



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING

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Date: Meeting of October 20, 2022

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Public Hearing on Amendments to the Inland Zoning Regulations, General Plan, and Coastal Zoning Regulations Pertaining to Transitional and Supportive Housing**

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Please contact or Mary Milner, at 707 268-3772, mmilner1@co.humboldt.ca.us if you have any questions about the amendments.

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
October 20, 2022	Draft Amendments to the Inland Zoning Regulations, General Plan, and Coastal Zoning Regulations Pertaining to Supportive and Transitional Housing	Mary Milner

Project Description: This item amends parts of the zoning regulations and General Plan that relate to Supportive and Transitional Housing. Supportive Housing is rental housing with rent support, offered for a specified Target Population (usually defined statutorily or by a funding source), with offsite or onsite services and no limit on length of stay. Transitional Housing is rental housing under a rental assistance program, with or without services, offered for a period of at least six months, but that terminates at some specified time.

The proposed Amendments carry out two Implementation Measures that are part of Humboldt County's 2019 Housing Element Update. Implementation Measure H-IM51 directs amending the Zoning Regulations to make them consistent with Government Code Section 65650 et seq., and Government Code Section 65582(g)-(j) and 65583(c)(3) for Supportive and Transitional Housing. Implementation Measures H-IM71 directs that applicable land use designations in the General Plan, Chapter 4, be amended to enumerate Supportive Housing as an allowed use.

Current zoning code recognizes only Supportive and Transitional Housing in the form of multi-family housing; in reality, these uses 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. State Housing Law, in Government Code Section 65650, ensures a number of streamlining provisions for multifamily supportive housing developments that meet certain criteria. These provisions are incorporated in the proposed ordinances by adding Sections 314-61.2 and 313-61.3 to the zoning regulations.

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

Project Location: All of the unincorporated areas of Humboldt County, including the Coastal Zone.

Present Plan Designations: The General Plan currently designates RM as allowing Transitional Housing; it is silent on Supportive Housing.

Present Zoning: No zones are explicitly designated to allow Supportive or Transitional Housing in either Inland or Coastal areas.

Environmental Review: the proposed 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), and Section 15061(b)(3). 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.

State Appeal Status: The LCP Amendment applies within the Coastal Zone and is therefore appealable to the California Coastal Commission. Changes proposed to the Local Coastal Program (Coastal Zoning Regulations) must receive final certification from the California Coastal Commission before they may become effective.

DRAFT AMENDMENTS TO THE INLAND AND COASTAL ZONING REGULATIONS AND GENERAL PLAN PERTAINING TO SUPPORTIVE AND TRANSITIONAL HOUSING

Recommended Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the project.
3. If no one requests discussion, make the following motion to approve the project as a part of the consent agenda:

“Based on evidence in the staff report and public testimony, make all the required findings and adopt the Resolution recommending that the Humboldt County Board of Supervisors find that the proposed amendments are exempt from CEQA pursuant to Section 15060(c)(2), and Section 15061(b)(3) of the CEQA Guidelines, Public Resources Code 21080.5 and 21080.9, and Sections 15250, 15251, and 15265 of the CEQA Guidelines, and adopt the proposed amendments to the Inland Zoning Regulations and General Plan, and approve the amendments to the Coastal Zoning Regulations (as may be modified by the Planning Commission).”

EXECUTIVE SUMMARY:

Project Description:

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 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.

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.

1. Amendments to the Inland Zoning Regulations and General Plan

Current Inland zoning regulations (1) do not define Supportive Housing, (2) define Transitional Housing in a way that is inconsistent with State law, (3) contain a statement that Transitional and Supportive Housing are residential uses but (4) are silent on zoning and development standards for these uses.

The Inland Supportive and Transitional Housing Ordinance and General Plan Amendments do all of the following to be consistent with Government Code Sections 65582, 65583, and 65650 and to incentivize these types of developments:

- Provide definitions for Supportive Housing, Transitional Housing, and Target Population;
- Limit development standards to those of the containing zone, except for State funded multifamily projects developed under Government Code 65650;
- For Supportive Housing in certain inland commercial zones, relax the requirements for a co-existing commercial use, and remove the restriction on ground floor supportive housing units;
- Update zoning tables; and
- Update the Land Use Designation tables in Chapter 4 of the General Plan to reflect the zoning amendments;

- Incorporates the streamlining provisions and criteria for multifamily supportive housing projects developed under Government Code Section 65650.

