



COUNTY OF HUMBOLDT

Legislation Text

File #: 23-949, Version: 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

Public Hearing on Supportive and Transitional Housing Zoning Ordinance and General Plan Amendments: PLN-2022-17303

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing, receive the staff presentation and accept public comment; and
2. Close the public comment portion of the public hearing and deliberate;
3. Adopt Resolution No. ____ [Attachment 1] making findings the Inland Supportive and Transitional Housing Zoning Ordinance Amendments and General Plan Amendments are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), making all the required findings for consistency with the General Plan, Zoning Ordinance and state law, and approving the amendments to the Land Use Element of the Humboldt County General Plan (Chapter 4) adding Transitional and Supportive Housing to the list of allowed uses in the Residential and Commercial Land Use Designations;
4. Adopt Resolution No. ____ [Attachment 2] making findings the Coastal Supportive and Transitional Housing Zoning Ordinance Amendments are exempt from environmental review pursuant to CEQA and making all the required findings for consistency with the General Plan, Zoning Ordinance and the Coastal Act, and transmitting them to the California Coastal Commission for their review and certification;
5. Adopt Ordinance No. ____ [Attachment 3], Amending the Inland Zoning Regulations Regarding Supportive and Transitional Housing, Sections 314-61.2, 314-138, 314-154, 314-155, 314-177, and Associated Tables of Chapter 4 of Division 1 of Title III of the Humboldt County Code;
6. Adopt and transmit to the Coastal Commission for certification Ordinance No. ____ [Attachment 4], Amending the Coastal Zoning Regulations Regarding Supportive and Transitional Housing, Sections 313-61.3, 313-154, 313-155, 313-177 in Chapter 3 of Division 1

of Title III of the Humboldt County Code;

7. Direct the Clerk of the Board to publish Post-Adoption Summaries of both Supportive and Transitional Housing Ordinances within fifteen (15) days after their passage, along with the names of those Supervisors voting for and against each ordinance and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of each adopted ordinance; and
8. Direct Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

SOURCE OF FUNDING:

Staff costs and noticing for these amendments are grant-funded through the Local Early Action Planning (LEAP) program awarded in 2020. The costs will be reimbursed from grant funds upon adoption of the ordinances by the Board of Supervisors, and certification of the Coastal Ordinance by the California Coastal Commission.

DISCUSSION:

Executive Summary

The request in front of the Board of Supervisors will accomplish the following:

1. Provide definitions for Supportive Housing, Transitional Housing, and Target Population;
2. Limit development standards to those that apply to other principally permitted uses in the zone, except for State funded multifamily projects developed under Government Code 65650 which has certain mandated development standards;
3. Update zoning tables to specifically allow Supportive Housing and Transitional Housing;
4. Update the Land Use Designation tables in Chapter 4 of the General Plan to specifically allow Supportive Housing and Transitional Housing in the Residential and Commercial Land Use designations; and
5. Incorporate the streamlining provisions and criteria for multifamily supportive housing projects developed under Government Code Section 65650 et seq.

Background

This proposal, part of the Housing Element implementation, updates the inland and coastal zoning regulations and the General Plan to conform to state housing law changes regarding Supportive and Transitional Housing, codified in Government Code Sections 65582(g)-(j) and 65583(c)(3). Housing Element Implementation Measures H-IM51 and H-IM71 prescribe changes to the zoning code and General Plan that would facilitate the development of these uses and recognize that Supportive and Transitional Housing occur in both single-family and multifamily units.

The amendments add definitions and amend use types to clarify Supportive and Transitional Housing as residential use types, subject only to development standards that apply to similar structures in the same zones. The amendments would give more clarity and transparency to potential developers and

operators by incorporating the streamlining provisions and criteria for multifamily supportive housing projects developed under Government Code Section 65650 et seq.

The proposed changes would add Sections 314-61.2 and 313-61.3 to the zoning regulations and amend related parts of the ordinances and General Plan.

Locations and Effects of the Amendments

Supportive and transitional housing are residential uses that occur in areas already zoned for residences. These housing types are indistinguishable from residential uses already allowed.

The effect of the proposed Supportive and Transitional Housing Amendments would be more clarity and transparency for potential developers and operators, and compliance with State Housing Law.

Planning Commission Review

The Humboldt County Planning Commission reviewed and considered the Supportive and Transitional Housing Amendments, and held a public meeting on October 20, 2022, during which the ordinances were recommended for adoption by the Board of Supervisors by a 6-1 vote. Modifications to the proposed draft, based on public comment and Planning Commission deliberation consist of a change in the language of Section 61.2.3 that disallows supportive housing without a concurrent commercial use, and above the ground floor in business parks.

