



COUNTY OF HUMBOLDT

For the meeting of: 10/1/2024

File #: 24-1352

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

Adoption of Two Ordinances Amending the Zoning Code to Allow Commercial Residential Within Certain Non-Residential Zones and Update Zoning Code Sections Relative to Fences, Definition of Family, Mini-Storages, Residences in the Inland Business Park Zone and Allowed Number of Units in a Multifamily Building in the R-3 Zone Within the Inland and Coastal Unincorporated Areas of Humboldt County

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report, accept public comment;
2. Close the public comment portion of the public hearing;
3. Deliberate and comment on the draft ordinances presented;
4. Adopt the resolution (Attachment 1) for the Commercial Residential Amendment to take the following actions:
 - a. Consider the project-specific addendum to the Programmatic Environmental Impact Report (PEIR) prepared for Humboldt County General Plan, which has been prepared per §15164 of the State CEQA Guidelines (Attachment 2);
 - b. Find the proposed Inland Commercial Residential Ordinance is consistent with the General Plan; and
 - c. Find the proposed Coastal Commercial Residential Ordinance is consistent with the Local Coastal Plan and the Coastal Act;
5. 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 3);
6. 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 4);
7. Direct the Clerk of the Board to publish post-adoption summaries of the Inland Ordinance Attachment 5 (Inland) within 15 days after adoption by the Board, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinances along with the names of those Supervisors voting for and against the ordinance;
8. Direct Planning and Building staff to transmit the Coastal Commercial Residential Ordinance with relevant information to the Coastal Commission for Certification;
9. Adopt the resolution (Attachment 6) for the Code Updates to take the following actions:
 - a. Consider the project-specific addendum to the previously certified Programmatic Environmental Impact Report (PEIR) prepared for Humboldt County General Plan prepared for consideration per §15164 of the State CEQA Guidelines (Attachment 7);
 - b. Find that the proposed Inland Zoning Updates Ordinance is consistent with the General Plan and state law; and
 - c. Find that the proposed Coastal Zoning Updates Ordinance is consistent with the Local Coastal Plan and the Coastal Act;

10. Adopt the Inland Zoning Updates Ordinance adding section 314-73.1 and amending sections 314-102.1.3, 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 8];
11. Adopt the Coastal Zoning Updates Ordinance adding section 313-74.1 and amending sections 313-99.1.1.1, 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 9];
12. Direct the Clerk of the Board to publish post-adoption summaries of the Inland Ordinance Attachment 10 within 15 days after adoption by the Board, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinances along with the names of those Supervisors voting for and against the ordinance; and
13. Direct Planning and Building staff to transmit the Coastal Zoning Ordinance Updates with relevant information to the Coastal Commission for Certification.

STRATEGIC PLAN:

This action supports the following areas of your Board’s Strategic Plan.

Area of Focus: Housing for All

Strategic Plan Category: 4002 - Increase and prioritize housing development

DISCUSSION:

Executive Summary:

Two sets of ordinances (Coastal and Inland) are being presented to the Board of Supervisors for consideration. The Commercial Residential Ordinances would implement and expand upon Senate Bill 6 (SB 6) which allows residential in commercial and industrial zones. The Zoning Updates Ordinance would amend the zoning code to reflect changes in the CA Building Code, implement Humboldt County General Plan Implementation Measure H-IM63 and allow more housing flexibility. There is no controversy associated with these ordinances. The Planning Commission considered both ordinances during a workshop and at least one public meeting and with a 6-0 vote recommends the Board adopt these ordinances.

Commercial Residential Ordinance

The purpose of the proposed Inland and Coastal Commercial Residential Ordinances is to implement and expand upon Senate Bill 6 (SB 6). SB 6, the Middle-Class Housing Act of 2022, which became effective on Jan. 1, 2023, and allows for residential development in zones where office, parking, or retail uses are permitted. The eligibility requirements for SB 6 are:

- The project must be located within a zone where office, retail, or parking is a principally permitted use.
- The project must be constructed by skilled and trained workforce paid the prevailing wage.
- The project site must be 20 acres or less in area.
- The project is located on a legal parcel located wholly within an urban cluster.
- The project must meet or exceed density of 15 units per acre.
- 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.
- The project must provide notice to commercial tenants and relocation assistance to certain qualifying independently owned commercial tenants.

Based upon the county’s zoning regulations, the following zones designations may qualify for SB 6:

- Inland- Neighborhood Commercial (C-1), Community Commercial (C-2), Industrial Commercial (C-3), Highway Service Commercial (CH), Business Park (MB), Limited Industrial (ML), and Heavy Industrial (MH);
- Coastal- Neighborhood Commercial (CN), Commercial General (CG), and Business Park (MB). Currently, an applicant could propose a housing development and utilize SB 6 if the project conformed to all the above criteria.

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 Commercial Residential Ordinance proposes to principally permit commercial residential development in the following zones:

1. Inland-Neighborhood Commercial (C-1), Community Commercial (C-2), Industrial Commercial (C-3), Highway Service Commercial (CH), and Business Park (MB);
2. Coastal- Neighborhood Commercial (CN), Commercial General (CG), and Business Park (MB).

