

## SUPPLEMENTAL INFORMATION No. 5

For Planning Commission Agenda of:  
July 11, 2019

<input type="checkbox"/>	Administrative Agenda Item	}
<input checked="" type="checkbox"/>	Continued Hearing Item	} [G-2]
<input type="checkbox"/>	New Hearing Item	}
<input type="checkbox"/>	Old Business Item	}
<input type="checkbox"/>	New Business Item	}

Attached for the Planning Commission's record and review are the following supplementary information items:

1. Comment letter from Legal Services of Northern California, dated July 10, 2019 and received via email July 10, 2019, after close of business.

**LEGAL SERVICES**  
of  
**NORTHERN CALIFORNIA**

July 10, 2019

Michael Richardson  
Michelle Neilson  
Humboldt County Planning Department  
Humboldt County Planning Commissioners

Sent via email to: [longrangeplanning@co.humboldt.ca.us](mailto:longrangeplanning@co.humboldt.ca.us); [mrrichardson@co.humboldt.ca.us](mailto:mrrichardson@co.humboldt.ca.us); [mnnielson@co.humboldt.ca.us](mailto:mnnielson@co.humboldt.ca.us)

**Re: Comments for July 11, 2019 Planning Commission Hearing on Housing Elements**

Dear Michael, Michelle and Planning Commissioners:

Thank you for considering our comments on the draft Humboldt County Housing Element. I am sorry I will not be able to be at your meeting on July 11, 2019.

The County has made numerous revisions and corrections to the Draft Housing Element in response to our concerns. Some of these changes have been confirmed by e-mail and may not appear in the draft. I am attaching e-mailed versions of some of the changes since my letter of June 24, 2019, in hopes that these actually are the versions you are considering at this time. These emails are Attachment 1.

We appreciate the County's willingness to meet with us and provide continued updates on the draft Housing Element. However, because the County continues to change the document, and has sent us e-mails or given us verbal assurance of changes which do not seem to appear in the draft being presented to the Planning Commission on July 11, 2019, we are unsure what HCD is reviewing, and what the Commission is approving. We are concerned that the process of making changes to the draft Housing Element while it is currently being reviewed by HCD is problematic for ensuring public participation in the development of the Housing Element as required by Government Code section 65583(c)(8). Upon making all changes to the draft Housing Element, the County should publicize the draft and give the public time to review and comment.. We also note that while we have attempted to review the draft Housing Element and all updates, it is possible that we may have missed some issues based on the County's process of continually updating the draft.

We are pleased by many of the revisions and the programs in the current draft. The draft now commits to changing shelter zoning to create a zone where shelters are permitted by right throughout the County as is required by 65583(a)(4)(A). The draft also provides for tenant

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A Legal Services Corporation Program 



relocation assistance, and a Q zone to protect existing mobilehome and Special Occupancy parks, and important zoning changes and amendments.

We continue to have some reservations about the Multifamily Affordable Land Inventory. The County's decision a few years ago to rezone only lots where the owner requested rezone resulted in an inventory which includes marginal lots. We believe better lots are available for rezone to create a multifamily inventory more likely to result in development of subsidized housing.

- **Parcels in Humboldt Community Services District Are Not Actually Available**

"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 . . . to secure sufficient water, sewer, and dry utilities supply to support housing development." Government Code § 65583.2(b)(5).

We remain concerned that multifamily lots in Humboldt Community Services District (HCSD) are not actually available for development during the planning period due to the County's failure to comply with its obligations under the Environmental Impact Report (EIR) for the Martin Slough Interceptor project. We understand there may be resistance to funding the traffic mitigation measures, and the issue has languished for several years without adoption of the measures.

The Martin Slough Projected expanded the sewer capacity at the Eureka sewage treatment plant which serves HCSD. HCSD had no sewer capacity, or even a negative number in parts of its coverage area, before the project. I have attached a chart from page G-104 of the 2014 Housing Element which outlines some of the constraints. See Attachment 2 to this letter.

The Environmental Impact Report for the Martin Slough Interceptor Project required the City of Eureka to limit connections to the increased capacity created either directly or indirect by the project until both the City of Eureka, and the County of Humboldt had adopted and funded traffic mitigation measures. This has not yet occurred. (Portions of the EIR are attached as Attachment 3.)

Thus, although there is the capacity at the Eureka sewage plant to permit sewer hookups in the impacted area, they not currently allowed under the EIR for the project. I have included map, G-152, which outlines in red some of the lots in the Multifamily Inventory which may be subject to these constraints, and implementation measures from the EIR. See Attachment 4 to this letter.

