and
2. The amendment is in the public interest.

C. Required Finding for Consistency With Housing Element Densities

1. Government Code Section 65302.81 requires specific findings supported by substantial evidence where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
2. In addition, the same Government Code section also requires any proposed development to maintain the residential density for any parcel at or above that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation), unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent

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with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

D. Required Finding for Consistency With the California Environmental Quality Act

The California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA:

- a) The project either is categorically or statutorily exempt; or
- b) There is no substantial evidence that the project may have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration or mitigated negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
- (c) An environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

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Finding A: Required Findings for General Plan Amendments	
Section(s)	Applicable Requirements
Policy G-P8, Required Findings (2017 General Plan)	Finding A1. Base information or physical conditions have changed; or Community values and assumptions have changed; or There is an error in the plan; or To maintain established uses otherwise consistent with a comprehensive view of the plan; or The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan.
Evidence Supporting Finding A1.	
<p>The CG – Commercial General Land Use designation is shown in Exhibit 1 to Attachment C of this Board Report. The CG designation is intended to classify lands that because of their location, access, and availability of services are suitable for commercial development. This includes retail trade services that are easily accessible, compatible and geared for local neighborhood or regional needs. Allowable uses types include:</p> <ul style="list-style-type: none"> • Civic. Minor utilities, essential services, administrative, and non-assembly cultural • Commercial. Retail sales, retail services, automotive, sale, service and repair • Industrial. Cottage Industry; subject to the Cottage Industry Regulations. <p>The RM –Residential Medium Density designation is used in areas with full urban services and where common-walled units and apartments are appropriate, including duplexes, townhouses, and apartments and manufactured home park developments.</p> <p>Myrtle town is an urban area virtually indistinguishable from the City of Eureka. Parcels in this area are divided to urban densities, with a commercial strip located along Myrtle Avenue. The parcels to be re-designated are located within this commercial strip. Parcels directly east of the site, within the CG use classification, contain older single-family units and small apartment units. The site is currently being used as a RV and boat storage with several existing structures.</p> <p>Since the subject area was zoned CG, certain physical conditions of the County at large, and Eureka in particular, have changed. The County currently suffers from a shortfall of affordable housing accessible to lower income households, as documented in the 2014 Housing Element and elsewhere. Myrtle town, with dull access to services, is suitable for infill development in order to implement H-IM37 of the Housing Element, including the called-for rezoning to Residential Medium Density (RM). The re-designation and rezone respond to increased demand for multifamily housing.</p> <p>Concurrently, the County continues on a trend toward more dense, walkable neighborhoods near commercial services to increase pedestrian access. The 2017 General Plan recognizes a change in community values and assumptions, that is from more dispersed, single family areas dependent on cars to higher density residential areas with commercial services nearby. The Plan emphasizes goals of reducing traffic while encouraging pedestrian and alternative transport means, both as ways to reduce traffic and to reduce greenhouse gas emissions.</p> <p>Finally, the proposed amendment has the potential for public benefit and is consistent with the General Plan’s Guiding Principle No. 3: Promote and facilitate the creation of affordable housing opportunities to meet current and future demands for all income levels.</p>	

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Policy G-P8, Required Findings (2017 General Plan)	Finding A2. In addition, the Board must determine that the revision is not appropriate for the next scheduled update.
Evidence Supporting Finding A2. The Plan was updated in 2017. The next update is not scheduled for 10 years or more.	
65358(a) of the Government Code	Finding A3. The amendment must be in the public interest.
<p>Evidence Supporting Finding A3.</p> <p>The General Plan Amendment is in the public interest if it benefits the County as whole and not just certain property owners. The proposed amendment changing approximately 2.2 acres from CG (Commercial General) to RM (Residential Medium Density) will facilitate future construction of 66 multifamily units. Multifamily housing benefits the County as whole and not just certain property owners. Such development increases the supply of affordable housing, and helps meet the demand for workforce housing that supports the County's economic development goals.</p> <p>The proposed density is 30 units per acre, which is expected to result in housing affordable to lower income households according to Standard H-S12 in the Housing Element. Considering the pronounced and ongoing lack of affordable housing in the County as documented in the Housing Element, the proposed Plan Amendment and future multifamily housing development would be in the public interest.</p> <p>Finally, the project site is situated in an existing urbanized area where potential nighttime light, noise, and land use conflicts between the future multifamily housing and neighboring uses will be minimized, and where public services are available including paved roads and public water and wastewater systems. Placing future development in areas already served with public services is also in the public interest.</p>	
Policy G-P8: Consistency with the Zoning Ordinance	Finding A4. The plan is required to be consistent with the Zoning or other implementation of the Plan.
<p>Evidence Supporting Finding A4.</p> <p>3.4 G-P8(A) - Public Interest. See Finding A3 discussion above.</p> <p>3.4 G-P8(B) - Guiding Principles. Guiding Principle No. 3: Promote and facilitate the creation of affordable housing opportunities to meet current and future demands for all income levels. The Plan Amendment will facilitate construction of 66 units of multifamily housing at a density of 30 units per acre, which is considered by Housing Element Standard H-S12 to be affordable to lower income households. This project is consistent with Guiding Principle #3 because it facilitates creation of affordable housing opportunities to meet current and future demands for all income levels.</p>	

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Evidence Supporting Finding A4, cont.

