

SUPPLEMENTAL INFORMATION No. 3

For Board of Supervisors Agenda of August 20,2019

- Consent Agenda Item }
- Continued Public Hearing Item }
- Public Hearing Item }
- Department Report }
- Old Business }

File ID 19-1157: 2019 Amendments to the Housing Element of the Humboldt County General Plan

Attached for the Board's record and review is (are) the following supplementary information item(s):

1. Two items from Jayme Delson.
 - a) City of Arcata Municipal Code for Live/Work Units, receive August 12, 2019
 - b) Comments on the Housing Element dated April 29, 2019 and submitted August 6, 2019.

Item a) Mr. Delson would like allowances to provide for live/work units in different settings.

Staff comment: Live/Work Units are codified in Section 419 of the 2016 California Building Code. In sum, live/work units are joint working and living spaces with specified limits for overall size, ratio of residential to nonresidential space, allowable uses and occupancies, and structural requirements.

The 2019 Housing Element Amendments goals and policies look to increase opportunities for housing and improve affordability. Moreover, the Housing Element Amendments do not take a one size fits all approach. Staff does not see live/work units as being outside the realm of the Planning Commission’s recommended Housing Element Amendments’ direction and goals. In other words, live/work housing is within scope of the Amendments including the implementation measures. It would be appropriate to develop specific regulations as part of amending to the Zoning Regulations for tiny house villages, alternative lodge parks, for example.

Item b) Please note that a number of new policies and implementation measures were added to the housing element since the date of this letter.



9.42.100 Live/Work Units

A. Purpose. This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Article 2 (Zoning Districts and Allowable Land Uses). A live/work unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this Section do not apply to mixed use projects, which are instead subject to Section 9.42.110 (Mixed Use Projects).

B. Application requirements. An application for a Live/Work Unit on a former mill site, dry cleaner site, service station site, or other sites determined by the Director to possibly contain hazardous materials shall include a Phase I Environmental Assessment for the site, including an expanded site investigation to determine whether lead based paint and asbestos hazards are present in an existing structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase I assessment shows potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to the Department in order to determine if remediation may be required.

C. Limitations on use. The nonresidential component of a live/work project shall only be a use allowed within the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses). A live/work unit shall not be established or used in conjunction with any of the following activities:

1. Sex-oriented businesses;
2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);
3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use unless a Use Permit is obtained;
4. Welding, machining, or any open flame work unless a Use Permit is obtained; and
5. Any other activity or use, as determined by the Director or Building Official to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes unless a Use Permit is obtained.

D. Residential density. Live/work units shall not exceed a maximum density of 33 units per acre. The affordable housing requirements and incentives of Chapter 9.32 shall not apply to live/work units.

E. Occupancy requirement. The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.

F. Design standards.

1. Floor area requirements. The minimum floor area of a live/work unit shall be 1,000 square feet. No more than 30 percent or 400 square feet, whichever is greater, shall be reserved for living space as defined under "Live/Work Unit" in Article 10 (Glossary). All floor area other than that reserved for living space shall be reserved and regularly used for working space.
2. Separation and access. Each live/work unit shall be separated from other live/work units and

other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.

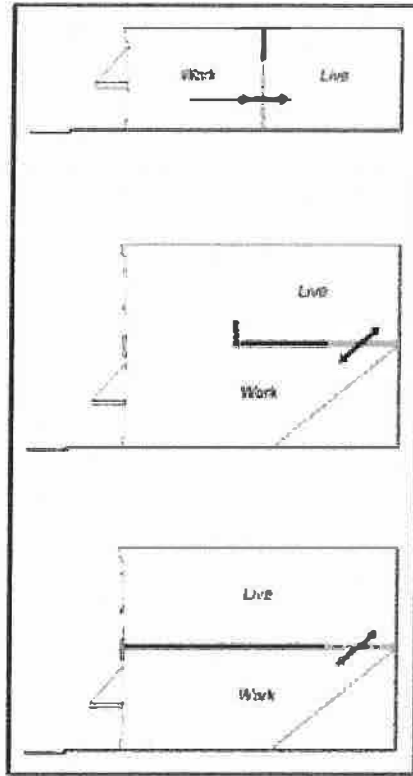


Figure 4-1 - Live/Work Arrangement Examples

3. Facilities for commercial or industrial activities, location. A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity. The street-fronting ground floor area of a live/work unit shall be used only for non-residential purposes; the review authority may require a deed restriction to maintain this requirement.
4. Integration of living and working space. Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated from the work space, as required by Subsection F.2. The living space of a live/work unit shall have exterior access and an interior connection to the work space.
5. Mixed occupancy structures. If a structure contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.
6. Parking. Each live/work unit shall be provided with off-street parking spaces pursuant to Section 9.36.040 (Number of Parking Spaces Required). The review authority may modify this requirement for the use of existing structures with limited parking.