After meeting with me, and County Counsel, staff revised H-IM7 in response to this concern on the afternoon of July 3, 2019 as follows:

**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. If the traffic mitigation has not been completed by December 31, 2021 the County shall replace the loss of inventory in the area served by the Martin Slough Interceptor on a one-for-one basis by rezoning qualified properties in other areas as needed to meet the RHNA for lower-income households. Replacement of lots in the Affordable Housing Land Inventory shall meet all the criteria of the Affordable Housing Land Inventory. Rezoning shall be completed by December 31, 2022. Responsible Agency: Planning and Building Department. Timeframe: By July 1, 2022.

This measure seems to adequately address the problem. However, on July 5, 2019, staff sent a different revised measure to the Planning Commission, which reads as follows.

**H-IM7. Implement the Martin Slough Interceptor (MSI) Project, and Initiate Specific Actions if the Project is Canceled.** The County shall facilitate and monitor the MSI project, and implement the traffic mitigation measures required in the Environmental Impact Report for that project. If the County has not implemented the traffic mitigation measure in the EIR for the MSI project by July 1, 2020, the Planning and Building Department shall bring forward a program for consideration by the Board of Supervisors to either amend the project EIR or take other actions to meet the requirements of the traffic impact mitigation measure by December 31, 2021. If the EIR has not been revised or the requirements of the traffic mitigation have not been satisfied by December 31, 2021, and substantial evidence suggests that as a result new sewer connections for residential development served by the MSI project will not be allowed, the County shall replace the properties in the Affordable Housing Land Inventory in the area served by the MSI project on a one-for-one basis by rezoning qualified properties in other areas as needed to meet the RHNA for lower-income households. Replacement of properties in the Affordable Housing Land Inventory shall meet all the criteria of the Affordable Housing Land Inventory. Rezoning shall be completed by December 31, 2022. Responsible Agencies: Planning and Building Department, City of Eureka, Humboldt Community Services District. Timeframe: Ongoing.

This implementation measure creates a new burden for third parties to prove the lots will not be able to obtain sewer connections if the County fails to meet its obligations under the EIR. It seems to require that third parties prove that no providers will violate the EIR by giving improper sewer hookups before the County will do the rezoning. The Housing Element should instead assume compliance with the law.

Access to public sewer is a condition of including lots in the affordable multifamily inventory. (See Affordable Housing Land Inventory requirements, G-113.) Adding this phrase to the implementation measure creates a vague and difficult standard that invites future litigation. This County should have a straight forward measure that gives it the County and City a reasonable time to comply with the EIR requirements for granting hookups in this area, or deal with the problem in another way, such as modifying the EIR or funding the traffic mitigation in a different way. If the County fails to do so, they should replace the multifamily lots in the inventory with lots that have sewer available to them.



- **The County Must Clarify Whether Sites Listed as “Vacant” are Truly Vacant**

It is not clear to us whether the 9 sites listed in Table Z13 as “vacant” are indeed vacant or whether these sites include improvements (existing uses) under \$25,000. This confusion stems from comments in the draft Housing Element that the County considers parcels with improvements valued at \$25,000 or less as “essentially vacant.” See page G-114: “The Element assumes all lots with an improvement value of less than \$25,001 are essentially vacant, and are included in the residential land inventory for the current planning period. All properties with an improvement value greater than \$25,000 in the land inventory for the current planning period are described later in this section to demonstrate the feasibility of development of those sites.”

Government Code section 65583.2(b)(3) requires that a jurisdiction include a description of any existing use on parcels included in the land inventory. To the extent that any parcels included in the land inventory have existing uses, even if the improvement value is less than \$25,000, that existing use must be identified. Further, the jurisdiction must also discuss how the existing use may impede development of the site and why the site will still be available for development during the planning period despite the existing use. (Gov. Code § 65583.2(g)(2).)

The draft Housing Element should be updated to clarify whether any of the parcels relied on for the lower income RNHA and identified as vacant have existing uses valued at less than \$25,000. If any of these sites do have existing uses, no matter the value of these uses, the County must provide the analysis required by Government Code section 65583.2(g)(2) to include these sites.

- **Other Sites Should be Removed from the Land Inventory Unless the County can Provide the Required Analysis to Justify Their Inclusion**

We have reservations about inclusion of some specific lots included in the Affordable Multifamily Inventory, which are related to our concern that many lots may be unattractive, unavailable currently available, or not economically viable for development of affordable housing.

**APN 01615201:** This parcel is already being developed. The developer has informed Planning staff that it does not plan to charge rents which will be affordable to low or very low income renters. The fact that the builder plans to rent to seniors is irrelevant to whether the rents will be affordable. This lot, which is already being developed for higher rent housing, is no longer available for development for affordable housing, and should be removed from the Affordable Multifamily Land Inventory.