UL-G1. Urban Development Areas. Urban Development Areas serving as centers of business expansion, residential growth and public investments in infrastructure and services.

UL-G2. Design and Function. Aesthetically appealing Urban Development Areas designed and planned for convenient access to work, shopping, recreation and neighborhoods.

The proposed Plan Amendment is consistent with UL-G1 because it locates residential growth within the Urban Limit Line, and UL-G2 because it locates new residents within walking distance to commercial and retail services. The proposed Plan Amendment is consistent with UL-G2 because as shown on the aerial map, site plan and building elevations, the project will be an aesthetically pleasing development with convenient access to nearby work, shopping, recreation and surrounding areas.

C-G4. Access to Active Transportation. Improved access to non-motorized modes of transportation, including walking, bicycling, horseback riding and hiking. The proposed Plan Amendment is consistent with UL-G2 and C-G4 because conditions of approval require the applicant to install sidewalks between the subject property and the traffic signal on Myrtle Avenue which will ensure safe pedestrian access from the site to the nearby store and other commercial areas.

H-G2. Housing Diversity. An adequate supply of all types of affordable housing for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas.

H-G3. Workforce Housing. An adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.

The proposed Plan Amendment is consistent with H-G2 and H-G3 because the proposed multifamily density is 30 units per acre. The project is expected to result in 66 multifamily units of housing affordable to lower income households according to Standard H-S12 in the Housing Element. Such development increases the supply of affordable housing, and helps meet the demand for workforce housing that supports the County's economic development goals.

CO-G5. Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the costs of providing public infrastructure and services.

The proposed development will accommodate the County's affordable housing needs within an already developed area with adequate public services on the site. By encouraging development in these developed areas, the County is reducing the demand for residential development on open space lands, thereby protecting natural resources, sustaining resource production, minimizing exposure to natural hazards, and minimizing the costs of providing public infrastructure and services consistent with CO-G5.

WR-G10. Storm Drainage and WR-G11. Wastewater Management.

Conditions of approval include mitigation measures compliant with State water standards that would capture and control storm drainage utilizing onsite infiltration and natural drainage channels consistent with the goals WR-G10 and WR-G11. Conditions of approval also minimize erosion, peak runoff, and interference with surface and groundwater flows consistent with those goals. The project would be serviced by HCSO so it would not contaminate surface or ground water, which is another goal of the Water Resources Element.

S-G1. Minimize Loss. Communities designed and built to minimize the potential for loss of

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<p>Consistency with the Coastal Act: (PRC § 30200)</p>	<p>Finding A5. The plan must conform to the policies contained in Chapter 3 of the Coastal Act, including policies set forth regarding: access, recreation, marine resources, land resources, development, and industrial development.</p>
<p>Evidence Supporting Finding A5.</p> <p>The plan must conform to the policies contained in Chapter 3 of the Coastal Act, including policies set forth regarding: access, recreation, marine resources, land resources, development, and industrial development.</p> <p>Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).</p> <p>The proposed project site is located inland from the coast and would not impact the public’s access to the sea. As a new development, the project will have coastal access through established roadways and transportation systems. Existing public access from the nearest public roadway to the shoreline will accommodate the future residents in the new development. Conditions of approval require improvement of sidewalks in the neighborhood that facilitates access to coastal resources.</p> <p>Recreation (including protection of water-oriented activities, ocean- front for recreational uses, aqua- cultural uses, and priority of development purposes).</p> <p>The proposed amendment would not directly affect recreation because the property is not adjacent to any waterbody or coastal access. Also, the existing CG Plan designation is not intended to indirectly support recreational uses, rather it is intended to “allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community” (Section 4.10(A) of the HBAP). As shown on the Land Use Map there are other nearby CG-designated properties in the area, which provide for the integration of commercial services within the surrounding residential community. In addition, the change in land use would not impact “priority uses” under the Coastal Act, such as visitor-serving commercial recreational facilities or coastal-dependent uses. The site is not presently used for “priority uses”. It is currently being used for RV and boat storage and a single family residence.</p>	
<p>-----</p> <p>Marine resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control).</p> <p>The aerial map shows the project site is in an urban infill area that has community services and has long been developed and disturbed. The proposed RM Plan designation and the future multifamily use of the property will not impact marine resources because the nearest tidally influenced stream (Ryan Slough) is 2,300 feet to the northeast and separated by other urban development.</p> <p>-----</p>	

Evidence Supporting Finding A5, cont.

