

## **ATTACHMENT 5**

### Written Responses to Legal Services Letters

Both of the attached response letters were hand delivered to Jan Turner, Legal Services of Northern California, on June 24, 2019.



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**

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June 28, 2019

Jan L. Turner  
Attorney  
Legal Services of Northern California  
[jturner@lsnc.net](mailto:jturner@lsnc.net)

RE: Responses to May 13, 2019 and June 6 2019 Comments regarding County's 2019 draft  
Housing Element Amendments

Dear Jan:

Thank you for your brief comments of May 13, 2019 and June 6, 2019 regarding the Housing Element Update. The County takes public input seriously - a commitment to meaningful public participation is not only embedded in the state's housing law, but is a cornerstone of the County's General Plan update process. The County has solicited public input throughout the process, both to identify issues and to guide policy and solutions. We hope the additional two weeks set by the Planning Commission have allowed adequate time for review and comment on the submitted draft.

Responses and comments to your letter of May 13, 2019 are inline and are attached. This letter is a response to your comments of June 6, 2019. Many of your points in both letters are well taken, and these are addressed in our revised draft; there are also a number which we feel warrant further discussion.

Revisions to Draft Housing Element that Respond to Comments

(a) Dates and responsible parties for Implementation Measures.

This information has now been provided. As you know, Government Code 65583(c) recognizes that certain programs are ongoing, are intermittently relevant, or are carried out in concert with actions of other parties or agencies so that hard deadlines are not always meaningful; however, each measure is planned to have beneficial impacts within the planning period.

(b) The discussion of homeless shelter should be revised to contain current information.

This information has now been updated.

(c) Subsidies should be used to incentivize affordable housing.

In your comments, you point out that subsidies and incentives should be reserved for affordable housing, which developers are unable to produce without them. Current data, projections, and funding realities suggest that affordable housing is likely to continue to be underproduced, and therefore we agree with your analysis. However, the Commission has asked Planning to return with information and an option through which the County can facilitate all residential projects. Therefore, the staff report will present the proposal as an option, along with a discussion of pros and cons.

## The Element's Approach to Implementation

As part of the update, Planning researched successes in other jurisdictions. We note that interagency and public/private/nonprofit partnerships were inevitably cited as a keys to making projects happen. Realizing this early on, this Element directs Humboldt County to act decisively within the scope of its authority, but also be proactively open itself to interagency and private coordination. We believe this housing element pushes policies to the limit of the County's authority (land use and regulation) and available resources. Beyond that, the County commits to facilitate and support agencies and private parties who wish to further its stated goals (see Housing Element Goals, H-G1 through H-G7). The following discussion applies these concepts to your comments.

### Homeless Shelters

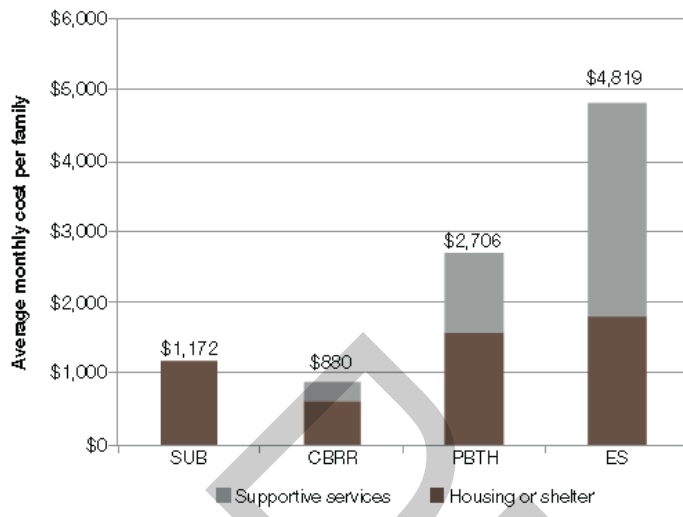
(a) No homeless shelter within unincorporated Humboldt County.

We believe there is now no Emergency Shelter within the County jurisdiction. Both of these shelter programs discussed in the Element had to close due to a lack of funding.

#### Response:

The County identified properly zoned locations suitable for emergency shelters throughout the county in a previous Housing Element, as required by state law (SB 2). No new shelters have been proposed or built since then. Why? Your letter points directly to the cause: loss of funding. In a January 2019 meeting with DHHS, they shared the finding that a model of emergency shelter with a limited length of stay and onsite services is relatively expensive to operate compared with other ways to house people experiencing homelessness. In addition, without ongoing rent assistance for former residents, the success rate for these programs is low. Below is a graphic that sheds light on their change in approach.

**Exhibit 9-2. Average Per-Family Monthly Cost of Supportive Services and Housing or Shelter Across Program Types**



CBRR = rapid re-housing programs offered to the CBRR group. ES = emergency shelter. PBTH = transitional housing programs offered to the PBTH group. SUB = permanent housing subsidies offered to the SUB group.  
Sources: Family Options Study cost data (CBRR, PBTH, and ES); U.S. Department of Housing and Urban Development, Public and Indian Housing Information Center, Tenant Rental Assistance Certification System, and Financial Data Schedule records (SUB)

Source: HUD's Family Options Study - p 111. Note: Although this study looked at families with children, not single adults who make up the bulk of the County's homeless population, DHHS opines that the cost results would be similar.

DHHS will be the lead agency on any initiatives involving emergency shelter; Planning & Building will play a supportive/facilitative role. Planning is in ongoing contact with DHHS, who has embraced alternative approaches to addressing homelessness as noted above. In order to have direct participation in housing, the County would need to pass an Article 34 referendum as proposed in Implementation Measure H-IM26. Article 34 of the California Constitution, passed in 1950, prohibits a public body from developing, constructing, or acquiring affordable housing unless the project is approved by a majority of voters. The proposed referendum would allow the County to own or lease real property in order to provide housing.

There is a recognition among some at the state level now that Article 34 is based in racism and classism, and there is a movement to repeal the Article 34 as part of the 2020 general election: see Senate Constitutional Amendment-1 (SCA-1, 2018). Its practical effect is to prevent the building of affordable housing because compliance adds substantial cost to building low-income homes or projects. If, as the evidence suggests, publicly funded, developed, and owned low income housing is necessary to ensure that people of all income levels can afford housing, an Article 34 initiative is a logical next step should the SCA-1 or similar measures fail to progress or pass. This is in the draft Housing Element.

(b) More needs to be done to house those experiencing homelessness.