**APN 01703214:** This is a 34 acre parcel. In Table Z13 (on page G-115) the County states that it has 4 developable acres, with a development potential of 46 units. This results in a density of approximately 11 units per developable acre, below the 15 unit per developable acres required for inclusion in the Affordable Multifamily Inventory. (See page G-113, requirements for inclusion in the Affordable Multifamily inventory). The fact that the Board of Supervisors restricted the maximum development potential to only 46 units at the time of rezoning removes it from eligibility for inclusion in the affordable multifamily inventory



In the site specific analysis of the parcel on page G-127 the County reduces the developed acres to 2.875. We believe that this reduction is based on our concerns about the density. However, the County cannot simply reduce the developable acres to get to the correct density for the parcel to be included in the lower income RHNA. Rather, the County must show the parcel meets the correct density based on the actual developable acres. Again, this site should be removed from the list of sites for lower income RHNA because it does not have a minimum density of 15 units per acre.

In addition, the development potential on that lot should be considered as 1 unit for every 2 acres because the parcel is outside any water and sewer district, (See vacant parcel assumptions, P. G-110, and Gov. Code. 65583.2(5)(A) [Inventory must have water and sewer.]).

The County contends that this parcel qualifies for inclusion in the Affordable Multifamily Inventory despite the current lack of sewer capacity because the City of Eureka has identified it is an area that could feasibly be connected to water and sewer services. (See County's response letter to Jan Turner of June 28, 2019.) If there is no current sewer service, Gov. Code § 55583.2(5)(A) requires a mandatory program or plan by a public or private agency to secure water and sewer service to the parcel. An acknowledgment by the City of Eureka in a planning document that annexation is feasible is different from a mandatory plan by a government or private agency to connect the lot to sewer services.

While the lot could be annexed to the sewer district, this increases the cost and time required for development. This would be borne by the developer. We understand that the developer will have to pay for the annexation and related environmental studies, and a lift station. While it is difficult to project how high these will be, these are costs the project would not have if it were in the sewer district, and had an existing sewer line and lift station. (We also believe the lot may also be in the area impacted by the Martin Slough EIR, discussed above.)

The County has also not provided sufficient analysis to include a 34 acre parcel. Government Code section 65583.2(c)(2) states: "A site larger than 10 acres shall not be deemed adequate to accommodate lower income housing need unless the locality can demonstrate that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units as projected for the site or unless the locality provides other evidence to the department that the site can be developed as lower income housing. For purposes of this subparagraph, "site" means that portion of a parcel or parcels designated to accommodate lower income housing needs pursuant to this subdivision."

This parcel counts as a site more than 10 acres because the draft Housing Element identifies it has a 34 acre site. The analysis of this site on page G-127 does not discuss the size of the parcel and we do not find anywhere in the draft Housing Element where the County demonstrates that sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower income housing units.



For all the reasons discussed above, particularly the limitation of the number of units permitted to below the required density for the number of developable acres, this lot should not be in the Affordable Multifamily Land Inventory.

**APN 01511108:** This parcel is owned by the County. Staff states that it does not include lots owned by public agencies in the inventory. (Calculation of development potential, G-109) Thus, this lot does not belong in the inventory. Staff takes the position that it could sell the property, and then the development potential could be counted. If it sells the property, at that point it would make sense to assess whether it should be added back into the inventory.

**Non-Vacant Sites:** There are ten improved parcels in the inventory list on Table Z13 (on page G-115). The element often deals with the fact that the existing development that would exclude them from the inventory by stating that lot line adjustments could separate off the developed portion of the lots. Although the County has provided analysis of how multifamily housing could be situated on the lots, the County has failed to include in the discussion of each of these parcels:

...the city's or county's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code 65583.2(g)(1)).

All of the ten sites with existing uses must be removed from the land inventory unless the County can demonstrate they have actual development potential during this planning period through the analysis required by section 65583.2(g)(1).

We specifically wonder whether it is realistic to project that the 1.3 and 1.7 acre developed sites, APN 077-302-002, and APN 508-232-004, and the 25 acre site with 2.5 developable acres, APN509-15-128 are likely to be developed with multifamily housing within the period of the element.

Whether or not these lots could arguably be included in an inventory, the County could provide more attractive lots to encourage the development of affordable housing within the next 8 years. Further Multifamily rezoning, which the County committed to doing during the period of the last element, but never completed, should be considered.

**Non-Vacant Sites with Existing Uses Valued at More than \$100,000:** In its general description of the methodology it used to identify the parcels in its land inventory, the draft Housing Element states: "Parcels that contain residential development and improvements valued at greater than \$100,000 are not considered developable." (G-112.) However, the County includes at least some sites in its list of sites to meet its lower income RHNA that have existing uses valued at more than \$100,000 (for example, APN 016112010). These sites should be removed from the land inventory since they are counter to the County's own methodology.