Compliance with the water quality mitigation measures required as conditions of approval would capture and control storm drainage, utilize onsite infiltration and natural drainage channels, and minimize erosion, peak runoff, and interference with surface and groundwater flows. The water supply and sewage disposal needs of the development would be met by HCSD. Conditions of approval encourage the use of native plants and prohibit the use of invasive exotic plants for landscaping. All these measures protect water quality and biological productivity of marine resources.

Land resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources).

The aerial map shows the project site is within an urban infill area that has community services and has long been developed and disturbed, and is surrounded on all sides by paved roads. The Humboldt County GIS shows no coastal natural resources nor ESHA'S within 2,000 feet of the site. Based on this information, the proposed multifamily plan designation and future multifamily use will have no direct impact on ESHA's.

Conditions of approval include mitigation measures to protect ESHA's from potential indirect impact of the project, including water, noise, and light mitigation. In addition to the water quality protection measures described above, conditions of approval require outdoor lighting be shielded and directed so direct lighting does not extend beyond the property boundaries. Conditions of approval also encourage the use of native plants and prohibit the use of invasive exotic plants for landscaping. No agricultural or timberlands are involved with the development. Forested slopes separate the developed lands in the neighborhood from wetlands and streams. No archaeological or Tribal cultural resources are known to exist near the parcels. Based on this information no impacts on coastal land resources are expected.

Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments). Location in existing developed areas; Protect scenic and visual qualities, and minimize adverse impacts.

The aerial map shows the project site is within an existing developed area with adequate public services. The Humboldt County GIS shows there are no coastal scenic or coastal view areas in the vicinity.

The risks of natural and manmade hazards are minimal at the project location because it is relatively flat. The Humboldt County GIS shows there are no slope stability, or topographic concerns on or surrounding the project site, and there are no areas of potential liquefaction, earthquake faults or other geologic hazards. Matters of structural and geological stability would be minimized by adhering to building codes. Analysis of air pollution during future operation of the project demonstrates the multifamily use would be consistent with State air quality requirements. Mitigation measures imposed during future construction would reduce particulate pollution to a level consistent with state standards.

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Industrial development (including location and expansion, use of tanker facilities, oil and gas development and transport - both onshore and off, and power plants.

The proposed Plan amendment and future multifamily use of the property would have no impact on industrial development. There are no areas planned for industrial development in the vicinity.

Finding B. Amendments to the Zoning Map	
Section(s)	Applicable Requirements
§312-50 of the Zoning Ordinance Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200	Finding B1. That the proposed zoning change is consistent with the General Plan and with Public Resources Code §30200 et seq.
Evidence Supporting Finding B1. Since the proposed Land Use Map and Zoning Map amendments both result in a property allowing multifamily development, the Zoning Map amendment is consistent with the General Plan and Public Resources Code §30200 et seq. just as the Land Use Map as discussed in Findings A1 - A5 above. The General Plan and Coastal Act consistency findings for the proposed changes to the Land Use Map equally apply to the proposed changes to the Zoning Map. In addition, the proposed Zoning Map change is consistent with the proposed General Plan designation because the RM Zoning Designation allows the same uses as the RM Plan designation.	
65358(a) of the Government Code	Finding B2. The amendment is in the public interest.
Evidence Supporting Finding B2. Since the proposed Land Use Map and Zoning Map amendments both result in a property allowing multifamily development, the Zoning Map amendment is in the public interest just as the Land Use Map is in the public interest as discussed in Finding A2 above. The public interest finding for the proposed changes to the Land Use Map equally apply to the proposed changes to the Zoning Map.	

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Finding C. Required Finding for Consistency With Housing Element Densities

Section(s)	Applicable Requirements
Housing Element Residential Development Potential	Finding C1. The project may not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Evidence Supporting Finding C1. The project changes existing commercial uses to residential uses and does not preclude future residential development. The project does not reduce, but rather increases the residential density of the parcels, consistent with Housing Element Law.	

Finding D. Required Finding for Consistency With the California Environmental Quality Act

Section(s)	Applicable Requirements
Consistency with the California Environmental Quality Act	The project is required to be consistent with the California Environmental Quality Act
Evidence Supporting Finding C. An Initial Study was performed for the proposed GPA, ZR, CDP and NOM as per Sections 15063 of the California Environmental Quality Act (CEQA) Guidelines. Those potential impacts were evaluated and appropriate mitigation was identified, resulting in a Mitigated Negative Declaration being prepared. The Mitigated Negative Declaration finds that although the project could have a potentially significant impact on the environment, there will not be any significant impacts in this case because revisions in the project have been made and agreed to by the applicant. There is no evidence before the Department that the project, as mitigated, would have an adverse effect, either individually or cumulatively, on the environment. The Initial Study and Mitigated Negative Declaration are included in Attachment E.	