Response:

Implementation measures are proposed in the Element that continue to help provide shelter to homeless persons. Among them are:

- H-IM54. Emergency Shelters.
- H-IM55. Support Emergency Shelters
- H-IM23. Safe Parking Pilot Program.

Other Element components that address homelessness and facilitate or remove barriers to building shelters include: H-G5; H-G6; H-P12; H-P38-40; H-P46; H-S7; H-IM1; H-IM11; H-IM12; H-IM14; H-IM31; H-IM53; H-IM-56-57; and H-IM71-72. Many of the implementation measures are new. They reflect public input, and refine or add to previous measures by targeting specific barriers. We are interested to include any additional programs you believe would be effective. We will need to involve DHHS in review of any proposed additional programs.

(c) Funding.

Seeking funding and providing assistance to create homeless shelters should be a priority.

Response:

The General Plan and Housing Element have long incorporated goals addressing homelessness. Implementation measure H-IM1 explicitly prioritizes pursuing funding for emergency shelter programs. In this update, Planning staff conducted research and outreach to understand why, despite supportive policies, the issue tenaciously persists, and in fact has gotten worse. The staff report of May 16, 2019 presents results and identifies some of the barriers that are within the scope of Planning's land use authority. A number of new programs are proposed in the Element, based on community "asks" expressed at workshops. Safe parking programs (H-P39 and H-IM56) and tiny house villages (H-P32 and H-IM40) could fall under emergency shelter if the ordinance was adjusted as proposed. H-P12, H-P38, and HP40 address zoning and fee deferrals for emergency shelters.

(d) No analysis of the lots zoned for emergency shelter.

Additionally, although the County has permitted homeless shelters by right in the R4 zone, there is little analysis in the draft Housing Element of whether any of the lots are available for, and suitable for, homeless shelter.

Response:

Implementation measures H-IM31 and H-IM53 provide for site analysis and parcel owner outreach to facilitate emergency shelter development. The technical assistance program in H-P27 extends to potential providers of emergency shelter.

(e) There is no shelter site in Willow Creek, or the Eastern part of the county.

The inventory of suitable shelter sites is not static, and will be revisited as H-IM71, H-IM31, H-IM53 and H-IM54 are implemented. An alternative to be presented to the Planning Commission will be for an amendment for the mapping parcels of shelters outside areas without public water and sewer.

## Revisions to the Affordable Housing Land Inventory

(a) APN 017-032-014: Freese Avenue, lacks sewer service.

You argue that the development potential of the above parcel may only be counted as one unit per

two acres due to lack of current sewer service, effectively removing it from the Affordable Multifamily Inventory.

Response:

For the following reasons, we believe the 2 acre per dwelling assumption does not apply to this parcel because it is properly zoned for multifamily use by right and situated to be annexed and developed within the planning period.

Appendix G assumptions for all residential developable parcels (p G-110) includes this item (5): “In rural areas, where municipal water or wastewater service is not available, the maximum density is 2.0 acres per dwelling unit, and parcels must be at least two (2) acres in size to have any development potential.” Staff believes the 2 acre per dwelling assumption does not apply to the above parcel, which is properly zoned for multifamily use by right and situated to be annexed and developed within the planning period. Although the parcel does not have current service, it is not part of a rural area where service is not available. The minimum size for an improved developable parcel is ¼ acre according to item (1) on p. G-110.

Government Code section 65583.2(a)(5)(A) prescribes that the housing element contain a description of existing or planned water, sewer, and other utilities. The discussion in Appendix G meets this requirement. Section (a)(5)(B) further states that the site:

“[M]ust have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development. This paragraph does not impose any additional duty on the city or county to construct, finance, or otherwise provide water, sewer, or dry utilities to parcels included in the inventory.”

Analysis of the parcel in Appendix G reasons that the site is immediately adjacent to the service district boundary, and is a designated Urban Development Area according to Section 2630 of the Eureka Community Plan (“These are areas which feasibly can be served by community water and sewer systems”). In addition, the parcel is located in a Housing Opportunity Zone in the County’s General Plan; standard H-S5 of the Element requires funding and development priority for infrastructure projects in Housing Opportunity Zones. Upon annexation of the property into the HCSD served area, immediate development of the multifamily portion of the site is feasible. In addition, Humboldt County Code section 611-4 requires that every building within 300 feet of an approved public sewer must be connected to it, and multifamily units may be required by the Health Officer to connect from greater distances based on site-specific considerations. For these reasons, the parcel meets the Element’s criteria in standard H-S11 (site can be provided with public water and sewer services within the planning period); and the state’s requirement in section 65583.2(a)(5)(B) above.

The Board of Supervisors considered suitability of the site in light of these issues when the parcel was rezoned in 2010. In making the decision to rezone the property to multifamily, the Board stood up to intense neighborhood pressure to leave the site zoned single-family. Removing the parcel

from the multifamily inventory will negate this directive of the Board, reversing progress toward meeting the County's housing goals.

(b) APN 016-152-001 will not be affordable to low or very low-income residents.

You suggest that this lot should be removed from the affordable Multifamily Land inventory because it will not be affordable to low or very low-income residents. Presumably this was based on testimony of the developer as to prospective rents.

Response:

Standard H-S11 of the Housing Element sets criteria for low income sites in the residential land inventory, and these originate in Government Code section 65583.2. Section 65583.2(c)(3) states that density criteria are one of two ways by which a county may accommodate its share of the regional housing need for lower income households. Section (c)(3)(B)(i) states sites that allow at least 15 units per acre are appropriate for lower income households in a nonmetropolitan county that has a micropolitan area. In accordance with the US Census Bureau designation, GOV 65583.2(d) lists Humboldt County as a nonmetropolitan county with a micropolitan area. On this basis, the lot was included in the inventory as affordable development.

Although the parcel is included in the Multifamily Land inventory, the units as built are reported as moderate income in HCD 2018 Annual Progress Report. The planned development serves senior tenants, a special population that showed an 86% increase in the past planning period, and one that is projected to increase most in the 2019-2027 period.

(c) Insufficient analysis of ten improved parcels in the Affordable Multifamily Land Inventory.  
The County has done insufficient analysis to meet the statutory requirements of Gov. Code 65583.2(g) (1).

Response:

As previously noted, Standard H-S11 of the Housing Element considers sites suitable for low income multifamily development if they contain one or more developable acres planned and zoned for at least 15 dwelling units per acre and can be provided with public water and sewer services within the planning period.

