# COUNTY OF HUMBOLDT

**For the meeting of:** 8/15/2024

**File #:** 24-1183

**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

SUBJECT:
Draft Commercial Residential Ordinance
Assessor Parcel Numbers (APN) 000-000-000
Record No.: LRP-2023-18805
All the unincorporated areas of Humboldt County.

The Commercial Residential Ordinance is to implement and expand upon Senate Bill 6 (SB 6), which allows for residential development in zones where office, parking, or retail uses are permitted. Based upon the County's zoning regulations, various commercial and industrial zoning designations may qualify. Commercial residential is proposed as a new type of development that consists of residential dwellings or a mixture of dwellings and commercial uses within certain commercial and industrial zones.

The Zoning Updates Ordinance is to update our zoning code to be consistent with California State Building Code, set a maximum height for fences within the front yard setback in certain residential zones, implement Humboldt County General Plan Implementation Measure H-IM63, define "mini-storage" and allow with a Use Permit in certain zones, encourage residential infill projects in the Business Park (MB) zone, and allow flexibility in housing types in the Inland Residential Multiple Family (R-3) zone.

RECOMMENDATION(S):
That the Planning Commission take the following actions:

1. Adopt resolutions (Resolution 24-__) [Attachment 1] recommending that the Humboldt County Board of Supervisors take the following actions:

    a) Find the proposed Inland and Coastal Commercial Residential Ordinances are exempt from CEQA pursuant to §15061(b)(3) of CEQA Guidelines. Public Resources Code Sections 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the

preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18805; and

b) Find the proposed Inland and Coastal Commercial Residential Ordinances are in the Public Interest; and

c) Find the proposed Inland and Coastal Commercial Residential Ordinances are consistent with the General Plan or Local Coastal Plan.

d) Adopt the Inland Commercial Residential Ordinance adding section 314-56.5 and amending the tables in sections 314-2.1, 314-2.2, 314-2.3, 314-2.4, 314-3.1 in Chapter 4 of Division 1 of Title III of the County Code for the inland areas of the County. [Attachment 2]

e) Adopt the Coastal Commercial Residential Ordinance adding section 313-56.5 and amending the tables in sections 313-2.1, 313-2.2, 313-3.1 in Chapter 3 of Division 1 of Title III of the County Code for the coastal areas of the County. [Attachment 3]

2. Adopt resolutions (Resolution 24-__) [Attachment 4] recommending that the Humboldt County Board of Supervisors take the following actions:

a) Find the proposed Inland and Coastal Zoning Updates Ordinance is exempt from CEQA pursuant to §15061(b)(3) of CEQA Guidelines. Public Resources Code Sections 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18805; and

b) Find the proposed Inland and Coastal Zoning Updates Ordinances are in the Public Interest; and

c) Find the proposed Inland and Coastal Zoning Updates Ordinances are consistent with the General Plan or Local Coastal Plan, and state law.

d) Adopt the Inland Zoning Updates Ordinance adding section 314-102.1.4 and amending sections 314-102.1.3, 314-141, 314-148, 314-154, 314-163.1.3, and the tables in sections 314-2.3, 314-3.1, 314-3.2, 314-6.4, in Chapter 4 of Division 1 of Title III of the County Code for the inland areas of the County. [Attachment 5]

e) Adopt the Coastal Zoning Updates Ordinance adding section 313-102.1 and amending sections 313-141, 313-148, 313-154, 313-163.1.3, and the tables in sections 313-2.2, 313-3.1, 313-3.2, in Chapter 3 of Division 1 of Title III of the County Code for the coastal areas

of the County. [Attachment 6]

DISCUSSION:

**Executive Summary**:

This project was originally scheduled for the July 18th Planning Commission Meeting. No review occurred at that meeting and the only action was to continue to the August 15th Planning Commission meeting.

Staff has proposed alternatives to the ordinances since the July 18th meeting. The proposed alternatives are as follows:

**Commercial Residential Ordinance**

A maximum residential density of 30 units per acre is proposed to be consistent with the proposed Tiny House Village ordinance. This is an alternative from the previously proposed maximum of 20 units per acre proposed in the previous draft ordinance.

Staff has also provided an alternative to require that if only residential use is proposed on a vacant lot, there will be a minimum of 15 units per acre consistent with SB 6. This is a proposed change from the workshop discussion to not have a minimum density. Staff is recommending this minimum density to promote denser housing on vacant commercial lots and to avoid converting commercial areas to large lot single family residential developments. Staff is also proposing that new residential units shall not be used as Short-Term Rentals to be consistent with Sb6 and ensure the units are used for housing.

**Zoning Update Ordinance**

The purpose of this ordinance is to amend and update the zoning code to be consistent with California Building Code and implement Humboldt County General Plan Implementation Measure H-IM63. The following changes are proposed:

- The definition of “structure” will be updated to exclude fences up to seven feet in height instead of six feet, to be consistent with California Building Code.
- A maximum fence height of three feet (3’) will be required for fences within the front yard setback of certain residential zones.
- The definition of “family” will be updated as directed in Humboldt County General Plan Housing Element Implementation Measure H-IM63 and be consistent with State Law.
- “Mini-storage” will be defined and added to the conditionally permitted uses in certain zones.
- To be consistent with similar zones and encourage infill housing development in the Inland Business Park (MB) zone, residential uses subordinate to commercial uses within Housing Opportunity Zones will be principally permitted and will continue to require a Special Permit outside of Housing Opportunity Zones.
- To allow flexibility in housing types, the requirement to have four or fewer units per building

will be removed from the Inland Residential Multiple Family (R-3) zone.

**Attachments:** The attachments were revised to reflect proposed changes described above.

**Project Location**: All the unincorporated areas of Humboldt County.

**Present General Plan Land Use Designation**: All land use designations.

**Present Zoning**: All zoning districts.

**Environmental Review**: The proposed ordinances are exempt from environmental review under §15061(b)(3) of CEQA Guidelines, activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Public Resources Code Sections 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18805. The ordinances will not change the density requirements within the General Plan.

No new public comments have been received since the previous hearing. The public comments received through July 17, 2024, have been attached.

**State Appeal**: This project is located in part within the Coastal Zone and is therefore appealable to the California Coastal Commission. Changes proposed to the Local Coastal Program (zoning ordinance provisions 313-56.5 and other sections of Chapter 3) must receive final certification from the California Coastal Commission before they become effective.

OTHER AGENCY INVOLVEMENT:
The project was referred to the following responsible agencies: County Counsel, Department of Public Works, Building Division, and Department of Environmental Health. Referrals have been sent to the above responsible agencies, and comments have been addressed in the ordinances.

ATTACHMENTS:

1. Resolutions Nos. 24-___ and 24-___for the Inland and Coastal Commercial Residential Ordinance
2. Draft Inland Commercial Residential Ordinance
3. Draft Coastal Commercial Residential Ordinance
4. Resolutions No. 24-___ and 24-___for the Inland and Coastal Zoning Updates Ordinance

5. Draft Inland Zoning Updates Ordinance
6. Draft Coastal Zoning Updates Ordinance
7. Public Comments Received through July 17, 2024

Please contact Reanne Meighan, Associate Planner, at rmeighan@co.humboldt.ca.us or 707-268-3713 if you have questions about this item.