



COUNTY OF HUMBOLDT

For the meeting of: 7/11/2023

File #: 23-951

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

Public Hearing on Emergency Shelter Zoning Ordinance and General Plan Amendments: PLN-2022-17866

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report and accept public comment;
2. Close the public comment portion of the public hearing and deliberate;
3. Adopt Resolution No. _____ [Attachment 1] making findings that the Inland Emergency Shelter 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 Humboldt County General Plan adding definitions for Day Shelters and Low Barrier Navigation Centers;
4. Adopt Resolution No. _____ [Attachment 2] making findings the Coastal Emergency Shelter Ordinance Amendments and General Plan 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 Emergency Shelters, and Adding Day Shelters and Navigation Centers to Sections 314-47.1, 314-47.2 and 314-54.1 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 by Adding Emergency Shelters to Section 313-47.1 of 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 funded by the General Fund contribution to Long Range Planning Budget Unit (1100-282)

DISCUSSION:

Executive Summary

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

1. Explicitly state the zones where Day Shelters, Emergency Shelters, and Low Barrier Navigation Centers are principally permitted;
2. Set objective development standards to the extent allowed in Government Code Section 65583; and
3. Provide definitions and use types for Emergency Shelters, Day Shelters and Low Barrier Navigation Centers.

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 Emergency Shelters, codified in Government Code 65582 and 65583. Housing Element Implementation Measures H-IM54 prescribe changes to the zoning code and General Plan that would facilitate the development of these uses.

The inland ordinance adds Section 314-46.1 Day Shelters, amends Section 314-47.2 Emergency Shelters, adds Section 314-54.1 Low Barrier Navigation Centers, and adds definitions and a use type to Title III, Division 1, Chapter 4 of the Humboldt County Code. The associated General Plan amendment adds definitions to Appendix B, the Glossary of the General Plan.

The coastal ordinance amends the Coastal Implementation Plan (Coastal Zoning Code) by adding for the first time a definition and use types for emergency shelters in Section 313-47.1, Title III, Division 1, Chapter 3 of the Humboldt County Code. The ordinance adds Emergency Shelters as a principally permitted use in the Commercial General (CG) zone. Amendments to the coastal plans add a definition for emergency shelters and allows them within the CG - Commercial General Plan designation.

The effect of the proposed 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 Emergency Shelter

Amendments, and held a public meeting on September 15, 2022 during which the ordinances were recommended for adoption by a 5 - 0 vote with no modifications.

Public and Agency Comments

No public agency comments or recommendations were offered for this project. The Planning Commission received a comment from Arcata House Partnership that was supportive of the proposed amendments.

Coastal Commission Review

Planning Department staff corresponded and met with local Coastal Commission staff to receive recommended changes to the Coastal Emergency Shelter Amendments draft. As a result of a meeting on July 26, certain revisions were made to the Coastal Ordinance. The following changes were recommended, and are included in the proposed amendments:

- Change the Use Type for emergency shelters from Residential to Civic/Essential Services. This would be a better fit in the Coastal Zone, and would be consistent with the local coastal plan allowances in that land use designation.
- Allow emergency shelters in Commercial General (CG) zones only. The original Emergency Shelter ordinance as Noticed allowed shelters by right in three zones - Neighborhood Commercial (CN), Commercial General (CG), and Light Industrial (ML). It was noted that principally permitted emergency shelters in CN and ML zones would not be consistent with local coastal plans. In addition, there are currently no parcels zoned CN in the Coastal Zone, and only six parcels zoned ML. In contrast, there are several hundred parcels zoned Commercial General in the Coastal Zone.
- Include in the amendments changes to the coastal plans to align with and supplement the changes to the zoning regulations.

Environmental Review

The Inland Emergency Shelter Ordinance and General Plan Amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269(c), specific actions necessary to prevent or mitigate an emergency; and pursuant to the common-sense exemption Section 15061(b)(3) of the CEQA Guidelines as it can be seen with certainty that there is no possibility that the proposed modifications to Emergency Shelter regulations may have a significant effect on the environment.

Illegal camps and gathering sites of individuals experiencing homelessness, without access to sanitary facilities and without shelter from weather, pose a health and safety threat to the individuals as well as a threat to the environment from improper waste disposal. The proposed specific actions are necessary to prevent or mitigate an emergency and therefore are statutorily exempt from CEQA pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines. In addition, the ordinance and amendments are exempt under CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the proposed actions will have the potential for causing a significant effect on the environment and are not subject to CEQA review. Emergency shelters relocate currently existing activities to more appropriate locations, and offer sanitation and trash services, among other services to people experiencing homelessness. Development of emergency

shelters would represent a net decrease in significant effects on the environment.

The Coastal Emergency Shelter 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. 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.

FINANCIAL IMPACT:

Narrative Explanation of Financial Impact:

Staff costs and noticing total \$5,281 for these amendments are funded by the General Fund contribution to Long Range Planning (Budget Unit 100-282).

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 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 shelters 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 Emergency Shelter Zoning Ordinance Amendments and General Plan Amendment.

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 Emergency Shelter Zoning Ordinance and Coastal Plan Amendments.

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

Attachment 4: Ordinance No. 23-_____, Amending Title III, Division 1, Chapter 3 of the Humboldt County Code Pertaining to Emergency Shelter Zoning Ordinance Amendments (Section

313-____).

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

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

Attachment 7: Planning Commission Emergency Shelter Zoning Ordinance Amendments Staff Report
September 15, 2022.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A