Where nonvacant sites contain improvements at or above \$25,000 value, site-specific analyses are provided that demonstrate how the parcel can be feasibly developed with multifamily units. Appendix G section 8.12.22 analyzes each of the improved sites. For example, in parcel number 508-232-004, the analysis provided that shows that the multifamily zone boundary is drawn to leave the existing improvements with their existing single family residential zoning. The existing single family residence may remain intact even after the new multifamily development occurs, which effectively removes any impediment to developing multifamily units on the site caused by the existing improvements.

The site specific analyses show that new multifamily development could occur on the rezoned properties while leaving the existing improvements intact; the County has an established track record of approving new multifamily units on properties with existing single family homes. Where relevant, the analyses incorporate the County's past experience with converting existing uses to

higher density residential development, and a current market analysis.

(d) APN 019-041-009 has 3.67 developable acres

According to the duplication of the Web GIS at pg. G-127, not the 5 acres reflected in the chart. Likewise, APN 50915128 has 2.25 developable acres, not 2.8.

Response:

The 5 developable acres noted for this parcel in Table Z13 of Appendix G appears to be incorrect. The Table will be corrected in the final draft to reflect the 3.67 number. Likewise, APN 50915128 the 2.8 acres shown in the chart are in error; however, the text and tables below each map show the correct developable acres. The number of potential units for the two parcels (58 and 36 respectively) is determined by Ordinance 2460, a Q zone overlay, and is correct in all three tables. The Table will be corrected in the next draft of Appendix G, resulting in no change in potential units.

(e) The text lacks a discussion of APN 401-031-055 (Samoa Town Plan).

Possibly this lot is included under the heading of 401-031-069 et seq. However, the discussion of that site indicates that development is in progress, and the developer plans to include only 46 affordable units on the site. APN 401-031-055 reflects a development potential of 80 units. This should be reduced to 46 to reflect the actual plan for the site.

Response:

APN 401-031-055 is part of the Samoa Town Plan development analyzed in Appendix G on pp. G-136 to 138, APN 401-031-069 et. al. The 80 units in Table Z13 reflect the ultimate buildout of the complete project. Currently, the Coastal Commission has evaluated and approved the entire development including 46 lower income units. The property ownership includes a developer (the Danco Group) with a considerable track record developing affordable housing in the County. The analysis on G-138 continues, in relevant part:

“The property owner was successful in receiving grant funding and has applied for a building permit for construction of 80 multifamily units that will be deed restricted for 55 years to be affordable to very-low income households. All of the new multifamily development is deemed feasible by the Coastal Commission.

The property is served by an on-site sewage collection system, which does not currently have capacity for any new development. The applicant is currently applying for state and federal funding to increase the capacity of the existing system to accommodate the proposed new uses. A requirement of the grant is that no less than 80 multifamily units be provided on site.”

The criterion for public water and sewer services for low income sites in the residential land inventory is stated in Standard H-S11: a site that can be provided with public water and sewer services within the planning period is considered suitable. This reflects criteria in Government Code section 65583.2(b)(5)(B):

“Parcels included in the inventory must have sufficient water, sewer, and dry utilities supply available and accessible to support housing development or be included in an



existing general plan program or other mandatory program or plan, including a program or plan of a public or private entity providing water or sewer service, to secure sufficient water, sewer, and dry utilities supply to support housing development.”

The project has a developer who has committed resources, secured funding, and obtained approval from the Coastal Commission, meeting the requirement for “an existing general plan program or other mandatory program or plan.” The County’s website contains further details of the Samoa project: <https://humboldt.gov.org/2364/Long-Range-Planning-Projects>.

(f) Sites analyzed in the text do not appear in the chart.  
Sites analyzed in the text do not appear in the chart.

Response:

APN 305-101-013 is analyzed in Appendix G on p. G-131, but it is not included in the inventory for the current planning period (nor in Table Z13) due to the \$37,000 of assessed improvements. However, a minor subdivision could separate the existing improvements from the remainder of the parcel, making the property able to be redeveloped to the full development potential assigned by the land inventory (22 units). Text will be added to the discussion in Appendix G explaining why it is not included in the inventory for the current planning period.

The analyses in Appendix G reflect the current status of parcels. Table Z13 will be updated with the following additions/correction:

APN 508-252-031 will be added to Table Z13. This lot in the center of McKinleyville is the remainder of an earlier subdivision. The parcel is the subject of a recently approved planned development (November, 2009), which proposes construction of 86 single-family lots (86 dwelling units), 73 ‘urban type lots’ to accommodate 81 townhouse or similar type dwelling units, and 104 multi-family units. Conditions of the original subdivision require the multifamily units be affordable to low income households.

APN 019-071-007 Analysis will be added to Appendix G explaining how the property meets all the statutory requirements to be included in the affordable land inventory.

(g) The text lacks a discussion of APN 508-251-055  
The text also seems to lack a discussion of APN 50825155, and the suitability of this 57.4 acre site for development for affordable housing.

Response:

APN 508-251-055 is analyzed on p. G-141. The area both in Table Z13 and in the text is 6.25 developable acres. APN 51013231, which has a total area of 57.4 acres, is analyzed beginning on p. G-150.

### Sewer constraints and the Martin Slough Interceptor Project

(a) MSI was not completed, and the County failed to rezone as per H-IM16.  
The county now seeks to include essentially the same implementation measure, now as H-IM7.

(b) Traffic mitigation measures.

Planning staff has drafted the following revisions to H-IM7 to address the traffic mitigations from the Martin Slough Environmental Impact Report:

**H-IM7. Implement the Martin Slough Interceptor (MSI) Project, and Initiate Specific Actions if the Project is Canceled.** The County is in the process of developing and implementing a traffic impact fee consistent with the requirements of the certified Environmental Impact Report (“EIR”) for the MSI project. If the County has not implemented the measure by July 1, 2020, the Planning and Building Department shall bring forward a program to either amend the project EIR or take other actions to meet the requirements of the traffic impact mitigation measures for consideration by the Board of Supervisors. Responsible Agencies: Planning and Building Department.  
Timeframe: By July 1, 2020.

(c) The Element fails to adequately address the status of MSI.

Response (a) through (c):

The Martin Slough Interceptor project is an ongoing concern. Staff defers comment until after the discussion on June 24, 2019, with Jan Turner, Legal Services, Mickey Hulstrom, Humboldt County Services District, and Humboldt County Planning staff. As part of the June 6, 2019 Planning Commission hearing, the PC requested more information on this topic as well. The July 11, 2019 Planning Commission staff report will contain further discussion.