The standards for the Commercial Residential Ordinance are:

- The project is located on a legal parcel.
- The project will have a maximum density of 30 dwelling units per acre, which can be exceeded if using Density Bonus provisions under Humboldt County Code (HCC) Section 314-112(Inland)/313-111(Coastal).
- The project must meet or exceed a minimum of 15 dwelling units per acre if it is on a vacant lot to avoid the conversion of commercial lots into single family residential developments and is consistent with Government Code Section 65583.2 (c)(3) (B).
- 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.
- The project cannot result in the eviction of existing businesses if converting existing commercial space into residential space.
- The project shall not be used as a Short-Term Rental.

Parking requirements will be consistent with Humboldt County Code (HCC) Section 314-109(Inland)/313-109(Coastal). The parking requirements may be reduced up to 50% of the spaces for the residential use with an Administrative Permit. There would be no parking requirement if the project consists entirely of affordable housing units with covenants and restrictions ensuring long term affordability and is within one-half mile walking distance of public transit with a clear path of travel.

Planning Commission Action on Commercial Residential

The Inland and Coastal Commercial Residential Ordinances were presented to the Planning Commission at a workshop on April 18, 2024, and a public hearing on Aug. 15, 2024. During the April 18, 2024, workshop, the Planning Commission discussed density, the prevailing wage requirement, parking, urban clusters, and relocation assistance of existing businesses. It was determined that the prevailing wage and urban cluster requirements set by SB 6 would be removed from the Commercial Residential Ordinance. There was discussion regarding density, at a maximum of 16 dwelling units per acre, consistent with the Mixed-Use Land Use density in the General Plan. The Planning Commission agreed commercial residential projects should not result in the eviction of existing businesses if converting existing commercial space into residential space. Parking was discussed and no changes were made during the workshop.

During the Aug. 15, 2024, public hearing, the topics of density and parking were again discussed. It was decided to allow a maximum density of up to 30 dwelling units per acre to be consistent with the Tiny House Village Ordinance and to have a minimum density of 15 dwelling units per acre for vacant lots to be consistent with Government Code Section 65583.2 (c)(3)(B). The Planning Commission also debated whether there should be more, or fewer parking spaces required. It was decided to retain the parking requirements with the ability to reduce parking for prescribed circumstances (Affordable housing, access to transit, and shared parking).

The Inland and Coastal Commercial Residential Ordinances were unanimously recommended for approval by the Planning Commission with a 6-0 vote.

Zoning Updates Ordinances

The purpose of the Inland and Coastal Zoning Updates Ordinances is to amend and update the zoning code to be consistent with California Building Code, implement Humboldt County General Plan Implementation Measure H-IM63, and allow more housing

flexibility. The following changes are proposed:

- 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.
- A maximum fence height of three feet will be required for solid fences within the front yard setback of certain residential zones. Open fences can be up to seven feet within the front yard setback.
- The definition of “family” will be updated as contemplated in Humboldt County General Plan Housing Element Implementation Measure H-IM63.
- “Mini storage” will be defined and added to the conditionally permitted uses in certain 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.

Planning Commission Action on Code Updates

The Inland and Coastal Zoning Updates Ordinances were presented to the Planning Commission at a public hearing on Aug. 15, 2024. The entirety of the ordinance was discussed in the hearing. There was discussion of fence heights and fence materials. The Planning Commission decided to allow solid fences to be a maximum of 3 feet high within the front yard setback within certain residential zones, and to allow open fences to be a maximum of 7 feet within the front yard setback.

The Inland and Coastal Zoning Updates Ordinances were unanimously recommended for approval by the Planning Commission with a 6-0 vote.

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: A project specific Addendum has been prepared for consideration and adoption to the previously adopted Program Environmental Impact Report (PEIR) prepared for Humboldt County General Plan per §15164 of the State CEQA Guidelines. The proposed ordinance affects all inland and coastal unincorporated areas of Humboldt County.

State Appeal: 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. The inland ordinances are not appealable to the California Coastal Commission.

SOURCE OF FUNDING:

The Commercial Residential and Zoning Updates Ordinances work has been funded by the General Fund.

FINANCIAL IMPACT:

The Commercial Residential and Zoning Updates Ordinances will cost approximately \$65,000 to complete and implement. Costs associated with updating ordinances are included in the Planning and Building budget 1100282 Advance Planning.

OTHER AGENCY INVOLVEMENT:

The development of the Commercial Residential and Zoning Updates Ordinances included the review and input from the managerial staff of the Humboldt County Planning and Building Department, the Department of Public Works and the Department of Health and Human Services Public Health Environmental Health Division.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion.

ATTACHMENTS:

Attachment 1 - Inland & Coastal Commercial Residential Ordinance Resolutions

Attachment 2 - Commercial Residential CEQA Addendum

Attachment 3 - Inland Commercial Residential Ordinance

Attachment 4 - Coastal Commercial Residential Ordinance

Attachment 5 - Inland Commercial Residential Post Adoption Summary

Attachment 6 - Coastal Commercial Residential Post Adoption Summary

Attachment 7 - Inland & Coastal Zoning Updates Ordinance Resolutions

Attachment 8 - Zoning Updates CEQA Addendum

Attachment 9 - Inland Zoning Updates Ordinance

Attachment 10 - Coastal Zoning Updates Ordinance

Attachment 11 - Inland Zoning Updates Post Adoption Summary

Attachment 12 - Coastal Zoning Updates Post Adoption Summary

PREVIOUS ACTION/REFERRAL:

Meeting of: 4/18/2024; 7/18/2024; 8/13/2024 Planning Commission

File No.: 24-756; 24-1127; 24-1183