Drafts of the proposed Ordinance and General Plan Amendment are included here as Attachment 1 and incorporated by reference.

2. Local Coastal Program Amendment – Coastal Zoning Code and Coastal Plans

Current Coastal zoning regulations are silent as to Supportive and Transitional Housing.

The amendments do all of the following:

- Provide definitions for Supportive Housing, Transitional Housing, and Target Population;
- Limit development standards to those of the containing zone, except for State funded multifamily projects developed under Government Code 65650;
- Incorporates the streamlining provisions and criteria for multifamily supportive housing projects developed under Government Code Section 65650; and
- Update Residential Use Types.

All six coastal plans define residential uses broadly, so that supportive and transitional housing uses fall within the land use allowances. Therefore, no amendments are proposed to the Local Coastal Plans. Drafts of the proposed Coastal amendments are included here as Attachment 2 and incorporated by reference.

3. Streamlining Under Government Code Section 65650

Multifamily Supportive housing consists of two or more connected living units. California passed [AB 2162](#) in 2018, streamlining permitting for multifamily supportive housing. As a result, where public funding is used to acquire or operate this type of Supportive housing, State Housing Law contains measures that streamline and expedite the process of approving permit applications. The proposed ordinances enumerate the conditions under which streamlining applies.

Tribal Consultation

Staff solicited input from Tribal organizations by mail and email on August 30, 2022. No individuals or organizations have responded as of the time of this writing.

Permitting Guidelines and Best Practices

In order to orient the public and potential developers, the Planning Department assembled permitting guidelines. The guide is a reference to State law and local regulations, and describes the basics of supportive housing for the public and decision-makers so that they can support this important community activity. The goal of the guidelines is to facilitate supportive housing so that vulnerable Humboldt County residents can access the services they require in an informed and welcoming community. The document is available on the [Housing Element](#) website, or as a PDF: Supportive Housing in Humboldt County: [Permitting Guidelines and Best Practices](#).

Coastal Commission consultation

Planning Department staff corresponded and met with local Coastal Commission staff to receive recommended changes to the Coastal Amendments draft. The proposed draft Coastal Amendments incorporates all recommendations received as of this writing.

Other Agency Involvement

California Department of Housing and Community Development (HCD), Humboldt County Department of Health and Human Services.

Public Comment

The Planning Division published a Notice of Public Hearing on the proposed Zoning Amendments and General Plan Amendments in the Eureka Times-Standard on or before October 6, 2022. Copies of the Draft Amendments were published on the Long Range Planning website on August

30, 2022, and email notification was sent to members of the public who requested notification. No public comment has been received as of this writing.

Alternatives:

Alternative 1: Rather than incentivizing development of supportive housing by relaxing the requirements for a co-existing commercial use (proposed section 61.2.3), the Planning Commission could advise the Board to treat supportive housing more like other residential uses in commercial zones, and limit them to developments with one or more co-existing commercial uses. As more supportive housing is needed to help reduce homelessness, staff does not recommend further consideration of this alternative.

The Planning Commission could recommend that the Board of Supervisors not approve the amendments to the inland zoning regulation, General Plan, and coastal zoning regulations if the Commission 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.

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution Number 22-__

Making Findings Pursuant to CEQA and Recommending Adoption by the Board of Supervisors of the Supportive and Transitional Housing Ordinances and Related General Plan Amendments

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution No. 22-_____

SUPPORTIVE AND TRANSITIONAL HOUSING AMENDMENTS AND RELATED GENERAL PLAN AMENDMENTS

Makes the required findings to certify compliance with the California Environmental Quality Act; and recommends adoption by the Board of Supervisors of the Supportive and Transitional Housing Ordinances and Related General Plan Amendments.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, changes to California Government Code Sections 65582, 65583, and 65650 et seq. prescribe certain aspects of local zoning regulations related to supportive and transitional housing; and

WHEREAS, Humboldt County's General Plan 2019 Housing Element Update includes Implementation Measure H-IM51, directing the County to amend the Zoning Regulations for supportive and transitional housing to be consistent with Government Code Sections 65582 and 65583; and Implementation Measure H-IM71, directing the County to amend related parts of the General Plan; and

WHEREAS, the proposed Supportive and Transitional Housing and Related General Plan Amendments have been reviewed by appropriate county departments, state agencies and local tribes and their input has been collected and considered; and

