



COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

<http://co.humboldt.ca.us/CDS/Planning>

DATE: December 20, 2011
TO: Humboldt County Planning Commission
FROM: Kirk Girard, Director of Community Development Services
SUBJECT: **2010 Housing Element Implementing Ordinances, General Plan Changes and Local Coastal Program Amendments**

The attached staff report has been prepared for your consideration of the implementing ordinances, General Plan (GP) changes and Local Coastal Program (LCP) Amendments of the 2010 Housing Element update at the public hearing on January 12, 2011. The staff report includes the following:

Table of Contents	Page
Agenda Item Transmittal Form	2
Executive Summary	3
Draft Resolution of the Planning Commission	4
Maps	
Housing Opportunity Zone Areas	See Insert
Areas Where Emergency Shelters are Principally Permitted	See Insert
Attachments	
Attachment 1: Discussion of Planning Commission Deliberations on October 27, 2011 and staff recommendations	6
Attachment 2: Summary of Proposed Amendments	10
Attachment 3: Staff Analysis of Required Findings	17
Attachment 4: Draft implementing ordinances, GP changes, LCP Amendments	28
1) Housing Opportunity Zones, and 2) Relaxed Second Dwelling Unit Standards (also includes Density Bonus Ordinance)	28-91
3) Incentives for Affordable and Special Needs Housing	92-105
4) Protecting Multifamily Uses in the Affordable Multifamily Land Inventory	105
5) Single Room Occupancy Units, 6) Emergency Shelters, and 7) Supportive and Transitional Housing	106 - 154
8) Retain Legal Non-Conforming Housing	155
9) Consistent Density for the Residential Multifamily Plan Designation	155
10) Establishing a Housing Trust Fund	156
Attachment 5: Draft Planning Commission Minutes	160
Attachment 6: Public Comments from Workshops	166
Attachment 7: Comments on the Density Bonus Ordinance from David Grabil	178
Attachment 8: Electronic version of the Supplemental Environmental Impact Report (SEIR) for the 2009 Housing Element Update (SCH #2009022077)	193

Please contact Michael Richardson, Senior Planner at 268-3723 if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

TO: HUMBOLDT COUNTY PLANNING COMMISSION
FROM: Kirk A. Girard, Director of Community Development Services

HEARING DATE: January 12, 2012	SUBJECT: <input checked="" type="checkbox"/> Public Hearing Item 2010 Housing Element Modification, Implementing Ordinances, General Plan Changes and Local Coastal Program Amendments	CONTACT: Michael Richardson 268-3723
---------------------------------------	---	---

Before you is the following:

PROJECT: This item involves consideration of the implementing ordinances, GP changes and LCP Amendments for the 2010 Housing Element Update. The 2010 Housing Element Update was approved by the by the Board of Supervisors on August, 24 2010. There are ten (10) categories of implementation measures under consideration:

1. Housing Opportunity Zones
2. Relaxed Second Dwelling Unit Standards
3. Incentives for Affordable and Special Needs Housing
4. Protecting Multifamily Uses in the Affordable Multifamily Land Inventory
5. Single Room Occupancy Units
6. Emergency Shelters
7. Supportive and Transitional Housing
8. Retain Legal Non-Conforming Housing
9. Consistent Density for the Residential Multifamily Plan Designation
10. Establishing a Housing Trust Fund

PROJECT LOCATION: The implementing ordinances, General Plan Amendments and LCP Amendments apply to all the unincorporated areas of the County.

PRESENT PLAN DESIGNATIONS: n/a

PRESENT ZONING: n/a

ASSESSOR PARCEL NUMBERS: n/a

APPLICANT
n/a

OWNER(S)
n/a

AGENT
n/a

ENVIRONMENTAL REVIEW:

- An SEIR for the 2010 Housing Element Update and the ordinances and GP changes was certified on August 31, 2009 (SCH #2009022077). An addendum to the SEIR is presented for environmental review of the portions of the proposed changes not considered previously. The LCP Amendments are statutorily exempt from environmental review per Section ~~4520+~~ 15265 of the California Environmental Quality Act (CEQA) Guidelines; Coastal Commission approval of those amendments is an equivalent form of environmental review.

STATE APPEAL STATUS:

- The LCP amendments must be certified by the California Coastal Commission.

MAJOR ISSUES:

- None

STAFF RECOMMENDATIONS AND EXECUTIVE SUMMARY
2010 Housing Element Implementing Ordinances, General Plan Changes and
Local Coastal Program Amendments

STAFF RECOMMENDATIONS:

1. Open the public hearing item and receive a staff report.
2. Receive public comment.
3. Close the public comment portion of the meeting and deliberate on the proposed implementing ordinances, GP changes and LCP Amendments;
4. Make the following motion to approve the item:
"I move to make all of the required findings, based on evidence in the staff report, and to approve the proposed implementing ordinances, GP changes and LCP Amendments (subject to the following modifications...) by adopting the attached Resolution."