Further, this strongly suggests that these parcels are not likely have real development capacity during this planning period and therefore do not meet the criteria required by Government Code section 65583.2(g)(1).

**APN 01611210:** This draft Housing Element identifies the developable acres for this site as 1.3 in Table – Z13 (page G-115). However, the developable acres are listed as 1.98 on page G-123. The draft Housing Element should be clarified to identify which of these is correct.

**APN 50840111:** The County lists this parcel in Table Z13 and appears to be relying on it to meet its lower income RHNA. However, there is no site-specific analysis provided for this site. There is a picture of the site at page G-147, but the analysis is missing. Since this site is identified as having 33.3 acres and 19.1 developable acres, the County cannot include this site unless it meets the requirements for large sites in Government Code section 65583.2(c)(2). As of now, the site cannot be included and should be removed from the land inventory for lower income RHHA.

**APN 510132031:** The draft Housing Element identifies the developable acres for this site as 38.5 acres in Table –Z13 and as 6.25 on page G-153. The draft needs to be updated to fix this inconsistency. Since this site is identified as having 57.4 acres and 38.5 developable acres, the County cannot include this site unless it meets the requirements for large sites in Government Code section 65583.2(c)(2).

- **Sites relied upon in prior Housing Elements/ Program H-IM73**

Government Code section 65583.2(c) limits when a jurisdiction may rely on parcels to meet its lower income RHNA when those same parcels were relied on in a prior Housing Element. The draft Housing Element includes a discussion of section 65583.2(c) at page 8-8 to 8-9 and Program H-IM73 to address the section's requirements. While it appears from this discussion that the County is complying with this statute, the draft Housing Element should be clarified to confirm that the County is meeting these requirements.

Specifically, the draft Housing Element should provide a list of all non-vacant sites that were relied on in the prior Housing Element and all vacant sites relied on in the prior two Housing Elements, so that it is clear which sites are subject to section 65583.2(c) and Program H-IM73. Currently, the draft Housing Element at page 8-9 references a table of these sites in Appendix G. However, we were not able to find any such table. We suggest that the County simply add a column that identifies whether the parcel was relied on in a prior Housing Element to Housing Element Appendix Table – Z13, which lists all sites relied on to meet the lower income RHNA. (On page G-115.) The sites should also be listed within program H-IM73 so that it is clear which parcels are subject to this program.

- **Incentives should be Reserved for Affordable Housing**

The County has acknowledged that density alone is unlikely to insure development of affordable housing. Financial incentives tied to deed restrictions will be necessary to support this development. Staff has none-the-less brought forward an alternative to change the policies and



implementation measures which provide incentives for affordable housing, to give those incentives to all housing within Housing Opportunity Zones instead. As I have pointed out previously, the County over-produced moderate housing during the last cycle, and under-produced house for low-wage workers, seniors, disabled people and others in the lower income brackets. Financial incentives should be tied to price controls, and an assurance the housing produced with the incentives will be affordable. We encourage the Commission to reject the alternative versions, and reserve financial incentives for affordable housing.

Thank you for considering our comments. We look forward to continuing to work with the County to ensure a strong Housing Element that leads to greater housing opportunities for all members of our community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jan L. Turner", with a stylized flourish above the name.

Jan L. Turner  
Attorney

Enclosures

# ATTACHMENT 1



On Tue, Jul 2, 2019 at 6:07 PM Nielsen, Michelle <MNielsen@co.humboldt.ca.us> wrote:

Hello Jan. Our apologies that this took a bit longer to send that anticipated.

Below are the measures we discussed this afternoon. This is the current language contained in the draft amendments to the Housing Element. Please do not hesitate to contact us with any questions. Michelle

**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. If the traffic mitigation has not been completed by December 31, 2021 the County shall replace the loss of inventory in the area served by the Martin Slough Interceptor on a one-for-one basis by rezoning qualified properties in other areas as needed to meet the RHNA for lower-income households. Replacement of lots in the Affordable Housing Land Inventory shall meet all the criteria of the Affordable Housing Land Inventory. Rezoning shall be completed by December 31, 2022. Responsible Agency: Planning and Building Department.  
Timeframe: By July 1, 2022.

**H-IM39. Allowance for Moveable Tiny Houses.** The County shall amend the Zoning Regulations to allow moveable tiny houses as permanent single-family dwellings that shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone when connected to utilities, and tie down and objective health, safety and design standards are met. Moveable tiny houses meeting the standards shall be allowed outside of manufactured home and special occupancy parks. The amendment to the Zoning Regulations shall consider allowing recreation vehicles (RVs) to be used as permanent residences outside of Special Occupancy Parks (also known as RV parks). Responsible Agency: Planning and Building Department. Timeframe: Complete by December 31, 2019.