WHEREAS, the proposed Inland Ordinance is exempt from environmental review under in Sections 15060(c)(2) and 15061(b)(3) of the California Environmental Quality Act; and the Coastal Ordinance is exempt under Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251, and 15265 of the CEQA Guidelines; and

WHEREAS, the Planning Division prepared and made available to the public the draft Supportive and Transitional Housing Ordinances, related General Plan Amendments, and a *Permitting Guidelines and Best Practices* manual on the County's webpage at <https://humboldt.gov.org/2448/2019-Housing-Element>; and

WHEREAS, Exhibit A to this resolution includes substantial evidence in support of making all the required findings for approving the proposed inland and coastal zoning ordinance amendments and General Plan amendments; and

WHEREAS, on or before October 6, 2022 the Planning Division caused to be published in the Eureka Times-Standard, a newspaper of general circulation in Humboldt County, a Notice of Public Hearing on the proposed Zoning Amendments and General Plan Amendments regarding Supportive and Transitional Housing; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Supportive and Transitional Housing Ordinances and General Plan Amendments on October 20, 2022 during which the Planning Commission reviewed, took public comments, considered a report, supplements, evidence and testimony; and

WHEREAS, the Planning Commission considered said report, the Required Findings of Approval, incorporated herein as Exhibit A, which contains evidence, findings, and conclusions in support of the proposed ordinances and amendments, as well as any supplements thereto, together with any other written evidence and testimony presented;

NOW, THEREFORE, the Humboldt County Planning Commission resolves, determines, and orders that the following findings are made regarding the Supportive and Transitional Housing Ordinances and General Plan Amendments:

1. The proposed Amendments are exempt from CEQA.
2. The proposed Amendments are in the public interest; and
3. The proposed Amendments are consistent with the General Plan; and
4. The proposed Coastal Ordinance is consistent with the Local Coastal Program and Coastal Act; and
5. The proposed Amendments do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
6. The Planning Commission makes all the required findings described in Exhibit A of this Resolution, Required Findings of Approval, which is incorporated fully herein, based on the evidence provided.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings 1 through 6 and in Exhibit A prepared by Planning Division staff.
3. Adopt the Inland Supportive and Transitional Housing Ordinance amending the Zoning Regulations (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as modified by the Commission and Chapter 4 of the Humboldt County General Plan as shown in Attachment 1 of the staff report.
4. Adopt and transmit to the Coastal Commission for certification the Coastal Supportive and Transitional Housing Ordinance amending the Zoning Regulations (Section 313 of Title III, Division 1, Chapter 3 of Humboldt County Code) as shown in Attachment 2 of the staff report.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on October 20, 2022.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners: Noah Levy, Thomas Mulder, Melanie McCavour, Brian Mitchell, Minke Newman, Peggy O'Neill

NOES: Commissioners: Alan Bongio

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries 6/1

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director

Exhibit A – Required Findings of Approval

A. Required Findings for General Plan Amendments

In accordance with State Planning and Zoning Law (Government Code Section 65000 et seq.) and the General Plan of Humboldt County, a general plan amendment may be approved upon making the following findings:

- (1) The amendment is in the public interest, and one or more of the following applies:
 - a. Base information or physical conditions have changed; or
 - b. Community values and assumptions have changed; or
 - c. There is an error in the plan; or
 - d. To maintain established uses otherwise consistent with a comprehensive view of the plan.

B. Required Findings for Amendments to the Zoning Regulations

State Planning and Zoning Law (Government Code Section 65000 et seq.), and Section 312-50 of the Humboldt County Code (HCC) state the following findings must be made to approve changes in the Zoning Maps and Regulations:

- (2) The proposed amendment is in the public interest;
- (3) The proposed amendment is consistent with the General Plan;
- (4) The proposed amendment is consistent with the Coastal Act;
- (5) The proposed amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

C. California Environmental Quality Act (CEQA)

The proposed Inland Ordinance is exempt from environmental review under in Sections 15060(c)(2) and 15061(b)(3) of the California Environmental Quality Act; and the Coastal Ordinance is exempt under Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251, and 15265 of the CEQA Guidelines, as detailed in the Evidence section below.

Evidence Supporting the Required Findings

A. Findings for General Plan Amendment:

The following table identifies the evidence which supports finding that the proposed General Plan amendments are in the public interest, and based on changed conditions.

