ATTACHMENT 2

Ordinance No. ___-_____ Amending Title III, Division 1, Chapter 4 of the Humboldt County Code Allowing Commercial Residential.

ORDINANCE NO. ____-_____ ALLOWING COMMERCIAL RESIDENTIAL BY ADDING SECTION 314-56.5, AMENDING SECTIONS 314-138 AND 314-163.1.8, AND AMENDING RELATED TABLES IN CHAPTER 4 OF DIVISION 1 OF TITLE III OF THE HUMBOLDT COUNTY CODE.

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE OF AMENDMENTS TO THE ZONING REGULATIONS

The purpose of this ordinance is to allow residential development in zones where office, parking, and/or retail are a principally permitted use, to implement the provisions of state law as reflected in Government Code Section 65852.24, and to facilitate the development of new residential housing consistent with Humboldt County's General Plan.

SECTION 2. COMMERCIAL RESIDENTIAL

Add Section 314-56.5 creating and setting standards for Commercial Residential in Title III, Division 1, Chapter 4 of the Humboldt County Code as follows (additions are shown in underline text):

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314-56.5 Commercial Residential Development

56.5.1 **Purpose.** The purpose of these regulations is to allow dwellings and mixed-use development within commercial and limited industrial areas to encourage housing development and infill.

56.5.2 **Applicability.** These regulations shall apply in Neighborhood Commercial (C-1), Community Commercial (C-2), Industrial Commercial (C-3), Highway Service Commercial (CH), and Business Park (MB).

56.5.3 **Development Standards for Commercial Residential.**

56.5.3.1 **Site Eligibility.** Commercial Residential cannot be on a site or adjoining a site where more than one-third of the square footage is dedicated to industrial use.

56.5.3.2 **Density.** The maximum residential density shall be 20 dwelling units per acre.

ALTERNATIVE 1 (Replaces 56.5.3.2 above)

56.5.3.2 **Density.** The maximum residential density shall be 30 dwelling units per acre. If only residential use is proposed on a vacant lot, there shall be a minimum residential density of 15 dwelling units per acre.

56.1.3.2.1 **Density Bonus.** Density may exceed the maximum of 20 dwelling units per acre if the affordability provisions are met. Eligibility criteria for Density Bonus is codified in Section 112.1.

ALTERNATIVE 2 (Replaces 56.5.3.2.1 above)

56.5.3.2.1 **Density Bonus.** Density may exceed the maximum of 30 dwelling units per acre if the affordability provisions are met. Eligibility criteria for Density Bonus is codified in Section 112.1.

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56.5.3.3 **Parking.** With approval of an administrative permit, a commercial residential project may reduce the required vehicle parking by up to fifty percent (50%) of the spaces for the residential use, and off-street parking facilities for one mixed use may provide parking facilities for other proposed uses within the same development site when the demand for the parking spaces does not result in conflicts. Approval of reductions in required parking and sharing of parking shall be based on substantial evidence provided by the applicant documenting the adequacy of fewer spaces. Documentation may include but is not limited to customer traffic, location within one-half (1/2) mile of a transit stop and connection with appropriate pedestrian and bicycle facilities, available public parking, surrounding land use mix, or peak parking demand of adjacent uses.

56.5.3.3.1 **Exceptions to Parking Standards.** Parking standards for new residential units allowed as a commercial residential development shall not apply if the commercial residential development is located within one-half (1/2) mile walking distance of public transit and consists entirely of affordable housing units with covenants and restrictions ensuring long term affordability.

56.5.3.4 **Existing Commercial Use.** Conversion of existing commercial space into residential space shall not result in the eviction of existing businesses, except for housing developments allowed by right pursuant to Government Code section 65852.24 which shall comply with Government Code section 65852.24(c).

56.5.3.5 **No Short-Term Rentals.** Rental of any unit created pursuant to this section shall be for a term longer than 30 days.

SECTION 3. DEFINITIONS

Section 314-138 is hereby amended and added to as follows (additions are shown in underline text, deletions are shown in ~~strikethrough~~ text):

314-138 DEFINITIONS (C)

Commercial Residential: Commercial Residential is a development that either consists of dwellings or a mixture of dwellings and commercial uses in accordance with Section 314-56.5.