**H-IM54. Emergency Shelters.** The County shall amend the Zoning Regulations for emergency shelters consistent with Government Code Section 65583(a)(4)(A) et seq. to allow emergency shelters as a principally permitted use in the Limited Industrial (ML), Community Commercial Zone (C-2), Industrial Commercial (C-3), and Residential Multiple Family (R-3) zoning districts and eliminate the "*where specifically mapped*" qualifying language, and to meet the requirement that the management standards are objective. The County shall also amend the Mixed Use Urban and Mixed Use Rural (MU1 and MU2, respectively) zoning districts consistent with the General Plan to:

- A. Enumerate emergency shelters as a principally permitted use.
- B. Meet the requirement that the MU1 and MU2 development standards are objective and consistent with H-P29, and encourage and facilitate the development of, or conversion to, emergency shelters consistent with Government Code Section 65583(a)(4)(A).

Responsible Agency: Planning and Building Department. Timeframe: By December 31, 2019.

**H-IM75. Expand the Inventory of Special Occupancy Parks in Areas with Public Services.** The County shall consider amendments to the Zoning Regulations to expand the zoning districts where Special Occupancy parks are an allowed use. Concurrently the County shall amend the General Plan to address any inconsistencies.

Michelle Nielsen, Senior Planner

Long Range Planning

[Planning & Building | Humboldt County, CA - Official Website](#)

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

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Jan L. Turner

**Legal Services of Northern California**

123 Third Street

Eureka, CA 95501

(707) 407-4138

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Jan L. Turner

**Legal Services of Northern California**

123 Third Street

Eureka, CA 95501

(707) 407-4138



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Northern California

Jan Turner &lt;jturner@lsnc.net&gt;

**Housing Element Staff report for the 7-11-19 Planning Commission meeting**

1 message

**Richardson, Michael** <MRichardson@co.humboldt.ca.us>

Wed, Jul 3, 2019 at 6:12 PM

To: Jan Turner &lt;jturner@lsnc.net&gt;

Cc: "Ellinwood, Joseph" &lt;JEllinwood@co.humboldt.ca.us&gt;, "Nielsen, Michelle" &lt;MNielsen@co.humboldt.ca.us&gt;, "Milner, Mary" &lt;MMilner1@co.humboldt.ca.us&gt;

Hi Jan,

Attached is the agenda for the 7-11-19 Planning Commission meeting that contains links on page 4 to the revised Housing Element and Housing Element Appendix. Hopefully this contains all the revisions you were anticipating. I modified the Martin Slough Interceptor implementation measure (H-IM7) we sent you last night to tighten it up a bit:

**H-IM7. Implement the Martin Slough Interceptor (MSI) Project, and Initiate Specific Actions if the Project is Canceled.** The County shall facilitate and monitor the MSI project, and implement the traffic mitigation measures required in the Environmental Impact Report for that project. If the County has not implemented the traffic mitigation measure in the EIR for the MSI project by July 1, 2020, the Planning and Building Department shall bring forward a program for consideration by the Board of Supervisors to either amend the project EIR or take other actions to meet the requirements of the traffic impact mitigation measure by December 31, 2021. If the EIR has not been revised or the requirements of the traffic mitigation have not been satisfied by December 31, 2021, and substantial evidence suggests that as a result new sewer connections for residential development served by the MSI project will not be allowed, the County shall replace the properties in the Affordable Housing Land Inventory in the area served by the MSI project on a one-for-one basis by rezoning qualified properties in other areas as needed to meet the RHNA for lower-income households. Replacement of properties in the Affordable Housing Land Inventory shall meet all the criteria of the Affordable Housing Land Inventory. Rezoning shall be completed by December 31, 2022. Responsible Agencies: Planning and Building Department, City of Eureka, Humboldt Community Services District. Timeframe: Ongoing.

We also added a measure to increase the number of sites that can be used for Special Occupancy Parks (RV Parks):

**H-IM75. Special Occupancy Parks.** The County shall initiate amendments to the Zoning Regulations to increase the number of sites where Special Occupancy Parks are allowed. Responsible Agency: Planning and Building Department. Timeframe: By June 30, 2021.

Let me know if I can clarify any of this for you.

Thanks for your help!

Michael Richardson

Supervising Planner

Long Range Planning

7/9/2019

Legal Services of Northern California Mail - Housing Element Staff report for the 7-11-19 Planning Commission meeting

Humboldt County Planning and Building Department

(707) 268-3723



**PC Agenda for 7-11-19 meeting.pdf**

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Northern California

Jan Turner &lt;jturner@lsnc.net&gt;

**Re: DRAFT revisions to HE implementation measures per 7/2 phone call w/ J. Turner et al**

1 message

Jan Turner &lt;jturner@lsnc.net&gt;

Wed, Jul 3, 2019 at 11:32 AM

To: "Richardson, Michael" &lt;MRichardson@co.humboldt.ca.us&gt;

Thank you.