EXECUTIVE SUMMARY:

On October 27, 2011 your Commission received the staff report and public comments regarding the proposed 2010 Housing Element implementation measures. At that hearing, staff identified several code section changes that needed to be made. In addition, the Commission gave staff feedback on all the implementation measures. The draft minutes from the meeting are presented in Attachment 5 of this staff report (page 160). This staff report provides the revised text of the staff recommended changes, and a summary and discussion of the feedback received from the Commission.

With the proposed changes to implement Housing Opportunity Zones, the Commission discussed how to allow mixed use commercial and multifamily residential uses in commercial zones. There was also some interest in expanding the incentives in the mapped Housing Opportunity Zones to other areas of the County.

This staff report presents alternatives for allowing mixed uses in commercial areas. Expanding the housing development incentives that apply Housing Opportunity Zones to other unincorporated areas was contemplated during review of the 2008 Housing Element. However, staff recommends against expanding them at this time because it would be beyond the scope of implementation measures in the Housing Element.

The Commission also had discussion about whether Single Room Occupancy Facilities would be consistent with the Commercial Recreation Plan designation in the Coastal Zone, and what is meant by an "expedited permit review process". These topics are discussed in the staff report.

Finally, the Commission had questions about the effect of allowing density waivers for second units in the McKinleyville Community Plan on properties planned and zoned to allow one (1) unit per 10 acres, where presently density waivers only apply to properties planned and zoned to allow one (1) unit per five (5) acres. The staff report includes discussion of those anticipated impacts.

Staff recommends that you consider the proposed new language, and approve the implementing ordinances, GP changes and LCP Amendments in Attachment 4, as modified by the Commission.

ALTERNATIVES: The Planning Commission could elect to approve alternative language from what is recommended, or continue the item to another meeting to allow for consideration of additional alternative language. This alternative should be implemented if the Commission proposes substantial changes that require more thorough review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 12-_____**

RECOMMENDING ADOPTION BY THE BOARD OF SUPERVISORS OF THE PLANNING COMMISSION APPROVED 2010 HOUSING ELEMENT IMPLEMENTING ORDINANCES, GENERAL PLAN CHANGES AND LOCAL COASTAL PROGRAM AMENDMENTS.

WHEREAS, the Housing Element Appendix describes the public participation effort for the 2010 Housing Element; and

WHEREAS, the Housing Element Appendix demonstrates that the County provided considerable opportunities for public input on the policies and implementation measures in the Housing Element, including workshops, housing summits, scoping meetings, and public hearings since 2007; and

WHEREAS, a Draft and Final Supplemental Environmental Impact Report (SEIR) was prepared for the 2010 Housing Element, circulated for public review; and certified as required by state law; and

WHEREAS, the 2010 Housing Element Update was adopted on August 24, 2010 in compliance with the requirements of state law regarding Housing Elements, and

WHEREAS, the 2010 Housing Element Update includes implementation measures to adopt ordinances, General Plan changes and Local Coastal Program Amendments, and

WHEREAS, the proposed ordinances, General Plan changes and Local Coastal Program Amendments are necessary to maintain consistency with the 2010 Housing Element Update;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Humboldt County Planning Commission that the following findings be and are hereby made by this Commission based upon the written and verbal testimony presented to the Commission and the evidence established during the hearings:

1. All of the above recitations are true and correct and incorporated herein by reference.
2. The proposed ordinances, General Plan changes, Local Coastal Program Amendments are in the public interest because they are necessary to maintain consistency with the 2010 Housing Element Update.
3. The proposed General Plan changes and Local Coastal Program Amendments are consistent with all the other Elements of the General Plan, including §1452.2 of the General Plan (Findings Required for Plan Amendments).
4. The proposed ordinance changes are consistent with all the proposed changes to the General Plan, all the other Elements of the Plan, and all the other sections of the zoning ordinances, including Humboldt County Code §312-50.3 (Required Findings for All Amendments).
5. The SEIR for the 2010 Housing Element Update certified on August 31, 2009 adequately disclosed the impacts of the proposed implementing ordinances and General Plan changes, and where feasible, mitigation measures were taken to reduce their impacts on the environment, consistent with the requirements of the California Environmental Quality Act (CEQA), prior to making its recommendations.
6. An addendum to the SEIR was prepared to incorporate into the public record the environmental review of the HTF ordinance. The addendum concludes there are no additional impacts from the HTF ordinance that were not already evaluated in the SEIR.

