ATTACHMENT 3

Ordinance No. ___-_____ Amending Title III, Division 1, Chapter 3 of the Humboldt County Code Allowing Commercial Residential.

ORDINANCE NO. ____-_____ ALLOWING COMMERCIAL RESIDENTIAL BY ADDING SECTION 313-56.5, AMENDING SECTIONS 313-138 AND 313-163.1.8, AND AMENDING RELATED TABLES IN CHAPTER 3 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 313-56.5 creating and setting standards for Commercial Residential in Title III, Division 1, Chapter 3 of the Humboldt County Code as follows (additions are shown in underline text):

DRAFT

313-56.5 **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 (CN), Commercial General (CG), 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.

56.5.3.2.1 **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 111.1.

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 111.1.

DRAFT

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 313-138 is hereby amended and added to as follows (additions are shown in underline text, deletions are shown in ~~strikethrough~~ text):

Add:

313-138 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 313-56.5.

SECTION 4. USE TYPES

Section 313-163.1.8 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.** Accessory Dwelling Unit (See Residential Zoning Designations, Principal Permitted Uses)

Caretaker's Residence

Commercial Residential

Community Care Facility

Family Day Care Center

Family Day Care Home

Farm Employee Housing

Group Residential

Guest House

Labor Camp

Manufactured Home Park Development

Multifamily Residential

Residence Incidental to Agriculture or Commercial

Timber Production (See Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)

Second Agriculture or Commercial Timber Production Residence (See Agriculture or Commercial Zoning Designations, Principal Permitted Uses.)

Single-Family Residential (Former Section CZ#A313-2(A))

SECTION 5. ZONING TABLES

Sections 313-2.1, 313-2.2, and 313-3.1 are hereby amended and added to as follows (additions are shown in underline text, deletions are shown in ~~strikethrough~~ text):

313-2 Commercial Zone Districts

313-2.1 CN: Neighborhood Commercial

313-2.1	**CN: Neighborhood Commercial**
	Principal Permitted Use

313-2.1	**CN: Neighborhood Commercial**
	Neighborhood Commercial Principal Permitted Use (See Section 313-163.1.9 for description)
Residential Use Types	Commercial Residential
Use Type	**Conditionally Permitted Use**
Residential Use Types	Caretaker's Residence.
Civic Use Types	Administrative Community Assembly Essential Services Minor Generation and Distribution Facilities Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations
Commercial Use Types	Retail Sales Retail Services Office and Professional Service

DRAFT

313-2.1	**CN: Neighborhood Commercial**
Industrial Use Types	Cottage Industry; subject to the Cottage Industry Regulations.
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 CN zone.

313-2.2 CG: Commercial General

313-2.2	**CG: Commercial General**
Use Type	**Principal Permitted Use**
Residential Use Types	Commercial Residential
Civic Use Types	Minor Utilities Essential Services Administrative Non-Assembly Cultural
Commercial Use Types	Retail Sales Retail Services Automotive, Sales, Service and Repair

DRAFT

313-2.2	**CG: Commercial General**
	Office and Professional Service
Industrial Use Types*	Cottage Industry; subject to the Cottage Industry Regulations
Use Type	**Conditionally Permitted Use**
Residential Use Types	Caretaker's Residence
Civic Use Types	Community Assembly Health Care Services Extensive Impact Civic Use Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities
Commercial Use Types	Heavy Commercial Warehousing Storage and Distribution Transient Habitation

DRAFT

313-2.2	**CG: Commercial General**
Industrial Use Type*	Research/Light Industrial
Natural Resource Use Type	Coastal Access Facilities
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 CG zone.

313-3 Industrial Use Regulations

313-3.1 MB: Business Park

313-3.1	**MB: Business Park**
Use Type	**Principal Permitted Use**
Residential Use Types	Commercial Residential
Civic Use Types	Minor Utilities Administrative
Commercial Use Types	Warehousing, Storage and Distribution Office and Professional Service
Industrial Use Types*	Research/Light Industrial
Use Type	Conditionally Permitted Use
Commercial Use Types	Retail Sales Retail Service Uses Transient Habitation

DRAFT

313-3.1	**MB: Business Park**
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.

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)

DRAFT

ATTEST:

Tracy Damico, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: _____

Nicole Turner, Deputy Clerk

Date:

DRAFT