Clarification of issues discussed at June 24 meeting.

Calculating development potential

In general, total acres minus environmentally constrained acres equals net developable acres. In housing opportunity zones, net developable acres times mid-point density gives the number of inventory units. Outside housing opportunity zones, net developable acres times low end density equals number of units in the inventory. GOV 65583.2(c)(2) and Appendix G allow that the number of calculated units may be adjusted based on land use controls and site-specific factors. The number of units that can realistically be accommodated can be prescribed in Q zone overlays (adopted Ordinances) instead of by use of the general formula (for example, see APN 019041009).

The assumptions for calculating development potential set forth on p. G-110 of Appendix G apply generally to all residential development. As explained in the text, these assumptions are not intended to establish new policy, they merely reflect the criteria considered for placing parcels.

Conclusion

Planning staff believe the draft policies and programs in the Element reflect a commitment to public participation, demonstrate our intent to align County policy with conditions observed in the unincorporated county, and aggressively promote affordable housing within the Department’s land use authority. We welcome all input that will make it better.

The Planning Commission has deferred recommendations until July 11, 2019 to allow sufficient time for review. In order to meet the state's deadline for compliance, staff asks that NCLS provide us with any new comments and suggestions in time for us to adequately address them. As always, we are available by phone or in person to clarify the draft's content.

To recap the upcoming process, the Planning Commission's approval of the draft Housing Element represents a finding that its goals and policy positions accord with the General Plan, and constitutes a recommendation to the Board of Supervisors. The Element must be adopted by the Board of Supervisors in order to take effect. Any implementation measures that require General Plan amendments or zoning ordinance amendments will include further opportunities for public input.

Staff is hopeful that the proposed multi-pronged approach will better help us reach the County's housing goals, and we welcome your suggestions to improve it. The Element is a policy document that sets intent and guides future actions by the Commission and the Board, but depends on the public and all parties for success. Thanks again Jan, for your time and participation.

If you have any questions about this letter, please contact me at 707-268-3738 or Michael Richardson at 707-268-3723.

Sincerely,

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John H. Ford, Director  
Humboldt County Planning and Building Department

Attachments:

1. Responses and comments to your letter of May 13, 2019

# LEGAL SERVICES

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## NORTHERN CALIFORNIA

May 13, 2019

Michael Richardson Michelle Neilson  
Humboldt County Planning Department Planning Commissioners

[longrangeplanning@co.humboldt.ca.us](mailto:longrangeplanning@co.humboldt.ca.us)

Re: Draft Housing Element Goals and Policies Dear Michael:

Thank you for asking for my comments on the Goals and Policies for 2019-2027 Housing Element. It is difficult to fully evaluate these policies, as the draft Housing Element has yet to be completed and made available for public review. The goals, policies, standards and implementation measures should be responsive to needs identified in the Element, including population trends, housing problems and needs for special groups, governmental and non- governmental c onstraints to the development of housing, and zoning shortfalls for housing that is affordable to lower income community members Government Code§ 65583(c). Without the needs, resources, and constraints analysis it is difficult to assess whether the proposed programs address the County's housing needs and whether the programs are compliant with State Housing Element law. Many of the policies have been recycled from the prior Element. Thus, an assessment of how successful they have been to date is essential in evaluating them.

Hearings on the Housing Element, including the draft policies, should be scheduled to occur after the public has had a reasonable time for review of the draft Housing Element.

The County has put forward some interesting new policies and programs to address the severe local lack of affordable housing and shelter. I commend the County for coming up with new policies, as well as improving some old ones.

Although we do not yet have the complete Housing Element for review, I will none-the-less submit some suggestions for improvement on the draft goals, policies, standards and implementation measures. Please note, that we will submit further comments after the full draft Housing Element is released for public review.

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A Legal Services Corporation Program 

1. Our most important global comment is that the County needs to add quantified objectives, dates and responsible parties, as well as, where appropriate, the means by which the element will be made consistent with the general plan and community goals. Gov. Code § 65583(b)(1); 65583(c)(7). Where funding is required, identifying the funding source is also needed.

**Response and recommendation to the Planning Commission:** Commencing at section 8.3.1, the Housing Element (Attachment 3 of the June 6, 2019 Planning Commission staff report), discusses the effectiveness of the previous housing element, and contains the updated quantified objectives for 2019 Housing Element amendments. Moreover, the updated quantified objectives are also incorporated into standard H-S1.

Funding for housing element programs is discussed in Section 8.3.5 of Attachment 3 of the June 6, 2019 Planning Commission staff report. Implementation measure H-IM1 also identifies potential sources of funding for housing programs. See item 9 below for further discussion of proposed revisions to H-IM1.

Timeframes and responsible parties are identified for all implementation measures commencing at Section 8.6 of the housing element.

Commencing at Section 8.4 of Attachment 3 of the June 6, 2019 Planning Commission staff report are the community goals, policies, and quantified objectives relative to the maintenance, preservation, improvement, and development of housing consistent to GC Section 65583(b)(1).

Where inconsistencies with the General Plan have been found implementation measures to remedy those inconsistencies are recommended for adoption. For example, as pointed out in the June 6, 2019 Legal Services letter re the Mixed Use (MU) zoning district, staff is recommending the adoption of H-IM71 which seeks to remedy the inconsistency:

H-IM71. General Plan Amendments for Emergency Shelters and Supportive Housing. The County shall amend the General Plan Land Use Element to identify Emergency Shelters as an allowed use in the Commercial and Industrial Land Use Designations consistent with the Zoning Regulations. The County shall amend the Residential, Commercial, and other applicable land use designations that allow multifamily uses consistent with H-P36 to enumerate Supportive Housing as an allowed use. The County shall also amend the Residential Use Types, General Plan Appendix B, to include Emergency Shelters, Transitional and Supportive Housing and consistent with H-P35, H-P36, H-IM51, and H-IM54. Responsible Agency: Planning and Building Department. Timeframe: By December 31, 2019.

2. H-P6. Contributions to Infrastructure and Service Development. Market-rate housing pays its fair share of infrastructure and public service costs. Housing that has long-term affordability covenants and restrictions that require units to be available to, and occupied by, persons or families of low, very low or extremely low income at affordable housing costs for at least 20 years may be eligible for subsidies to pay for applicable infrastructure and public service costs. (Policy from Housing Element website.)

The statement that such units may be eligible for subsidies is too vague to be meaningful. Will the County be offering any subsidies for such units? If so, the county should specify which subsidies will be made available and include this in an implementation program.