SECTION 4. USE TYPES

Section 314-163.1.8 is hereby amended and added to as follows (additions are shown in underline text, deletions are shown in ~~strikethrough~~ text):

163.1.8 **Residential Use Types.**

Commercial Residential (allowed in C-1, C-2, C-3, CH, and MB)

Guest House (allowed in RA)

Manufactured Home Park (prohibited in F)

Residential Uses Subordinate to the Permitted Use (allowed in C-3)

Accessory Dwelling Unit

Single Family Residence (allowed in RA) (Ord. 2650, § 6, 9/1/2020; Ord. 2732, § 4, 3/5/2024)

SECTION 5. ZONING TABLES

Sections 314-2.1, 314-2.2, 314-2.3, 314-2.4, and 314-3.1 are hereby amended and added to as follows (additions are shown in underline text, deletions are shown in ~~strikethrough~~ text):

314-2 Commercial Zone Districts

314-2.1 C-1: Neighborhood Commercial

314-2.1	**C-1: NEIGHBORHOOD COMMERCIAL**
Principal Permitted Uses	
Social halls, fraternal and social organizations, and clubs.	
Professional and business offices, and commercial instruction.	
Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries.	

314-2.1	C-1: NEIGHBORHOOD COMMERCIAL
Sales of used and secondhand goods when appurtenant to any of the foregoing.	
Caretaker's residence which is incidental to and under the same ownership as an existing commercial use. (Added by Ord. 2166, Sec. 14, 4/7/98)	
Within Housing Opportunity Zones, multiple dwellings on the upper floors of multistory structures where below are commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-1 Zone.	
Supportive housing is permitted above the ground floor as the primary use.	
Emergency shelters.	
Commercial Residential.	
Uses Permitted with a Special Permit	
Outside Housing Opportunity Zones, apartments on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the C-1 Zone. (Added by Ord. 2313A 12/16/2003, Amended by Ord. 2335_12/14/2004)	
Single Room Occupancy Facilities which are conversions of existing buildings	
Supportive housing is permitted above the ground floor as the primary use.	
Uses Permitted with a Use Permit	
Manufactured homes, hotels, motels, boarding and rooming houses, and manufactured home parks.	
Small animal hospitals completely enclosed within a building.	
Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto;	

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314-2.1	**C-1: NEIGHBORHOOD COMMERCIAL**
bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses.	
Private institutions where specifically allowed by the General Plan. (Amended by Ord. 2161 on 3/3/98)	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the C-1 zone.	

314-2.2 C-2: Community Commercial

314-2.2	**C-2: COMMUNITY COMMERCIAL**
Principal Permitted Uses	
Social halls, fraternal and social organizations, and clubs.	
Professional and business offices, and commercial instruction.	
Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries. (From Section INL#314-34(a)(3))	
Caretaker's residence which is incidental to and under the same ownership as an existing commercial use. (From Section INL#314-34(a)(5); Added by Ord. 2166, Sec. 14, 4/7/98)	

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314-2.2	C-2: COMMUNITY COMMERCIAL
Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses. (From Section INL#314-34(b)(3); Ord. 1086, Sec. 8, 7/13/76)	
Within Housing Opportunity Zones multiple dwellings on the upper floors of multistory structures where below are commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-2 Zone.	
Supportive housing is permitted above the ground floor as the primary use.	
Emergency shelters. (Amended by Ord. 2472, Sec. 1, 2/14/12).	
Commercial Residential.	
Uses Permitted with a Special Permit	
Outside Housing Opportunity Zones, apartments on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the C-2 Zone. (Added by Ord. 2313A, 12/16/2003, Amended by Ord 2235, 12/14/2004)	
Single room occupancy facilities which are conversions of existing buildings. (Amended by Ord. 2472, Sec. 1, 2/14/12)	
Uses Permitted with a Use Permit	
Hotels, motels, boarding and rooming houses, and manufactured home parks.	
Small animal hospitals completely enclosed within a building.	
Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft	

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314-2.2	C-2: COMMUNITY COMMERCIAL
manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. (Amended by Ord. 1848, Sec. 14, 9/13/88)	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the C-2 zone.	

314-2.3 C-3: Industrial Commercial

314-2.3	C-3: INDUSTRIAL COMMERCIAL
Use Type	**Principal Permitted Use**
Commercial Use Types	Automotive Sales, Service and Repair Office and Professional Service Warehousing, Storage and Distribution
Industrial Use Types	Cottage Industry Research/Light Industrial
Residential Use Types	Emergency Shelters. (Amended by Ord. 2472, Sec. 1, 2/14/12) Within Housing Opportunity Zones multiple dwellings on the upper floors of multistory structures where below are commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-3 Zone.