Jan

On Wed, Jul 3, 2019 at 10:32 AM Richardson, Michael &lt;MRichardson@co.humboldt.ca.us&gt; wrote:

Hi Jan,

I did some digging and found the R-4 zone was deleted from the list of zones that allow emergency shelters by the Planning Commission during their review of the draft 3<sup>rd</sup> cycle Housing Element in 2009. The issue was discussed at their 2/26/09 meeting when they appear to have been concerned about R-4 parcels not being used for multifamily housing. They were deliberating on allowing principally permitted emergency shelters only on R-4 parcels that had existing commercial and medical office uses. That approach would have been complicated, so I think it's likely we advised them that if they were concerned about the potential impacts on developing multifamily housing in the R-4 zone they should probably delete that zone from the list of zones where emergency shelters are principally permitted. The Planning Commission then deleted the R-4 zone from the list and the Board of Supervisors accepted the Planning Commission's recommendation later that year.

Let me know if I can clarify any of this for you.

Thanks!

- Michael R.

**From:** Jan Turner <jturner@lsnc.net>**Sent:** Wednesday, July 3, 2019 8:57 AM**To:** Nielsen, Michelle <MNielsen@co.humboldt.ca.us>**Cc:** Richardson, Michael <MRichardson@co.humboldt.ca.us>; Ellinwood, Joseph <JEllinwood@co.humboldt.ca.us>;

Sarah Steinheimer &lt;ssteinheimer@lsnc.net&gt;; Lynn Martinez &lt;lynnmartinez@lsnc.net&gt;

**Subject:** Re: DRAFT revisions to HE implementation measures per 7/2 phone call w/ J. Turner et al

Excellent, thanks. On the homeless shelters, aren't they also principally permitted in R4?

Jan



This creates a new burden for third parties to prove the the lots won't have sewer capacity if the County fails to meet its obligations under the EIR. Is the County proposing that the public must prove that no one will violate the EIR by giving improper sewer hookups before the County will do the rezoning? I would prefer to accept the EIR on its face and assume compliance with the law. Adding this additional phrase creates a vague and difficult standard that invites future litigation. Please return to the prior version which is straight forward, objective and easily measurable or ommit this clause form the revised version.

Jan

On Wed, Jul 3, 2019 at 6:12 PM Richardson, Michael <[MRichardson@co.humboldt.ca.us](mailto:MRichardson@co.humboldt.ca.us)> wrote:

Hi Jan,

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**H-IM75. Special Occupancy Parks.** The County shall initiate amendments to the Zoning Regulations to increase the number of sites where Special Occupancy Parks are allowed. Responsible Agency: Planning and Building Department. Timeframe: By June 30, 2021.

Let me know if I can clarify any of this for you.

Thanks for your help!

Michael Richardson

Supervising Planner

Long Range Planning

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# ATTACHMENT 2

**HOUSING ELEMENT APPENDIX TABLE – Z10. Comparison of Sewer Capacity and Development Potential in the MSI Project Area 2009 - 2013**

Sewage Drainage Basin	2010 Sewer Capacity	2009 – 2012 Permitted Units	Total 2013 Sewer Capacity with Completion of Phase 1	Affordable Land Inventory Development Potential	Remaining Capacity
McCullens Street	200 units	13	187 units	90 units	+97 units
Campton Road	0 units	0	150 units	0	0
Leslie Lane Diversion	0 units	5		0	0
"O" Street	0 units	18		100 units	+50 units
Hoover Street	178 units	72	106 units	142 units	-36 units
<b>Total</b>	<b>378 units</b>	<b>85</b>	<b>443 units</b>	<b>332 units</b>	<b>+111 units</b>

Compared to the affordable multifamily development potential of 332 units in the MSI project area, there is a capacity to provide sewer services to all the multifamily development potential and an additional 111 more units except in the Hoover Street drainage basin, where there are 36 units in the affordable multifamily land inventory that cannot be served by the existing sewer capacity.

The requirements of the previous Housing Element point to the need for additional property outside the Hoover Street drainage basin to replace the 36 units in the affordable multifamily land inventory. The Wiyot tribe constructed 33 units affordable to very low-income households since 2007, and plan to construct an additional affordable 39 units in the next five years. The Tribe does not charge their members for construction of the homes; the owners are only required to pay utilities, so they are considered affordable to very low-income households. The property upon which the new homes will be constructed is suitable for multifamily housing as it is serviced by adequate roads, sewer, and water available within the planning period. Also, the subject property allows multifamily development at a density of at least 16 units per acre by right (no discretionary review is required by the County); as a sovereign nation, the tribe may build at whatever density it prefers. Further the Tribe has a track record of building affordable housing at that scale, since they did a similar sized project in the previous planning period. These are all factors supporting these units as replacement units in the Affordable Housing Land Inventory.