7. The LCP Amendments are statutorily exempt from environmental review per Section 15265 of the California Environmental Quality Act (CEQA) Guidelines; Coastal Commission approval of those amendments is an equivalent form of environmental review.
8. The proposed implementing ordinances, General Plan changes and Local Coastal Program Amendments are hereby approved.

BE IT FURTHER RESOLVED that minor changes that 1) do not substantially affect the proposed implementing ordinances, General Plan changes or, Local Coastal Program Amendments; 2) are reasonably based on credible information that is readily accessible to the public, 3) are necessary to respond to requirements of the California Coastal Commission, or comments on the approved Housing Element by HCD, shall not be considered substantial changes requiring further review by the Planning Commission.

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

1. Hold public hearings in the manner prescribed by law;
2. Adopt the Planning Commission's findings;
3. Certify compliance with the requirements of CEQA as required by state law; and
4. Adopt the Planning Commission recommended implementing ordinances, General Plan changes and Local Coastal Program Amendments.

Adopted after review and consideration of all the evidence on _____.

Chair, Humboldt County Planning Commission

The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____. by the following ROLL CALL vote:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:

I, _____, Clerk 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.

By: _____

_____, CLERK

Attachment 1

Discussion of Planning Commission Deliberations on October 27, 2011 and Staff Recommendations

At the previous Planning Commission meeting on this project (October 27, 2011), staff began the meeting recommending additional changes to the proposed implementing ordinances, GP changes and LCP Amendments as described below. The proposed ordinance language in Attachment 4 beginning on page 28 of this staff report incorporates all of these changes below. (The draft minutes for the meeting are included in Attachment 5 on page 160 of this staff report.)

- 1) Change the reference regarding CEQA exemption for LCP amendments; page 2 of this staff report was changed to reference Public Resources code Section 15265.
- 2) The parking standards on pages 32- 34 were modified to apply reductions of parking requirements to units of 1,000 square feet in size or less.
- 3) The density bonus ordinance, which begins on page 35, was modified to incorporate the model ordinance provided by Attorney David Grabil (Attachment 5 on page 168), who is well versed in density bonus law. He provided a model ordinance to county staff and cited several legal deficiencies with the ordinance staff had proposed. The proposed new language is Mr. Grabil's model ordinance with the inclusion of specific incentives from staff's previous proposal.
- 4) The second unit standards on page 84 & 85 were modified to include in the Inland Zoning Ordinance exceptions to lot coverage and yard setbacks for second units that are 800 square feet in size or less.
- 5) The second unit standards on page 85 were also been modified to apply to second units 800 square feet in size or less (rather than "less than 800 square feet in size").
- 6) The RH Plan designation on page 122 was modified to include emergency shelters and transitional housing.
- 7) The emergency shelter requirements on page 131 was modified to allow shelters within 300 feet of each other, consistent with state law,
- 8) The density bonus allowance language for the Framework Plan on page 35 was corrected to state "up to 100%", consistent with all other Community and Coastal plans.
- 9) Based on comments from the Farm Bureau, the waiver of density requirements for second units in the McKinleyville Community Plan Area zoned Agricultural General, and planned and zoned for 10 acres or less should not apply where there are more than 5 acres of prime agricultural soil.

In addition, staff presented Housing for All's suggested changes to the commercial plan designations to allow transitional and supportive housing. The language on page 107 was **not** changed as suggested because staff does not concur the proposed language from Housing for All makes the section easier to understand. However, their suggested language is presented as an alternative for consideration by the Commission.

Discussion of Planning Commission's Deliberations and Recommendations:

Housing Opportunity Zones:

The two areas of discussion regarding implementation of the Housing Opportunity Zones were 1) how to allow for mixed use in commercial zones and 2) whether to expand the number of Housing Opportunity Zones.

Conversion of commercial areas to multifamily residential uses was a concern of several commissioners and public speakers. Within the Housing Opportunity Zones, staff's original proposal allowed for up to 50% of ground floor area to be devoted to residential use. Staff maintains that this mix allows more flexibility for commercial property owners and can produce innovative mixed use designs.

However, if the Commission would prefer to scale back allowances for multifamily uses in commercial zones, you could elect to not allow them on the ground floor, and eliminate the Special Permit requirement. Currently, residential uses are allowed with a Special Permit on the upper floors of multistory structures where the ground floor is engaged in a commercial use. Deleting the Special Permit requirement in Housing Opportunity Zones will encourage multifamily uses in commercial uses consistent with the direction in the 2010 Housing Element. Identifying appropriate zoning requirements for principally permitted multifamily units in commercial areas is an item for discussion. For reference, see page 29 of this staff report.

Expansion of the housing incentives within mapped Housing Opportunity Zones to other unincorporated areas was another topic of discussion for Commissioners and public speakers. Support was expressed by some to allow the incentives for second units to apply to other areas not mapped as Housing Opportunity Zones, such as Miranda.