In the original draft of the Inland Ordinance, staff recommended one change to current zoning practice to incentivize development of supportive housing - it relaxed the requirements for a co-existing commercial use in C-1, C-2, C-3 and MB zoning districts, so that supportive housing in those districts could be allowed on the ground floor. The Planning Commission preferred to keep the existing requirement for a co-existing commercial use and prohibit ground floor housing units in those zones.

Public and Agency Comments

No public agency comments or recommendations were offered for this project. No public comments have been received on this item to date.

Coastal Commission Review

Planning Department staff corresponded and met with local Coastal Commission staff to discuss the Coastal Supportive Housing Amendments draft. The proposed draft incorporates the approach discussed at a meeting on July 26, 2022. No further recommendations have been received at the date of this writing. If approved, the proposed coastal ordinance will be transmitted to the Coastal Commission for certification.

Environmental Review

The Inland Supportive and Transitional Housing Ordinance and General Plan Amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2), because Supportive and Transitional Housing are subject to the same conditions as other residential uses in zones where those uses are already permitted. Therefore, the activity will not result in a direct or indirect, reasonably foreseeable physical change in the environment; and Section 15061(b)(3) (the Commonsense Exemption) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the

environment.

The Coastal Supportive and Transitional Housing Ordinance is exempt from the requirements of CEQA pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251, and 15265 of the CEQA Guidelines, because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Natural Resources as being the functional equivalent of CEQA.

FINANCIAL IMPACT:

Expenditures (Fund, Budget Unit)	FY22-23 Adopted	FY23-24 Projected	FY24-25 Projected
Budgeted Expenses	7,851.60	\$0	\$0
Total Expenditures	\$7,851.60	\$0	\$0
Funding Sources (Fund, Budget Unit)	FY22-23 Adopted	FY23-24 Projected*	FY24-25 Projected*
State/Federal Funds	7,851	\$0	\$0
Total Funding Sources	7,851	\$0	\$0

**Projected amounts are estimates and are subject to change.*

Narrative Explanation of Financial Impact:

Staff costs and noticing total \$7,851 for these amendments are grant-funded through the Local Early Action Planning (LEAP) program awarded in 2020. The costs will be reimbursed from grant funds upon adoption of the ordinances by the Board of Supervisors, and certification of the Coastal Ordinance by the California Coastal Commission.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework priority of protecting vulnerable populations.

OTHER AGENCY INVOLVEMENT:

California Coastal Commission, Department of Health and Human Services.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could better incentivize development of supportive housing in commercial zones by relaxing the requirements for a co-existing commercial use. Because more supportive housing is needed to help reduce homelessness, staff recommended this language to the Planning Commission. The Planning Commission decided against it, but that option is available to the Board. Staff does not recommend further consideration of this alternative out of deference to the Planning Commission’s decision.

Another option is the Board of Supervisors could choose to not approve the amendments to the inland zoning regulation, General Plan, and coastal zoning regulations if it finds that the evidence presented

does not support making all the required findings. In that case, Planning Staff would continue to apply state law regarding supportive and transitional housing, where the County's code is silent or superseded by statute. However, based on the information in this staff report, staff believes the evidence supports making all the required findings and does not recommend further consideration of this alternative.

ATTACHMENTS:

Attachment 1: Resolution No. - of the Board of Supervisors of the County of Humboldt Making Findings Pursuant to CEQA and Findings for Adopting the Inland Supportive and Transitional Housing Zoning Amendments and General Plan Amendment and approving the amendments to the Land Use Element of the Humboldt County General Plan (Chapter 4) adding Transitional and Supportive Housing to the list of allowed uses in the Residential and Commercial Land Use Designations.

Attachment 2: Resolution No. _____, A Resolution of the Board of Supervisors of the County of Humboldt Making Findings Pursuant to CEQA, and Findings for Coastal Supportive and Transitional Housing Amendments.

Attachment 3: Ordinance No. 23-_____ Amending Title III, Division 1, Chapter 4 of the Humboldt County Code Pertaining to Supportive and Transitional Housing Amendments (Section 314-_____).

Attachment 4: Ordinance No. 23-_____, Amending Title III, Division 1, Chapter 3 of the Humboldt County Code Pertaining to Supportive and Transitional Housing (Section 313-_____).

Attachment 5: Post-Adoption Summary of Ordinance No. _____, Inland _____.

Attachment 6: Post-Adoption Summary of Ordinance No. _____, Coastal _____.

Attachment 7: Planning Commission Supportive and Transitional Housing Amendments Staff Report Oct. 6, 2022.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A