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314-2.3	**C-3: INDUSTRIAL COMMERCIAL**
	Commercial Residential.
	Supportive housing is permitted above the ground floor as the primary use.
Use Type	**Uses Permitted with a Special Permit**
Residential Use Types	Outside Housing Opportunity Zones, residential uses subordinate to the permitted use including caretaker's residences and apartments on the upper floors of multistory structures where below are establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-3 Zone. Single room occupancy facilities which are conversions of existing buildings. (Added by Ord. 2313A, 12/16/03, Amended by Ord. 2335, 12/14/04)
	Supportive housing may be located on the ground floor with a special permit.
Use Type	**Uses Permitted with a Use Permit**
Civic Use Types	Community Assembly
Commercial Use Types	Heavy Commercial Neighborhood Commercial

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314-2.3	**C-3: INDUSTRIAL COMMERCIAL**
	Retail Sales Retail Service
Use Types Not Listed in This Table	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the C-3 zone.

314-2.4 CH: Highway Service Commercial

314-2.4 CH: HIGHWAY SERVICE COMMERCIAL
Principal Permitted Uses
Hotels and motels.
Car washes.
Nurseries and greenhouses.
Amusement parks and commercial recreational facilities.
Social halls, fraternal and social organizations, and clubs. (From Section INL#314-34(a)(1)
Professional and business offices, and commercial instruction. (From Section INL#314-34(a)(2))
Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food

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314-2.4 CH: HIGHWAY SERVICE COMMERCIAL
markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores, and mortuaries. (From Section INL#314-34(a)(3))
Caretaker's Residence which is incidental to and under the same ownership as an existing commercial use. (From Section INL#314-34(a)(5); Added by Ord. 2166, Sec. 14, 4/7/98)
Stores, agencies and services such as minor automobile repair; new automobile, trailer and boat sales, and used automobile, trailer and boat sales appurtenant thereto; bowling alleys; licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, and storage warehouses. (From Section INL#314-34(b)(3))
Within Housing Opportunity Zones multiple dwellings on the upper floors of multistory structures where below are commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-H Zone
Commercial Residential.
Uses Permitted with a Special Permit
Outside Housing Opportunity Zones, apartments on the upper floors of multistory structures where below are establishments engaged in commercial uses designated "Principally Permitted" or "Conditionally Permitted" in the CH Zone, as well as emergency shelters outside areas mapped to specifically allow emergency shelters as a principally permitted use. (Added by Ord. 2313A, 12/16/2003, Amended by Ord. 2335, 12/14/04)
Single Room Occupancy Facilities which are conversions of existing buildings

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314-2.4 CH: HIGHWAY SERVICE COMMERCIAL
Uses Permitted with a Use Permit
Small animal hospitals and kennels.
Special occupancy parks.
Dwellings, manufactured homes, manufactured home parks and boarding and rooming houses.
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the CH zone.

314-3 Industrial Use Regulations

314-3.1 MB: Business Park

314-3.1	**MB: BUSINESS PARK**
Use Type	**Principal Permitted Use**
Civic Use Types	Administrative
Commercial Use Types	Office and Professional Service Warehousing, Storage and Distribution
Industrial Use Types	Research/Light Industrial
Residential Use Types	Supportive housing is permitted above the ground floor as the primary use. Commercial Residential

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314-3.1	**MB: BUSINESS PARK**
Use Type	**Uses Permitted with a Special Permit**
Residential Use Types	Residential uses Subordinate to the Permitted Use including caretaker's residences and, apartments on the upper floors of multistory structures where below are establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the MB Zone as well as transitional housing, and emergency shelters. (Added by Ord. 2335, 12/14/04)
	Supportive housing may be located on the ground floor with a special permit.
Use Type	**Uses Permitted with a Use Permit**
Commercial Use Types	Retail Sales Retail Service Transient Habitation
Use Types Not Listed in This Table	Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MB zone.

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SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED AND ADOPTED this_____day of _____, 2024, on the following vote, to wit:

AYES: Supervisors:

NAYS: Supervisors:

ABSENT: Supervisors:

ABSTAIN: Supervisors:

_____

REX BOHN, CHAIRPERSON,

HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:

Tracy Damico, Clerk of the Board of Supervisors

of the County of Humboldt, State of California

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By: _____

Nicole Turner, Deputy Clerk

Date:

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