



# COUNTY OF HUMBOLDT

For the meeting of: 7/18/2024

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File #: 24-1127

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**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**SUBJECT:**

Draft Commercial Residential Ordinance  
Assessor Parcel Numbers (APN) 000-000-000  
Record No.: LRP-2023-18805  
All the unincorporated areas of Humboldt County.

The Commercial Residential Ordinance is to implement and expand upon Senate Bill 6 (SB 6), which allows for residential development in zones where office, parking, or retail uses are permitted. Based upon the County's zoning regulations, various commercial and industrial zoning designations may qualify. Commercial residential is proposed as a new type of development that consists of residential dwellings or a mixture of dwellings and commercial uses within certain commercial and industrial zones.

The proposed ordinance amends the zoning regulations to principally permit commercial residential development in commercial zones by adding and modifying the following sections:

1. Adds Section 314-56.5, amends Section 314-163.1.8, and amends the tables in sections 314-2.1, 314-2.2, 314-2.3, 314-2.4, 314-3.1, in Chapter 4 of Division 1 of Title III of the County Code for the inland areas of the County.
2. Adds Section 313-56.5, amends Section 313-163.1.8, and amends the tables in sections 313-2.2, 313-3.1, 313-3.2, in Chapter 3 of Division 1 of Title III of the County Code for the coastal areas of the County.

The Zoning Updates Ordinance is to update our zoning code to be consistent with California State Building Code, implement Humboldt County General Plan Implementation Measure H-IM63, define "mini-storage" and allow with a Use Permit in certain zones, encourage residential infill projects in the Business Park (MB) zone, and allow flexibility in housing types in the Residential Multiple Family (R-3) zone. The proposed ordinance amends the zoning regulations to address the items above by adding and modifying the following sections:

1. Amends Sections 314-141, 314-148, 314-154, 314-163.1.3, and the tables in sections 314-2.3, 314-3.1, 314-3.2, 314-6.4, in Chapter 4 of Division 1 of Title III of the County Code for the inland areas of the County.
2. Amends Sections 313-141, 313-148, 313-154, 313-163.1.3, and the tables in sections 313-2.2, 313-3.1, 313-3.2, in Chapter 3 of Division 1 of Title III of the County Code for the coastal areas of the County.

**RECOMMENDATION(S):**

That the Planning Commission take the following actions:

1. Adopt resolutions (Resolution 24-\_\_) [Attachment 1] recommending that the Humboldt County Board of Supervisors take the following actions:
  - a) Find that the proposed Inland and Coastal Commercial Residential Ordinances are exempt from CEQA pursuant to §15061(b)(3) of CEQA Guidelines. Public Resources Code Sections 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18805; and
  - b) Find that the proposed Inland and Coastal Commercial Residential Ordinances are in the Public Interest; and
  - c) Find that the proposed Inland and Coastal Commercial Residential Ordinances are consistent with the General Plan or Local Coastal Plan.
  - d) Adopt the Inland Commercial Residential Ordinance adding section 314-56.5 and amending the tables in sections 314-2.1, 314-2.2, 314-2.3, 314-2.4, 314-3.1 in Chapter 4 of Division 1 of Title III of the County Code for the inland areas of the County. [Attachment 2]
  - e) Adopt the Coastal Commercial Residential Ordinance adding section 313-56.5 and amending the tables in sections 313-2.1, 313-2.2, 313-3.1 in Chapter 3 of Division 1 of Title III of the County Code for the coastal areas of the County. [Attachment 3]
2. Adopt resolutions (Resolution 24-\_\_) [Attachment 4] recommending that the Humboldt County Board of Supervisors take the following actions;
  - a) Find that the proposed Inland and Coastal Zoning Updates Ordinance is exempt from CEQA pursuant to §15061(b)(3) of CEQA Guidelines. Public Resources Code Sections 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the

preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18805; and

- b) Find that the proposed Inland and Coastal Zoning Updates Ordinances are in the Public Interest; and
- c) Find that the proposed Inland and Coastal Zoning Updates Ordinances are consistent with the General Plan or Local Coastal Plan, and state law.
- d) Adopt the Inland Zoning Updates amending sections 314-141, 314-148, 314-154, 314-163.1.3, and the tables in sections 314-2.3, 314-3.1, 314-3.2, 314-6.4, in Chapter 4 of Division 1 of Title III of the County Code for the inland areas of the County. [Attachment 5]
- e) Adopt the Coastal Zoning Updates Ordinance amending sections 313-141, 313-148, 313-154, 313-163.1.3, and the tables in sections 313-2.2, 313-3.1, 313-3.2, in Chapter 3 of Division 1 of Title III of the County Code for the coastal areas of the County. [Attachment 6]

#### DISCUSSION:

##### **Executive Summary:**

The initial draft ordinance was taken to the Planning Commission for a Public Workshop on April 18, 2024, and only included the inland draft of the Commercial Residential Ordinance. After the workshop, a second ordinance, Zoning Updates Ordinance, was drafted to amend and update the zoning code to: allow fences 7 feet in height to be excluded from the definition of “structure” to be consistent with California State Building Code; implement Humboldt County General Plan Implementation Measure H-IM63 by removing the definition of “family;” define “mini-storage” and allow with a Use Permit in certain commercial and industrial zones; principally permit residential uses subordinate to commercial uses in Housing Opportunity Zones in the Business Park (MB) zone and continue to require a Special Permit outside of Housing Opportunity Zones; and amend the Inland Residential Multiple Family (R-3) zone to remove the requirement to have four or fewer units per building to allow for more housing flexibility.