**Response:** See discussion under item 9 below.

3. H-P11. Support for Tenant's Rights. The County shall support residential tenants' and landlords' rights and responsibilities and the enforcement of state and federal tenant rights.

The County has not stated how it will support tenant's rights. There is no implementation measure or action related to this policy. Without stating how the County will do this, this policy is unlikely to be effective.

**Response and recommendation to the Planning Commission:**

**Delete:**

H-P11 Support for Tenant's Rights.

**Add:**

H-P26 Reduce Impacts of Displacement Caused by Enforcement Actions.

H-IM70 Tenant Displacement Caused by Enforcement Actions.

Staff's suggested modifications regarding H-P11, H-P26, AND H-IM70 are contained in Attachment 3 of the June 6, 2019 Planning Commission staff report, and are continuing to advance forward in the update process.

4. H-P24. Housing Rehabilitation. The County's code enforcement requirements and program shall develop maintenance provisions in county code to prioritize rehabilitation of sub- standard housing requiring maintenance of residential structures in a suitable condition for housing.

This is a good policy which needs an implementation measure

**Response and recommendation to the Planning Commission:** Staff is recommending that the H-IM69 (below) be adopted as part of the 2019 Housing Element amendments which is the corresponding implementation measure for H-P24:

**H-IM69 Housing Rehabilitation.** The County shall consider amending Humboldt County Code to incentivize the maintenance of residential structures in a suitable condition for housing and to give priority to rehabilitation of sub-standard housing. Responsible Agency: Planning and Building Department. Timeframe: By December 31, 2019.

5. H-P26. Reduce Impacts of Displacement Caused by Enforcement Actions. The County shall consider relocation costs for occupants displaced through housing code enforcement action in charging penalties and fines.

This is a good, new policy. Assuming that the intention is to provide relocation expenses for displaced tenants, it would be helpful to state that the County will advance relocation expenses to tenants displaced by code enforcement activities as set forth in Health and Safety Code §17975 et. seq., prior to, or at the time of displacing the tenant, when the owner fails to do so in a timely manner. The County should also include an implementation measure stating that the County will consider adopting a relocation ordinance by a certain date.

**Response and recommendation to the Planning Commission:**

See Response under item 3 above.

6. H-S1. Housing Program Implementation. The County shall implement a Housing Program consistent with this Plan to facilitate the permitting and construction by the year 2027 of:

- 1) 814 single family units; 151 of which are under the Alternative Owner Builder (AOB) program.
- 2) 206 multifamily units
- 3) 113 second units

This standard is from the prior Housing Element. The county should develop new quantified goals based on the current community needs, maximum possible development, and current RHNA's. The goals from the prior Element will not produce sufficient housing to meet the RHNA, which I believe is 839 for moderate and above moderate income, and 574 for low, very low and extremely low income.

**Response and recommendation to the Planning Commission:** See the Response under item 1 above.

7. HS-8. Single Room Occupancy Units. The County shall allow conversion of hotels and motels, and discontinued hospitals, schools, and care facilities to single room occupancy units (SRO) under specified conditions in selected zones in areas with public water. Plan and zone density standards may be waived for SRO units consistent with public health and safety. Permit fees may be subsidized for conversions to SRO units and for reviews of the historic and legal non-conforming status, or Plan amendments or zone reclassifications for motel and hotel conversions that have already occurred.

It would be helpful to state when the fees will be subsidized, and to include an implementation measure and funding source.

**Response and recommendation to the Planning Commission:**

H-IM1 "Pursue Funding for Housing and Emergency Shelter Programs" will be modified as part of the July 11, 2019 PC staff report to recommend that the language be modified and expanded to be inclusive of SRO housing projects

**Amend:**

H-P40 "Fee Deferrals for Affordable Housing, Emergency Shelters and Subsidies Transitional and Supportive Housing" to be amended to include Single Room Occupancy housing developments.

8. HS9 ...

This standard is missing.

**Response:** The numbering of the Standards section has been corrected.

## **Implementation Measures**

As was mentioned above, all of the implementation programs lack quantified objectives, responsible staff, compliance dates, and funding source. These must be identified in order for the Implementation Measures to be meaningful and compliant with state law.

9. H-IM1. Pursue Funding for Housing and Emergency Shelter Programs. The County shall pursue funding for housing and shelter programs, and prioritize funding for development of housing affordable to very low-income households when competing for resources with other projects including:

- First-time Homebuyer Program
- Home Investment Partnership Program (HOME)
- State Community Development Block Grant (CDBG)
- Multifamily Housing Program (MHP)
- Permanent Local Housing Allocation (SB 2,2017)
- Building Equity and Growth in Neighborhoods Program (BEGIN)
- United States Department of Agriculture (USDA) Housing Programs
- California Housing Finance Authority Loans (CHFA)
- Federal and State Low Income Housing Tax Credit (LI HTC)

This policy is carried over from the prior element I am pleased that the County will continue to seek funding for the Housing Trust Fund, and looking forward to an update on how this is going.

At one point I believe there was consideration of including 20% of any excess energy tax related to marijuana production for housing development. This has now been removed. The County might consider dedicating 20% of any new taxes on legalized Marijuana to affordable housing development and/or the Housing Trust Fund.

**Response:** See item 14 below for details regarding the current funding status of the County's housing trust fund.

The lack of available funding, including local funding, has been identified more or less unanimously as a barrier for housing and shelter development at the public workshop series and the public hearings held to date. While we are entering a grant-rich environment with respect to prospective State funding, grants are extremely competitive as most jurisdictions are experiencing similar housing issues as our local community. Moreover, grants by their nature are not a reliable or consistent source of funding as the county has little to no say in the awarding of projects, priorities, the funding cycles, etc. Reliance solely on grant funding cannot assure the needed housing or shelter will be developed.

As part of the July 11, 2019 Planning Commission staff report, staff is recommending that H-IM1 be amended to include language that the county will identify and commit a revenue stream to fund the development of housing and shelter within budgetary constraints as part of the annual budget process. This will need to be preceded by the drafting and adoption of program guidelines either concurrent with the budget allocation or prior. Staff anticipates the program guidelines to be akin to the Uniform Multifamily Regulations, CCR Chapter 7, Subchapter 19, commencing at Section 8300.

Finally, the ability for the county to be an active participant in housing development is further hamstrung by Article 34. The County and its residents would benefit from the County organizing around and lobbying for the passage of SCA-1, a Senate-led constitutional amendment to repeal Article 34 targeted for the November 2020 general election ballot. Planning staff has heard there may be local effort underway, and is looking into this further.