The required replacement sites were identified within the 180 day timeframe required in the former Housing Element. No rezoning is needed for these additional units.

*Implementation of Other Housing Element 2009 Housing Element Programs*

The County implemented the following programs from the previous Housing Element:

- H-IM1. Housing Opportunity Zones.** The County shall adopt Housing Opportunity Zones and applicable residential and infrastructure development incentives and standards by ordinance. Responsible Agencies: CDS and County Counsel. Timeframe: By August 31, 2010.
- H-IM2. Incentives for Affordable and Special Needs Housing.** The County shall adopt residential and infrastructure development incentives and standards by ordinance to encourage housing affordable to persons or families of low, very low or extremely low income or meeting the housing needs of identified special populations. Responsible Agencies: CDS and County Counsel. Timeframe: By August 31, 2010.



# ATTACHMENT 3

# **STATEMENT OF MITIGATION MEASURES AND MONITORING PROGRAMS**

## **MARTIN SLOUGH INTERCEPTOR PROJECT**

**SCH No. 2002082043**

The following mitigation measures, together with the associated monitoring programs, are adopted by the City of Eureka (City) as conditions of approval for this project. These measures and associated monitoring programs were identified, or are based on measures identified, in the Final Environmental Impact Report (Final EIR) for the project, and are within the jurisdiction of City for implementation.

The measures identified in this statement reflect the interests of the City in ensuring a project that meets the legal obligations of the City pursuant to Section 15097 of the Guidelines for Implementation of the California Environmental Quality Act. Other mitigation measures may legitimately be required for this project by other responsible agencies with regulatory or trustee authority for the proposed project; any such measures are not within the jurisdiction of the City for implementation, but such measures can be, and should be, implemented by the responsible agencies.

The proposed project incorporates a number of voluntarily included features that have the effect of reducing potential environmental effects. These voluntary features are described fully in the Final EIR, and are specifically identified here as functioning in the manner of mitigation measures, by allowing the project to avoid or reduce significant environmental effects. Should any of those voluntarily included features not be reflected in the final project plans developed by the City for the project, then the City shall incorporate alternative or additional measures (and monitoring programs) which have the same degree of effectiveness in reducing environmental effects as do the voluntarily proposed project components described in the Final EIR.

### **I. PHYSICAL ENVIRONMENT**

#### **A. Soils and Geology**

##### **Mitigation Measure 3-1.1 – Geologist to Review Construction Process to Assure a Lack of Adverse Effects from Geological or Geotechnical Hazards**

Measure: *The City shall retain the services of a qualified geologist to evaluate the proposed construction process identified by the awarded contractor, to make recommendations to the City regarding the final implementation of any measures or practices included in the contractor's proposed methodology with respect to geological and*



This is the same measure as Mitigation Measure 11-1.1.

**Mitigation Measure 11-3.1 – Limit Connections to Martin Slough Interceptor Pending the Development of a Memorandum of Agreement to Identify Mitigation for Cumulative Traffic Impacts, and the Implementation of a Circulation Improvement Fund Program**

Measure: *The City shall cooperate with local governments in the project area to enter into a Memorandum of Agreement (MOA) to develop and implement a suitable "Cumulative Traffic Impact Assessment and Mitigation Program" (Program). The aim of the MOA, and of the resulting Program, will be to formally identify indirect or cumulative traffic and circulation impacts, and the required improvements necessary to offset indirect or cumulative circulation impacts, within the areas of the City of Eureka and the County of Humboldt that will be served, whether directly or indirectly, by the Martin Slough Interceptor Project.*

*The City shall prohibit connections to the Martin Slough Interceptor, or to any part of the City's wastewater collection system that will develop additional conveyance capacity as a result of the Martin Slough Interceptor Project, until the MOA and the Program are in place and appropriate funding has been secured for improvements identified in the Program. The methodology for creating the Circulation Improvement Fund Program shall be identified as part of the MOA and the Program. Payments to the circulation improvement fund shall be secured for each connection to the wastewater collection system prior to the authorization by the City of that connection.*

Monitoring: *This measure shall be made a condition of approval for the current project. The City of Eureka will identify programmatic elements required in a regional transportation planning approach that includes the City and other parts of the project service area. Upon the implementation of the MOA, and following the delivery of an appropriate payment to the circulation improvement fund for any affected parcel under the Program, the City shall authorize a connection to the Martin Slough Interceptor.*