The proposed Commercial Residential Ordinance amends the zoning regulations to allow for Commercial Residential to be principally permitted in Commercial and Industrial zones (Inland:C-1, C-2, C-3, CH, and MB; Coastal: CN, CG, and MB). The intent of the Commercial Residential Ordinance is to implement and expand upon SB 6.

##### **Commercial Residential Ordinance**

A maximum residential density of 20 units per acre is proposed to be consistent with the proposed Tiny House Village ordinance. This has changed from the proposed maximum of 16 units per acre discussed at the workshop.

Staff is also proposing that if only residential use is proposed on a vacant lot, there will be a minimum of 10 units per acre consistent with SB 6. This has changed from the consensus to not have a minimum density from the workshop. Staff is proposing this minimum density to promote denser housing on vacant commercial lots and to avoid converting commercial areas to large lot single family residential developments.

### **Commercial Residential Workshop**

A workshop was held at the Planning Commission on April 18, 2024. During that workshop, Staff and the Planning Commission discussed the following requirements from Senate Bill 6 (SB 6) in relation to staff recommendations for the Commercial Residential Ordinance:

- The project must be located within a zone where office, retail, or parking is a principally permitted use.
  - Staff has recommended the following zones be eligible:
    - Inland: Neighborhood Commercial (C-1), Community Commercial (C-2), Industrial Commercial (C-3), Highway Service Commercial (CH), and Business Park (MB)
    - Coastal: Neighborhood Commercial (CN), Commercial General (CG), and Business Park (MB)
- The project must be constructed by skilled and trained workforce paid the prevailing wage.
  - Staff recommended removing this requirement.
- The project site must be 20 acres or less in area.
  - Staff recommended removing this requirement to allow any eligible zoned parcel to be eligible.
- The project is located on a legal parcel located wholly within an urban cluster.
  - Staff recommended removing the urban cluster requirement. All development shall be located on a legal parcel. This allowed commercial areas in less populated communities to be eligible.
- The project must meet or exceed density of 10 units per acre.
  - Staff discussed this with the Planning Commission. No density minimum was recommended by the Planning Commission. Staff has since added an alternative for a minimum density of 10 units per acre for vacant commercial parcels.
- The project cannot be located on a site or adjoining any site where more than one-third of the square footage is dedicated to industrial use.
  - Staff recommended retaining this requirement.
- The project must provide notice to commercial tenants and relocation assistance to certain

qualifying independently-owned commercial tenants.

- Staff recommended that conversion of existing commercial space into residential space cannot result in the eviction of existing businesses, so this requirement would not be required.

### **Zoning Update Ordinance**

The purpose of this ordinance is to amend and update the zoning code to be consistent with California Building Code and implement Humboldt County General Plan Implementation Measure H-IM63. The definition of “structure” will be updated to exclude fences up to seven feet in height instead of six feet, to be consistent with California Building Code. The definition of “family” will be removed as directed in Humboldt County General Plan 2019 Housing Element Implementation Measure H-IM63. “Mini-storage” will be defined and added to the conditionally permitted uses in Inland Industrial Commercial (C-3), Business Park (MB), and Light Industrial (ML) zones; and Coastal Commercial General (CG), Business Park (MB), and Light Industrial (ML) zones. To be consistent with similar zones and encourage infill housing development in the Inland Business Park (MB) zone, residential uses subordinate to commercial uses within Housing Opportunity Zones will be principally permitted and will continue to require a Special Permit outside of Housing Opportunity Zones. To allow flexibility in housing types, the requirement to have four or fewer units per building will be removed from the Inland Residential Multiple Family (R-3) zone.

**Project Location:** All the unincorporated areas of Humboldt County.

**Present General Plan Land Use Designation:** All land use designations.

**Present Zoning:** All zoning districts.

**Environmental Review:** The proposed ordinances are exempt from environmental review under §15061(b)(3) of CEQA Guidelines, activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Public Resources Code Sections 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18805. The ordinances will not change the density requirements within the General Plan.

**State Appeal:** This project is located in part within the Coastal Zone and is therefore appealable to the California Coastal Commission. Changes proposed to the Local Coastal Program (zoning ordinance provisions 313-56.5 and other sections of Chapter 3) must receive final certification from the California Coastal Commission before they become effective.

OTHER AGENCY INVOLVEMENT:

The project was referred to the following responsible agencies: County Counsel, Department of Public Works, Building Division, and Department of Environmental Health. Referrals have been sent to the above responsible agencies, and comments will be addressed in the ordinances if received.

ATTACHMENTS:

1. Resolutions Nos. 24-\_\_\_ and 24-\_\_\_ for the Inland and Coastal Commercial Residential Ordinance
2. Draft Inland Commercial Residential Ordinance
3. Draft Coastal Commercial Residential Ordinance
4. Resolutions No. 24-\_\_\_ and 24-\_\_\_ for the Inland and Coastal Zoning Updates Ordinance
5. Draft Inland Zoning Updates Ordinance
6. Draft Coastal Zoning Updates Ordinance
7. Senate Bill 6
8. Public Comments

Please contact Reanne Meighan, Associate Planner, at [rmeighan@co.humboldt.ca.us](mailto:rmeighan@co.humboldt.ca.us) or 707-268-3713 if you have questions about this item.