9. H-IM4. Tsunami Hazard Areas, The County shall publish guidelines for housing development in identified tsunami hazard areas. The guidelines shall include development standards and mitigations for principally permitted and discretionary housing projects. The County shall work with Coastal Commission staff in the development of standards and mitigations to ensure consistency with Coastal Act requirements.



The compliance date on this Implementation measure from the prior Element was January of 2018. A progress report and reasonable time for completion of the project should be included in this element.

**Response and recommendation to the Planning Commission:** This measure has been updated and staff is recommending that the following language be adopted:

Responsible Agency: Planning and Building Department. Timeframe: By December 31, 2019 County to file Local Coastal Program Amendment with the California Coastal Commission. 2020 State to release guidelines and tsunami hazard mapping.

10. H-IM5. Initiate Annexation of Multifamily Housing Sites. The County shall work with the City of Arcata and the Local Agency Formation Commission to initiate annexation of the multifamily parcel APN 505-161-11 to provide sewer services to the property for development of multifamily housing.

This policy is also from the prior Element. Unless Arcata is actually currently considering annexing this site, it should be removed from this Element. This parcel should not be included in the County's affordable housing inventory, as it appears sewer service will be unavailable to the site.

**Response and recommendation to the Planning Commission:** On May 22, 2019 the City of Arcata Planning Commission held a public hearing to consider this project (referenced as the Creek Side Mixed Occupancy Residential Project) direct staff to complete the Draft Environmental Impact Report, and continue the hearing to July 9, 2019. The May 22, 2019 staff report describes the annexation of the project site and appurtenant roads (page 30). Although the land is not yet annexed, this project is continuing to advance through the City's land use process, and the existing measure needs to be retained in the Housing Element to demonstrate the County supports the City's annexation of this property.

11. H-IM7. Facilitate and Monitor The Martin Slough Interceptor (MS/) Project, and Implement Alternatives if the Project is Delayed or Canceled.

The County shall facilitate and monitor the MS/ project, and implement the traffic mitigation measures required in the Environmental Impact Report for that project. The County shall continue to formally request an update to the official project schedule on an annual basis beginning in December, 2014. If new sewer hookups provided by the Phase III MS/ project are unavailable by December 31, 2015 to accommodate the residential inventory in the area, the County shall replace the loss of inventory on a one-for-one basis by rezoning qualified properties in other areas as needed to meet the proportional share of the RHNA for the MS/ project area. Replacement of lots in the Affordable Housing Land Inventory shall meet all the criteria of the Affordable Housing Land Inventory. Rezoning shall be completed within one year of the date the County learns of the delay or cancellation. Responsible Agencies: Planning and Building Department, City of Eureka, Humboldt Community Services District. Timeframe: Facilitating and monitoring the MS/ project - ongoing; Re-zoning shall be completed within one year of receipt of notification of project delay or cancellation.

This implementation measure is also from the prior Housing Element, and is out of date. Was the project Martin Slough Project completed, and are there sufficient sewer hookups now available to support the housing inventory in this area? As part of this Housing Element, the County needs to perform an assessment of whether there are sufficient sewer hookups reasonably accessible to developers to support the

housing inventory in the areas covered by the project. If the project was not completed during the past planning cycle, rezoning is likely overdue under this policy. This cannot be kicked down the road any further. Any assessment and rezoning should occur as part of this housing element, and this implementation measure removed.

In addition, the County was to implement mitigation measures required by the draft EIR report. Did that occur? If the project is moving forward, or was completed, presumably the mitigation measures should be completed as well. If not, a short compliance date would appear to be indicated.

**Response:** This continues to be key area of concern, and is slated for discussion on June 24, 2019 as part of a scheduled meeting with Jan Turner, Legal Services, Mickey Hulstrom, Humboldt County Services District, and Humboldt County Planning staff. As part of the June 6, 2019 Planning Commission hearing, the PC requested more information on this topic as well. The July 11, 2019 Planning Commission staff report will contain further discussion.

12. H-IM10. Consideration of Policies from the "Idea Bank". The County shall consider implementing the policies and implementation measures labeled with a " " in §8.12.20 of the Housing Element Appendix as stand-alone projects with separate environmental review.

In order to comment on these policies, we would need to see them.

**Response and recommendation to the Planning Commission:** Staff's recommendation is for this measure to be removed.

13. H-IM11. Ten-Year Plan to End Homelessness. The County shall actively support the implementation measures outlined in the Ten-Year Plan to End Homelessness and plan updates.

This policy should specify which implementation measures it plans to support, and specifically how it will support them, including staffing and compliance dates for the specific measures.

**Response and recommendation to the Planning Commission:** In response to the above input, the June 6, 2019 Planning Commission Supplemental recommends that H-IM11 be modified as follows:

**H-IM11. Ten-Year Plan to End Homelessness.** ~~The County shall actively support the implementation measures outlined in the Ten-Year Plan to End Homelessness and plan updates.~~ The County shall actively support the objectives, priorities, and strategies outlined in the Ten-Year Plan to End Homelessness and Plan updates. The Planning and Building Department shall collaborate with the Humboldt Housing and Homeless Coalition (HHHC) and the Department of Health and Human Services to facilitate implementation of the Ten-Year Plan's measures for increasing access to stable and affordable housing for people experiencing homeless or most at risk of homelessness. Responsible Agency: Humboldt Housing and Homeless Coalition, Planning and Building Department and Department of Health and Human Services. Timeframe: Ongoing.

Since then, a member/participant in the ad hoc Housing Element committee of the Housing Trust Fund and Homelessness Solutions Committee has commented that references to the 10-Year Plan should be dropped and replaced with the County's adopted Homeless Strategy and Implementation Plan instead of the HHHC's Ten-Year Plan. We would appreciate any input you may have on this comment; our thought is to update the measure and incorporate both.

14. H-IM13. Housing Accessibility for People with Disabilities. The County shall support housing access for persons with disabilities by fast-tracking reasonable accommodation requests consistent with the Americans With Disabilities Act and prioritizing housing rehabilitation funds to assist qualifying residents in removal of architectural barriers.

If the County lacks a reasonable accommodation ordinance, the element should include a program to implement one.