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
1. Public Interest §312-50 of Humboldt County Code	The proposed General Plan Amendment is in the public interest.
Evidence Supporting Finding 1. State housing law tasks the County with designating adequate sites for, and facilitating development of supportive and transitional housing. Under the Housing Accountability Act, the County is obligated to actively facilitate these types of housing development. The proposed ordinance advances these goals, and is therefore in the public interest.	

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
1b. Changed conditions Community values and assumptions have changed.	The proposed General Plan Amendment responds to changes in state law and terminology usage.
Evidence Supporting Finding 1b. Changes to State housing law, Gov. Code Secs. 65582, 65853, and 65650 define and regulate zoning and development of supportive housing and transitional housing. The proposed General Plan Amendment harmonizes language and standards in accordance with that change. Housing Element Implementation Measures H-IM51 and H-IM71 direct that the General Plan be amended to reflect current Government Code; therefore, the amendments respond to these changes.	

B. Required Findings for Amendments to the Zoning Regulations

The following table identifies evidence that supports finding that the proposed zoning ordinance is in the public interest, is consistent with the General Plan, and does not reduce the residential density to below the requirements set by the Department of Housing and Community Development.

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
2. Public Interest §312-50 of Humboldt County Code	The proposed zoning ordinance amendments are in the public interest.
Evidence Supporting Finding 2. State housing law tasks the County with designating adequate sites for, and facilitating development of supportive and transitional housing. Under the Housing Accountability Act, the County is obligated to actively facilitate these types of housing development. The proposed ordinance advances these goals, and is therefore in the public interest.	
Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
3. General Plan Consistency §312-50 of Humboldt County Code	The proposed zoning amendments are consistent with the General Plan.
Evidence Supporting Finding 3. The 2019 Housing Element, Chapter 8 of the General Plan, includes implementation measure H-IM51: amend the Zoning Regulations consistent with Government Code Article 11, commencing at Section 65650, and Government Code Section 65582(j) and 65582(c)(3) for transitional and supportive housing. The proposed amendments carry out these implementation measures, and are therefore consistent with the General Plan.	

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>4. Consistency with the Coastal Act §312-50 of Humboldt County Code</p>	<p>The proposed Pilot Program is consistent with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act, which sets forth policies regarding the following issues:</p> <ul style="list-style-type: none"> a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access) b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes) c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control) d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources) e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments) f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).
<p>Evidence Supporting Finding 4.</p> <p>a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access).</p> <p>The proposed ordinance ensures that supportive and transitional housing are treated the same as other residential uses. No impacts to coastal access facilities are expected, beyond those due to any other residential use.</p> <p>b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes).</p> <p>The proposed ordinance reinforces supportive and transitional housing as residential uses subject to standards that apply to other residential units in the containing zone. The changes in regulation are not expected to impact coastal recreation facilities beyond those due to any other residential use.</p> <p>c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control).</p> <p>Supportive and transitional housing are residential uses that occur in areas zoned for residences, not in Marine Resource designations. Therefore, the proposed ordinance would not impact coastal marine resources.</p>	

Evidence Supporting Finding 4. cont.

d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources).

Supportive and transitional housing are residential uses subject to the same conditions as other residential uses in zones where they are allowed. All setbacks, buffers, and provisions around sensitive habitats, agricultural lands, timberlands, and archaeological resources apply to supportive and transitional housing to the same extent as other types of development in the containing zone. The ordinance changes do not alter the regulation of Land Resources, and therefore would not impact coastal land resources.

e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments).

Supportive and transitional housing are indistinguishable from residential uses already allowed, so that the proposed changes are not expected to impact coastal scenic resources.

f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

Under the proposed zoning changes, supportive and transitional housing are not allowed in heavy industrial or coastal dependent zoning districts; therefore, they would not displace or otherwise affect industrial uses on the coast.

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>5. Consistency with Housing Element Densities</p> <p>§312-50 of Humboldt County Code</p>	<p>That the proposed zoning amendments will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation)</p>
<p>Evidence Supporting Finding 4. The proposed supportive and transitional housing amendments potentially affect multifamily sites that could be included in the residential land inventory. However, the proposed changes would not reduce the residential density for any parcel below that used by the Department of Housing and Community Development in determining compliance with the housing element.</p>	

C. California Environmental Quality Act (CEQA)

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 the activity will not result in a direct or indirect, reasonably foreseeable physical change in the environment; and Section 15061(b)(3) (the Common Sense 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 Resources as being the functional equivalent of the process required by CEQA.