Staff recommends against expanding the housing development incentives that apply Housing Opportunity Zones to other unincorporated areas at this time because it would be beyond the scope of implementation measures in the Housing Element. Consideration of this policy direction would require considerable additional analysis and may require amendment of the Environmental Impact Report prepared for the Housing Element. Staff believes a more appropriate time to consider this alternative policy direction will be with the next revision to the Housing Element in 2013.

Expedited Permit Process (for reference, see page 76)

There was a desire by some to make an expedited permit process the norm, and a question was raised how the Department accommodates faster permit processing for affordable projects.

The Housing Element Appendix includes considerable discussion of permit application requirements and processing times beginning on page G-63. An implementation measure in the Housing Element, H-IM43 (Further Streamlining of the Permit Process and Biannual Reporting), seeks to further streamline permit process requirements for projects using the County Permit Reform Subcommittee to identify and prioritize implementation measures.

For affordable housing projects and projects that meet certain infill development goals, the Department reduces permit processing timeframes by dedicating senior staff, and prioritizing these projects so they are processed in advance of all the others under review. Additionally, planners may work overtime to speed project timelines. The tradeoff is that the assigned planners are less available for processing other applications.

Reduced Minimum Parcel Size (for reference, see page 87)

Within the Housing Opportunity Zones residential parcel sizes can be reduced to 1,500 square feet. The new language does specify that if any lot is created under 3,000 square feet it may not have any constraints such as sensitive habitats or steep slopes. The flexibility is geared toward interspersing smaller parcels in subdivisions with a range of parcel sizes. At the meeting staff will present maps showing what smaller lots that have been developed look like in relation to other residential lots in the area.

Single Room Occupancy Units Consistent with the Commercial Recreation Plan Designation (for reference, see page 108)

Staff was asked to discuss whether single room occupancy (SRO) units would be consistent with the Commercial Recreation findings in the Coastal Act.

Public Resources Code Section 30221 states that "oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area." The language staff proposes regarding principally allowing SRO units requires the units to be subordinate to the establishments engaged in other uses designated principal or conditional in the CR plan designation.

Because proposed SRO units will be required to be subordinate to other permitted uses, the demand for recreation on that parcel will already be accommodated. Ultimately, if the Coastal Commission does not agree with this approach they may request the County alter the proposed language.

Solar Shading (for reference, see page 53)

The Commission did not provide unanimous direction to staff regarding relaxed solar shading for affordable housing developments. Alternatives discussed included relaxing solar shading for affordable projects only when it prohibits development, or eliminating proposed relaxed solar shading altogether. The Housing Element directs reduced solar shading requirements be one of several potential incentives considered for affordable housing, so either option considered by the Planning Commission are acceptable.

The commission received public comments requesting that solar shading be relaxed for all second units (affordable or not). Staff does not recommend relaxing shading standards for all second units, due to potential impacts on neighboring properties.

Protecting the Multi Family Land Inventory (for reference, see page 105)

A question was asked whether the owners of the properties support the proposed for rezoning with a Q-Qualified Zone to allow multifamily uses as principally permitted, and other uses as conditionally permitted. All owners are aware of the proposed rezoning of their property. All the property owners have expressed they are supportive of the proposed Q-Zone except one – the property owner of APN 015-221-002 (Sterling Cousins). As expressed in a telephone conversation, he would prefer to be allowed to have other non-multifamily uses allowed by right.