**Response and recommendation to the Planning Commission:** While Humboldt County Code Section 312-42 et seq. does provide for reasonable accommodation, staff is recommending that it be revised. As currently codified it is confusing, does not establish clear timelines or the reviewer of requests, infers that the means for an appeal is by way of a discretionary permit process, etc. Staff is recommending that HCC 312-42 et seq. be revised to identify the Planning Director as the appropriate authority to review and decide requests for reasonable accommodation; specify that decisions are to be rendered in writing within thirty days; provide for appeals to the Board of Supervisors, and remove reference to special permit procedures or requirements.

In addition, The County might include a program to put forward an ordinance requiring Universal Design Standards in new housing as is outlined on the California Department of Housing and Community Development website, <http://www.hcd.ca.gov/building-standards/state-housing-law/universal-design.shtml>

15. H-IM14. Housing Trust Fund. The County shall support the Housing Trust Fund and Homelessness Solutions Committee, and its programs to develop shelter and conserve and develop housing affordable to low - and very low-income households. The County shall seek funding to provide an initial funding level of \$500,000. Sources of initial and long-term funding may include:

- State and Federal Grants
- Local Financial Institutions
- Local Jurisdictions
- Sale of Surplus County Property
- County General Fund
- Private Foundations and Individuals

See above: The County might consider including 20% of revenue from taxes on legalized Marijuana for affordable housing development.

**Response:** The Housing Trust Fund & Homelessness Solutions Committee (HTFHSC) is requesting funding, however, much of the County's 2019/2020 budget is already committed for the upcoming fiscal year according to a presentation by the CAO. This includes redevelopment dissolution funds (went to Project Trellis). Nonetheless, the HTFHSC is preparing a budget request for a portion of the cannabis tax proceeds to be allocated to the trust fund. HTFHSC support staff has researched possible funding sourced from the Feds and the State, and there are no programs that provide initial seed funding.

As part of the passage of Proposition 1 (2018), \$300 million will be allocated to the State's Local Housing Trust Fund ("LHTF") program. Local housing trust funds ("HTF") can apply for these funds for eligible projects. One of the eligibility requirements is for the local HTF to match LHTF funds dollar-for-dollar. On January 23, 2018, the Board of Supervisors authorized selling the County-owned property at 2769 Lucas Street, Eureka and earmarked the sale proceeds for the housing trust fund. The sale proceeds can be used for LHTF match. The LHTF NOFA is scheduled to be released December 2019 with applications due March 2020, and the initial funding round is to be \$57 million.

The HTF is exploring other options for funding:

- Fundraising campaign for private donations.
- Document transfer tax for real property transactions and/or vacancy tax.

#### 16. H-IM15. Facilitate Development of Sites in the Affordable Housing Land Inventory.

The County shall allow the multifamily zoned sites in the Affordable Housing Residential Land Inventory to be developed with multifamily housing as a principally permitted use independent of existing uses or other allowed uses that may occur on the site. The County shall ~~encourage flexible~~ application development of the multifamily zoned ~~areas on the properties to ensure~~ above the minimum housing density for the parcel ~~is achieved~~. Further, the County shall encourage lot line adjustments, land divisions and specific plans resulting in parcels sizes that facilitate multifamily developments affordable to lower income households on all sites in the Affordable Housing Residential Land Inventory. When eligible, the County shall seek funding through state, federal and local financing programs.

The portion of this policy from the prior Element which was lined out was seen to have value during the last Housing Element cycle. I believe it allowed the property owner to move the multifamily development on a lot to different part of the lot, where only part of the lot was zoned multifamily. Should this portion of the implementation measure be retained? Again, we may have more comments on this specific program once we see the entire Housing Element including the land inventory.

**Response and recommendation to the Planning Commission:** The June 6, 2019 Planning Commission staff report removed the previous suggested modifications, and recommends that the language of encouraging flexibility, etc. be retained as suggested in the May 13, 2019 Legal Services comment letter.

#### 17. H-IM16. Housing Rehabilitation. The County shall conduct housing condition surveys and prioritize housing rehabilitation funding and assistance to sub-standard housing.

This measure should state when or how often the surveys will occur, and should specify how the County will help with rehabilitation funding and assistance. Funding may need to be sought and a program established to help with this need. Staff, compliance dates and funding source should be identified.

**Response and recommendation to the Planning Commission:** Staff is recommending that the language of this measure be revised to outline an approach for conducting condition surveys. Below is the revised text of the revised measure as recommended to the Planning Commission in the June 6, 2019 staff report:

**H-IM16. Housing Rehabilitation.** The County shall conduct housing condition surveys and prioritize housing rehabilitation funding and assistance to sub-standard housing. The County shall identify the top 20 geographic areas for which to conduct housing condition surveys:

- A. Interview the Humboldt County Code Enforcement Manager and Chief Building Official to identify communities with concentrations of substandard housing, and cross reference the identified communities with all of the following data:
  - a. The most recent census block groups in which more than 50 percent of the residents are Low Income, as defined by HUD,
  - b. Geographic areas identified as a low income community pursuant to AB 1550 or disadvantage or low income communities pursuant to SB 535.

Responsible Agency: Planning and Building Department. Timeframe: Commence by December 31, 2022.

18. **H-IM17. Retain Historic and Legal Nonconforming Housing.** The County shall amend the Zoning Regulations to waive General Plan density standards for historic and legal nonconforming housing involved in new subdivisions, or planned development.

This implementation measure was to be completed by August 31, 2018. What is the status? If it was not completed, it would seem a short compliance date would be warranted.

**Response and recommendation to the Planning Commission:** It does not appear that the subdivision regulations were amended. The recommended measure has been amended further and is presented below. It has extended the availability of density waivers to historic housing units and to be inclusive of more settings. The measure adopted as part of the 5<sup>th</sup> cycle housing element only made the density waiver available for subdivision applications. As amended, the density waiver would be available also to planned and multifamily developments:

**H-IM17. Retain Historic and Legal Nonconforming Housing.** The County shall amend the Zoning Regulations to waive General Plan density standards for historic and legal non-conforming housing involved in new subdivisions or planned, or multifamily development. Responsible Agency: Planning and Building Department. Timeframe: By December 31, 2021.

19. **H-M19. Assisted At-Risk Units.** The County shall seek to preserve all assisted multifamily housing units at risk of being converted to market rate rental housing through establishing an early warning system and providing financial assistance when funding is available.

This implementation measure was to be completed by December of 2016. Was the early warning system established? Does the county have a funding source for preserving at risk units? This implementation measure is too vague to be meaningful. It should specifically state what actions the County will take, who at the County is responsible and dates for the actions.