**C. Noise**

**Mitigation Measure 12-1.1 - Restrict Noise-Generating Activities**

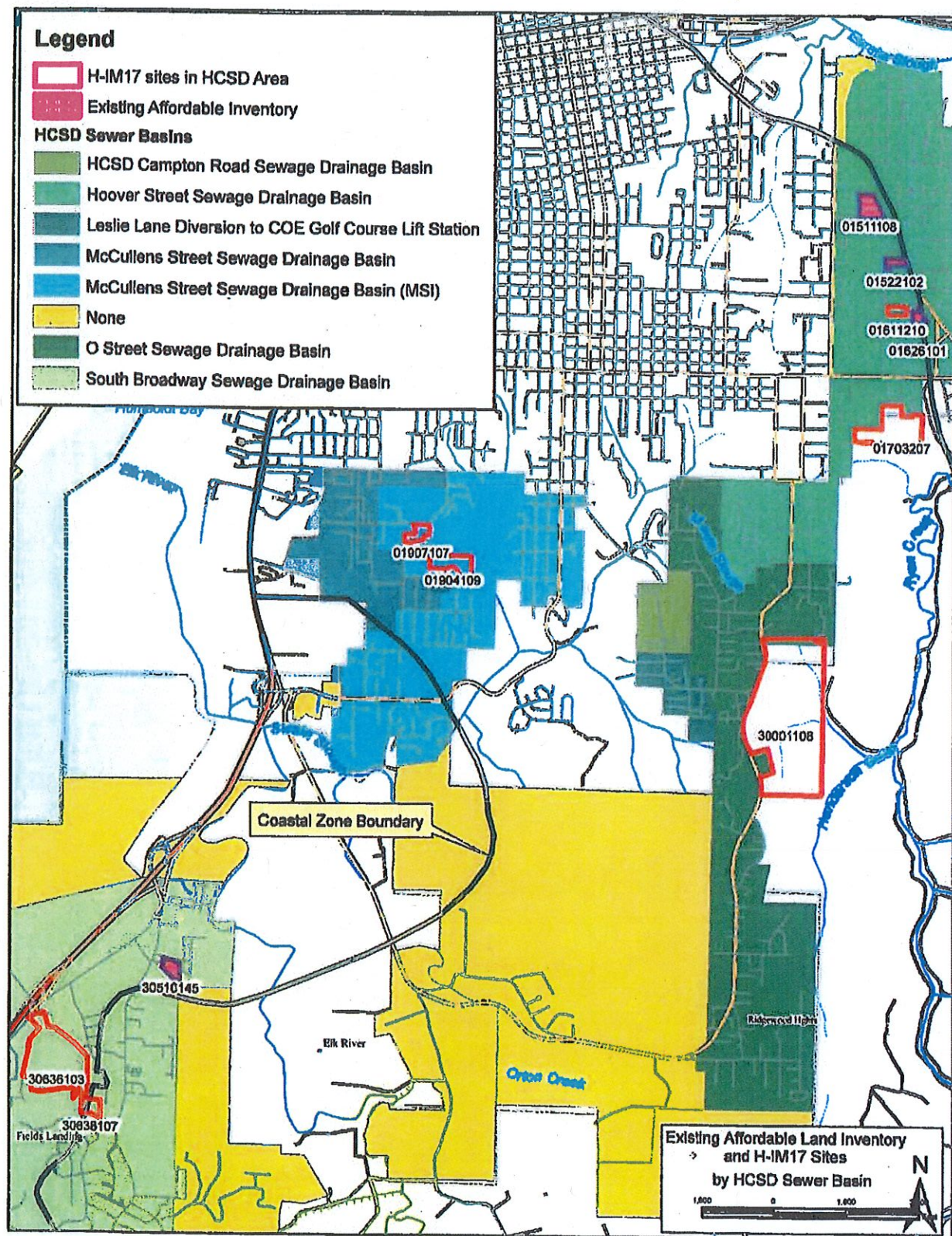
Measure: *The operating periods of equipment used in project construction within 1000 feet of residentially developed areas of the City of Eureka or County of Humboldt shall be limited to the hours between 7:00 AM and 7:00 PM Monday through Friday, and the hours between 9:00 AM and 5:00 PM on Saturday (this restriction need not be applied in construction along South Broadway (Highway 101)).*

*Construction personnel shall conduct all work activities in a manner that minimizes noise generation. A variety of contractor actions are available which will reduce construction noise, including: (i) turning off engines in all equipment not in active use, (ii) avoiding using*

# ATTACHMENT 4



## HOUSING ELEMENT APPENDIX FIGURE - 33. Affordable Housing Sites in HCSD Sewer Basin Areas



Source: Humboldt County Planning and Building Department, 2014