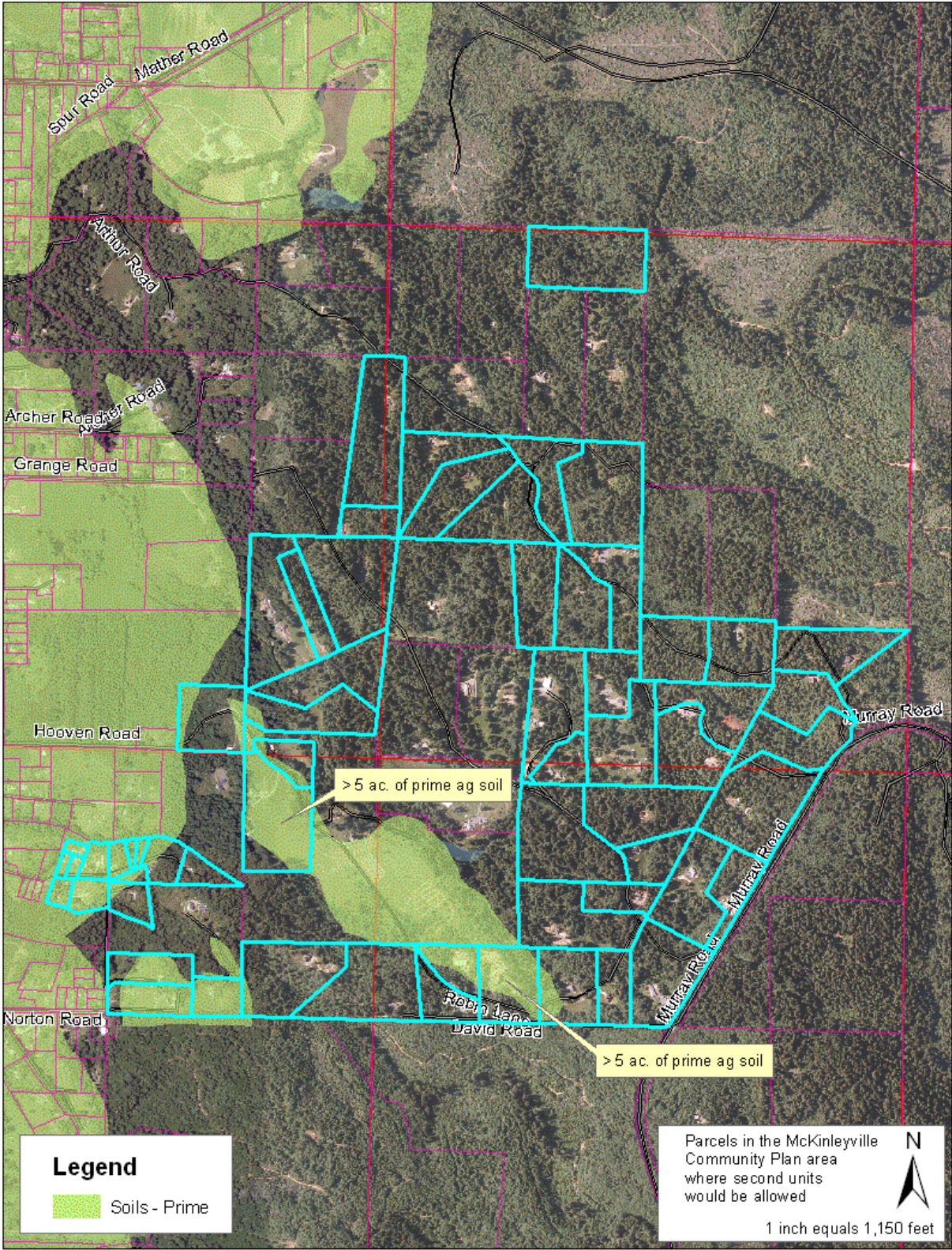
A question was raised at the meeting as to why the Foster Avenue property was included even though sewer was not available. The property was included because the owners have requested annexation to the City of Arcata and the Housing Element includes an implementation measure encouraging annexation to occur. When annexation to the City happens, the County will negotiate with the City to determine how to distribute the housing element inventory numbers.

Impacts of Density Waivers for Second Units in the McKinleyville Community Plan Area

The Commission discussed the effects of allowing density waivers for second units in the McKinleyville Community Plan on properties planned and zoned to allow one (1) unit per 10 acres, where presently density waivers only apply to properties planned and zoned to allow one (1) unit per five (5) acres. Staff presented recommendations to not apply density waivers where there are more than 5 acres of prime agricultural soil. The Commission requested maps and analysis showing the location of the affected properties, and the number of additional second units that would be allowed with these changes.

Using the County's GIS, a total of 62 properties could potentially benefit from a waiver of density for second units as described above. However, two (2) of these properties have more than 5 acres of prime agricultural soil, and would not qualify for the density waiver. These properties are shown on the map shown below.

Figure 1. Parcels in the McKinleyville Community Plan Area zoned Agricultural General, and planned and zoned for 10 acres or less



ATTACHMENT 2

Summary of Proposed Amendments

Summary of Proposed Amendments

1) Housing Opportunity Zones

Summary: The adopted 2010 Housing Element has policies to provide incentives for residential development within mapped Housing Opportunity Zones.

These incentives will be available to developers once changes to the existing Framework General Plan, Community and Local Coastal Plans and to the Zoning and Subdivision Ordinances are made.