7. Accessibility. The non-residential portions of a [live/work unit](#) shall comply with all applicable provisions of the Americans with Disabilities Act (ADA).

G. Operating requirements.

1. Sale or rental of portions of unit. No portion of a [live/work unit](#) may be separately rented or sold as a [commercial](#) or [industrial](#) space for any [person](#) not living in the premises or as a [residential](#) space for any [person](#) not working in the same unit.

2. Notice to occupants. The [owner](#) or [developer](#) of any [structure](#) containing [live/work units](#) shall provide written notice to prospective live/work occupants and users that the surrounding area [may](#) be subject to levels of dust, fumes, [noise](#), or other effects associated with [commercial](#) and [industrial](#) uses at higher levels than would be expected in more typical [residential](#) areas. State and Federal health regulations notwithstanding, [noise](#) and other [standards](#) shall be those applicable to [commercial](#) or [industrial](#) properties in the applicable [zoning district](#).

3. On-premises sales. On-premises sales of goods is limited to those produced within the [live/work unit](#); provided, the retail sales activity [shall](#) be incidental to the primary production work within the unit. These provisions [shall](#) allow occasional open [studio](#) programs and gallery shows.

4. Nonresident employees. The [live/work unit](#) approval [may](#) limit the number of employees who do not reside in the [live/work unit](#) on the basis of constrained parking or traffic conditions in the [site](#) vicinity. The number of employees [shall](#) be limited in compliance with [Building](#) Code and Fire Code requirements, based on the non-residential floor area within the [live/work unit](#).

5. Client and customer visits. Client and customer visits to [live/work units](#) are allowed subject to any applicable conditions of the [Use](#) Permit, if applicable, to ensure compatibility with adjacent [commercial](#) or [industrial](#) uses, or adjacent residentially-zoned areas.

H. Changes in [use](#). After [approval](#), a [live/work unit](#) shall not be converted to either entirely [residential](#) use or entirely business [use](#) unless authorized through [Use](#) Permit [approval](#). No [live/work unit](#) shall be changed to exclusively [residential](#) use in any [structure](#) where [residential](#) use is not allowed, where two or more [residential](#) units already exist, or where the conversion would produce more than two attached [residential](#) units.

I. Required [findings](#). The [approval](#) of a [Use](#) Permit pursuant to Section 9.42.100 C for a [live/work unit](#) shall require that the [review authority](#) first make all of the following [findings](#), in addition to those [findings](#) required for [Use](#) Permit [approval](#) by Section 9.72.080 ([Use](#) Permit and Minor [Use](#) Permit):

1. The proposed [use](#) of each [live/work unit](#) is a bona fide [commercial](#) or [industrial](#) activity [consistent with](#) Subsection C. (Limitations on [use](#));

2. The establishment of [live/work units](#) will not conflict with nor inhibit [commercial](#) or [industrial](#) uses in the area where the project is proposed;

3. The [structure](#) containing [live/work units](#) and each [live/work unit](#) within the [structure](#) has been designed to ensure that they will function predominantly as work spaces with incidental [residential](#) accommodations meeting basic habitability requirements in compliance with applicable regulations; and

Jayme Delson, Housing element comments

4-29-19

H-p 24 leave it complaint driven, it should be none of your business.

H-p 29 wonder what effect this will have on flexibility for property owner

Hp-30 Nice

Hp-31 Of the same type what would that mean rather limiting

Hp 32 why limit to multi-family zone, instead permit it also in locations for live work like farm worker housing

Hp 34 also estimate housing needs for all live work cottage housing.

HP 40 Please offer to all solution to geared to ending homelessness and the other forms of economic marginalization.

Hp 44 as well as for all permanent low cost owner occupied live / work arrangements

HP-45 excellent and it should be extended to all locations where it can enhance or satisfy health and safety

HS-1 Are these rentals they should not be if they are for low income people because they have no way to pay after no longer able to work the low wage employment that most are limited to.

HS- 7 can we please take this issue seriously! This is an inventory of, not a plan to end homelessness!

Him12 HHHC is out of touch! Sadly we can fix it!

Him20 Safe homes the people who need it could not begin to afford it, another good idea with a ridicules implementation!

H-im31 E, Sites for Permanent low cost live / work owner occupied both in rural and owner builder zones and also all other zones where health and safety can be addressed

H- im38 To included Manufactured home style foundations for the Tiny homes and cottages.

H-IM40 to be included in most all zones like workforce housing (farm-worker housing) for all kinds of live , and live / work villages

H-im50 To included live / work villages in general as well

H-im58 To be established anywhere health and safety may be achieved like it says in the employee housing act (farm-worker housing)