**Response and recommendation to the Planning Commission:** Staff recommends that this measure be amended to include specific actions to implement improvements to our existing Internet-based permit tracking software and Geographic Information System in order to track assisted housing units. Another objective of the software improvements is to push alerts for units for which the assistance is nearing their sunset date.

20. H-IM21. Use of Surplus County-owned Property. The County shall evaluate the use of surplus County-owned property, including properties within the boundaries of incorporated cities, for development or financing of housing for low income, very low income, extremely low income, and special need populations. For properties located within incorporated cities, the County shall coordinate with the city. Responsible Agency: Planning and Building Department. Timeframe: By June 1, 2022.

This seems like a good general policy. Does the County actually have any surplus county owned property at this time? If so, it would be helpful if the County identified specific parcels currently available, and how they might be used within the period of the element, in addition to continually evaluation surplus properties. The County should also specifically state what actions it will take to evaluate the use of surplus land and who will be responsible for this.

**Response:** The intent of H-IM21 is to inventory County-owned lands, ascertain their availability, and for those that are available, evaluate their suitability for housing or shelter development. Funding availability is key for fully implementing this measure. Full implementation means bringing identified parcels online for purposes of financing or development of housing/shelter of the targeted populations. The intent of the measure appears to address the comment, but perhaps you have suggestions of how to make this clearer?

21. H-IM23. Post Information Regarding Fair Housing and Employment. The County shall continue to support the State Fair Employment and Housing Commission enforcement program of the State Fair Employment and Housing Commission. The Planning Division shall disseminate information about fair housing rights and procedures for filing fair housing complaints to public libraries and the Humboldt County Housing Authority.

This measure is unlikely to significantly promote fair housing goals.

I am not acquainted with the State Fair Employment and Housing Commission. Does this measure intend to refer to the California Department of Fair Housing and Employment?

The wording on this policy is confusing. Is the intention that the county disseminate fair housing information to the Humboldt County Housing Authority, a provider of subsidized housing? (Some people mistakenly believe that the Housing Authority investigate s fair housing complaints, which is not the case.)

**Response and recommendation to the Planning Commission:** As part of the July 11, 2019 Planning Commission staff report, staff is recommending that H-IM23 be modified as indicated below:

**H-IM23. Post Information Regarding Fair Housing and Employment.** The County shall continue to support the ~~enforcement program of the State Fair Employment and Housing Commission~~ enforcement program. The Planning Division shall ~~disseminate~~ make information available about fair housing rights and the procedures for filing fair housing complaints at locations readily accessible to the public, such as ~~to~~ public libraries, the Humboldt County Housing Authority, and the County's website. Responsible Agency: Planning and Building Department. Timeframe: Ongoing.

There is no local agency that performs fair housing investigations. Encouraging the establishment of, seeking funding for, or funding such an agency would be a much more powerful implementation measure.

**Response:** As part of the July 11, 2019 Planning Commission staff report, the above suggestion will be included as an alternative for the Planning Commission's consideration.

22. **H-IM31. Develop Inventories of Parcels Suitable for Shelter and Housing.** The County shall develop and maintain an online inventory of parcels suitable for the shelter and residential development for the following categories:

- A. Where multifamily housing development projects may be eligible for streamlined, ministerial approval process pursuant to Government Code Sections 65913.4(b) and (c).
- B. Sites for supportive housing.
- B. Suitable sites for use for managed low income, very low income, extremely low income, special occupancy parks.
- C. County-owned properties suitable for Emergency Shelters.

If possible, the county needs to increase the inventory of lots suitable for Recreational Vehicle and Mobilehome parks near urban areas. It would be helpful to include this inventory in this list as number D. In addition, the Element might include an implementation measure to seek to identify additional parcels.

**Response:** FYI: RV parks = Special Occupancy parks; usage of the "RV parks" is no longer used. As part of the July 11, 2019 Planning Commission staff report, the suggested inventory addition will be included as alternatives for the Planning Commission's consideration.

23. **H-IM52 (Now H-IM51). Transitional Housing.** The County shall amend the Zoning Regulations to be consistent with Government Code Section 655820) and 65582(c)(3).

I thought this had already been done during the last Housing Element cycle. If not, it should be done immediately

**Response and recommendation to the Planning Commission:** Yes, as part of the 5<sup>th</sup> cycle Housing Element update amendments were made to Humboldt County Code for transitional housing: see HCC Section 314-177 "Residential Use Types". The purpose of the measure is to improve usability and comprehension of the Zoning Regulations by amending other sections of the Zoning Regulations to incorporate transitional housing as a residential use.

24. H-IM53 (Now H-IM52). Preservation and Expansion of Manufactured Home Parks and Long-Term Occupancy Special Occupancy Parks. The County shall support continuation of existing and expansion of manufactured home and long-term occupancy special occupancy parks through actions such as legislative changes, zoning consistency determinations, analysis of legal-non-conforming status, Plan amendments or zone reclassifications.

This policy is too vague. The county should identify specific changes that would support continuation and expansion of Special Occupancy Parks, and create a specific implementation measure to make those changes. One specific step the County should take to preserving current parks is to change the zoning to Mobile Home only districts for sites where there are current parks.

**Response and recommendation to the Planning Commission:** Staff's recommendation is for H-IM52 to be revised. The revised language is for the adoption of Qualified (Q) overlay zone for existing special occupancy parks revisions include to modify and restrict by-right uses to the existing special occupancy park use, and was included in the June 6, 2019 Planning Commission staff report.

25. H-IM54. Property Owner Outreach Program. The County shall conduct a property owner outreach program to contact and survey the owners of property mapped and zoned for emergency shelters. To encourage property owner and service provider participation in the development of the emergency shelters, the outreach program shall include technical assistance from the Planning and Building Department for the preparation of emergency shelter entitlement applications and grant applications, and providing information about available incentives.

This is an interesting new policy. The County should add to it that if as a result of this survey it is determined that sites to meet the emergency shelter need are not actually likely to be available for development as emergency shelter during the planning period, additional sites be rezoned for shelter by right.

**Response:** A property owner's willingness to participate/host/sponsor an emergency shelter ownership is not a statutory threshold requirement for designating parcels for emergency shelters, in part, because real property ownership is temporal. The July 11, 2019 Planning Commission staff report will include an alternative for parcels found to have significant mapped physical constraints, e.g., mapped wetlands, that inhibit development potential for emergency shelters (or other uses for that matter) to be removed from the shelter inventory and for additional sites to be rezoned by right on a one-to-one basis.