The Housing Opportunity Zones are located in areas with public water and sewer, and are found in the following plans: Framework General Plan, McKinleyville Community Plan (inland), McKinleyville Area Plan (coastal), Garberville/Redway/Benbow/Alderpoint Community Plan and the Eureka Community Plan. Maps showing the location of Housing Opportunity Zones are available on the County's website:

<http://co.humboldt.ca.us/gpu/docs/2009%20Housing%20Element/Approved/AttachmentHofAppendixGApproved8-28-09withmaps.pdf>

Proposed Incentives:

Within the mapped Housing Opportunity Zones the zoning and subdivision ordinances would be modified to provide the following incentives to residential development:

- a. Residential units in commercial zones- Apartments will be principally permitted if subordinate to a commercial use. Apartments would no longer need to be located on the top floor of commercial structure. Provides development standards for mixing commercial and residential uses on a principally permitted basis. The gross floor area of principally permitted residential units would be no more than 50% of the gross floor area of the commercial establishment. The entrance to the residential units must be subordinate to the commercial use entrance.
- b. Reduced parking requirements: Only one parking space is required for a primary residence that is less than 1,000 square feet regardless of the number of bedrooms. Allows ½ the required spaces or 1 space to be located within the front yard setback.
- c. Density Bonus: Increases allowances for density bonuses.
- d. Reduced Minimum parcel size: Changes the subdivision ordinance to allow for 1,500 square foot lots.
- e. Prioritize Infrastructure Development: Prioritizes funding and other resources to public water and sewer facilities within the Housing Opportunity Zones.
- f. Second Units: Reduces development standards and permit requirements for second units less than 800 square feet in size. Proposed changes would allow increased lot coverage, and would delete the requirement for a Special Permit for second units that do not share a common driveway with the primary residence. See also the next item, "Relaxed Second Unit Standards"

2) Relaxed Second Dwelling Unit Standards

Summary: The adopted 2010 Housing Element has policies to encourage second units. The next step is to amend the Zoning Ordinance in the Coastal and Inland portions of the County to make them consistent with the 2010 Housing Element. The goal of the implementation measures is to encourage second unit construction in Housing Opportunity Zones.

The Housing Opportunity Zones are located in areas with public water and sewer, and are found in the following plans: Framework General Plan, McKinleyville Community Plan (inland), McKinleyville Area Plan

(coastal), Garberville/Redway/Benbow/Alderpoint Community Plan and the Eureka Community Plan. Maps showing the location of Housing Opportunity Zones are included earlier in this staff report.

Proposed Zoning Ordinance and Subdivision Ordinance Changes for Second Units in Housing Opportunity Zones:

- a. Reduced Number of Parking Spaces: No additional parking space is required for a second unit if it is less than 800 square feet in size. Allows the required parking spaces to be located within the front yard setback. On-site parking requirements do not change on roads less than 40 feet wide.
- b. Parking Dimensions: Required on-site parking spaces can be a standard compact car size (7½' by 16'). Note: this proposal was not reviewed with the 2010 Housing Element.
- c. Waiver of Common Building Site Standard: Second units less than 800 square feet in size do not need to be within 30 feet of primary residence.
- d. Waiver of Common Driveway Requirement: Lots with more than 100 feet of road frontage will not be required to have a common driveway for the primary and secondary unit. If the lot has less than 100 feet of road frontage, a shared driveway with a "fanned" or "flared" design may be used allowing parking for the second unit in the driveway within the front yard setback.
- e. Lot coverage: The maximum lot coverage can be increased to 55% (existing limit in single family residential zones is 35%) to accommodate a second unit less than 800 square feet in size. Note: this proposal was not reviewed with the 2010 Housing Element.
- f. Relaxed Road Improvement Standards: Changes the requirement from a Category 4 road (18-20 feet wide with 2 foot shoulders) to requiring that the road be a width that is consistent with the adopted Fire Safe Regulations. The Fire Safe Regulations identify a range of road widths based on the number of units served by the road.

Also limits road and sidewalk improvement requirements to 30 feet for second units less than 800 square feet in size. Exceptions apply to maintain adequate visibility. Note: these proposals were not reviewed with the 2010 Housing Element.
- g. Subordinate Entrance: There is additional language to clarify that any second unit may use visual screening or other design solutions to become subordinate to the primary residence as required by the zoning ordinance. The entrance to the second unit no longer would need to be located in the back of the unit or parcel. Note: this proposal was not reviewed with the 2010 Housing Element.
- h. Reduced Setback Requirements: Allows rear and side yard setbacks down to 3 feet for second units less than 800 square feet in size. Presently 10' or 5' setbacks are required. No portion of the unit, including architectural features, would be allowed within the modified 3 foot setback. Note: this proposal was not reviewed with the 2010 Housing Element.

Proposed Community Plan and Zoning Ordinance and Changes for Second Units Outside Housing Opportunity Zones:

- i. Increase Allowances for Second Units in Community Plan Areas: In the McKinleyville Community Plan Area, allow second units to exceed the maximum density on properties planned and zoned to allow ten acre parcels or smaller. Presently these allowances only apply to properties planned and zoned to allow five (5) acre minimums. Note: this proposal was not reviewed with the 2010 Housing Element.

Special Permits would be required for these second units, and these density waivers would not apply to properties with Agricultural Exclusive or Timber Production Zone designations.

3) Incentives for Affordable and Special Needs Housing

Summary: The adopted 2010 Housing Element has policies to provide incentives for development of affordable and special needs housing.

This implementation measure provides several incentives meant to encourage development of affordable and special needs housing. These incentives are available in all areas of the County only for developments serving lower income households with covenants and restrictions for long-term affordability.

Proposed incentives:

- a. Density Bonus: Aggressive density bonuses are allowed as discussed below in more detail.
- b. Modified Development Standards: Eliminates the need to reduce building heights or increase yard setbacks to place a structure within yard setbacks; Special Permits will no longer be required for these building height exceptions.
- c. Lot Size Modification: Allows lots to be created down to 1,500 square foot in size where presently 5,000 square foot is the minimum.
- d. Fast Track Processing: Priority processing of permits by all county departments.
- e. Subsidized Permit Fees: Provide for subsidy of permit fees.
- f. Deferred improvements: Applicants can defer infrastructure improvements for minor subdivisions until building permit issuance. Public Works will specify which improvements can be deferred
- g. Reduced Solar Shading Requirements: The proposed language allows the Planning Division to approve shading of adjacent buildings in excess of current standards.

How many incentives do you get?

Determining how many incentives are available for a particular project is based on the amount of affordable or special needs housing the development provides. In general, projects with the highest percentage of affordability receive the most incentives.

Density bonuses of up to 100% can be granted if the development consists of 100% units affordable to low income households. Projects that include childcare facilities or provide housing for special needs populations are eligible. The goal of all incentives is to contribute significantly to the economic feasibility of providing housing for lower income households and special needs households.

What are lower income households and special needs populations?

Low Income Household: A household that earns 50-80% of the Adjusted Median Income when compared with other incomes in Humboldt County.

Very Low Income: 30-50% of the Adjusted Median Income

Extremely Low: below 30% of the Adjusted Median Income

Special Populations: Large Households (over 5 persons), elderly persons, farm workers, disabled persons, women headed households, homeless persons and nomadic households.

4) Protecting Multifamily Uses in the Affordable Multifamily Land Inventory

Summary: The 2010 Housing Element adopted by the Board of Supervisors included an implementation measure to protect multi-family uses in the affordable multifamily land inventory.

The next step in the Housing Element process for this implementation measure is to adopt a “Qualified Zone” overlay on sites identified in the residential land inventory as being suitable for meeting extremely-low, very-low, and low income housing needs. Areas subject to this “Qualified Zone” will require a Conditional Use Permit for any use that is not multifamily housing.

The R-3 Zone in the inland parts of the County and RM – Residential Multi-Family Zone in coastal areas already require conditional use permits for uses that are not multifamily, so the above Q-Zone will not be

applied to sites in these zones. Table 1 shown below contains a listing of properties already protected by zoning, and those that require a Q – Qualified Zone.

How are these sites chosen?

At minimum, to be considered a suitable site to meet affordable multifamily needs, the site must contain one or more developable acres planned and zoned for at least 16 dwelling units per acre with access to public water and sewer services.

Table 1. Proposed Measures to Protect Multifamily Uses in the Affordable Multifamily Land Inventory.

APN	Street	Community Plan Area	Measures for Protecting Multifamily Uses
015-111-008	Lucas Street	Eureka	Rezone to include a Q – Zone
015-221-002	Myrtle Avenue	Eureka	Rezone to include a Q – Zone
016-112-008 & 016-112-012	Moore Avenue (off Myrtle)	Eureka	Rezone to include a Q – Zone
305-101-045	Sunshine Way	Humboldt Hill	Already zoned RM; no Q – Zone to be applied.
505-161-011	Foster Avenue	Arcata	Rezone to include a Q – Zone
508-252-001	McKinleyville Avenue	McKinleyville	Already zoned R-3; no Q – Zone to be applied.

5) Single Room Occupancy Units

Summary: The adopted 2010 Housing Element has policies to encourage the development of Single Room Occupancy (SRO) units, which are permanent, affordable housing for small households and for people with special needs. Oftentimes, they are converted hotels or motels.

To fully implement these adopted policies the existing Framework General Plan, Community and Local Coastal Plans and the Zoning Ordinance need to be changed.

Proposed changes to the Framework General Plan:

Currently the Framework General Plan does not specify where you can locate Single Room Occupancy (SRO) units. The Framework General Plan and each Community and Local Coastal Plan will be modified to allow these units as a permitted use in Residential High Density (RH), Residential Medium Density (RM), Commercial General (CG), Commercial Recreation (CR), Commercial Services (CS), and Business Park (MB).

Proposed changes to the Zoning Ordinance:

Development standards are established for all SRO facilities which describe required common areas, on-site laundry facilities, on-site manager, and common bathroom and kitchen facilities if not provided in individual units.

In the Coastal Zone, SRO's would be allowed in the Commercial Recreation (CR) and Commercial General (CG) zones with a Conditional Use Permit. In inland areas, they would be allowed with a Special Permit in the Neighborhood Commercial (C-1), Community Commercial (C-2), Industrial Commercial (C-3), Highway Service Commercial (CH), Limited Industrial (ML), Heavy Industrial (MH), Apartment Professional (R-4), and Forest Recreation (FR) zones.

6) Emergency Shelters

Summary: Recent state law (SB2) requires all cities and counties in California to create opportunities for Emergency Shelters by identifying zones where Emergency Shelters are allowed as principally permitted uses. The allowable zones in Humboldt County were chosen when the Housing Element was adopted. The properties where they are allowed are shown in maps earlier in this staff report.

To fully implement these state laws and local policies, the existing Framework General Plan, Community and Local Coastal Plans and the Zoning Ordinance need to be changed.

Proposed changes to the Zoning Ordinance:

In the Coastal Zone, Emergency Shelters would be principally allowed within mapped areas of Commercial General (CG), and Residential Multifamily (RM) zones. In inland areas, they would be principally allowed within mapped areas of Community Commercial (C-2), Industrial Commercial (C-3), Limited Industrial (ML), and Residential Multifamily (R-3) zones. Emergency Shelters would be required to obtain a conditional use permit outside these areas.

Performance Standards Added to the Zoning Ordinance:

In both the Coastal and Inland areas of the County, a set of Emergency Shelter performance standards must be adopted by ordinance. Principally permitted Emergency Shelters must abide by adopted performance standards.

Proposed performance standards include; a written management plan for staff training, neighborhood outreach, on-site security, screening of residents, prohibition of outdoor activity after 10 PM, no more than 50 beds, stays of less than 6 months and on-site staff and support services. SB2 limits the development standards that may be imposed by local jurisdictions on Emergency Shelters. The proposed development standards are within the limits set by SB2.

Existing Facilities:

There are only two operating Emergency Shelters in Humboldt County; the Eureka Rescue Mission and the Arcata Night Shelter on Boyd Road just outside the City of Arcata. At times religious organizations provide emergency shelter and during declared extreme winter conditions temporary emergency shelters can be operated. The Municipal Assistance Center in Eureka is no longer able to provide emergency shelter services due to funding cutbacks. Emergency shelters generally require social service support or other sustainable funding streams in order to cover the costs of lodging, food and support services for residents. Social service funding has been severely curtailed in California, so while SB2 will increase the availability of potential sites throughout California, it is unlikely that the number of emergency shelters will grow because of funding limitations.

7) Supportive and Transitional Housing

Summary: The adopted 2010 Housing Element has policies to encourage the development of Supportive and Transitional housing. Supportive and Transitional housing is housing for individuals or families to provide a stable housing environment complemented by services to assist the residents in achieving independence. Generally transitional housing has a limited timeframe associated with it, while residents of supportive housing may live there on a permanent basis.

Recent state law (SB2) prevents local jurisdictions from imposing conditions on Supportive and Transitional housing that are not also imposed on multifamily development.

To fully implement these changes to state law, the existing Framework General Plan, Community and Local Coastal Plans and the Zoning Ordinance need to be changed.

Proposed changes to the Framework General Plan:

Currently the Framework General Plan does not specify where you can locate Transitional Housing. The Framework General Plan and each Community and Local Coastal Plan will be modified to allow these uses in the same way as multifamily housing is allowed.

Proposed changes to the Zoning Ordinance:

The Inland and Coastal Zoning Ordinances will be modified to allow Supportive and Transitional housing just like multifamily housing is allowed.

8) Retain Legal Non-Conforming Housing

Summary: The adopted 2010 Housing Element has policies to retain legal non-conforming housing. Specifically, it calls for waiver of the General Plan density standards for existing non-conforming housing in new subdivisions.

This implementation measure makes a change to the Subdivision Ordinance.

Proposed changes to the Subdivision Ordinance:

With the proposed change, existing non-conforming housing (older homes built before current zoning was in place) will not be counted towards density if they will be located on a remainder parcel. All newly created parcels will need to conform to the density standard.

The effect of the changes will be to protect older homes built on the same property.

The proposed addition to the subdivision ordinance is shown below.

“325-13. WAIVER OF GENERAL PLAN DENSITY FOR LEGAL NON-CONFORMING UNITS

At the written request of the developer, existing legal non-conforming housing shall not contribute to the overall general plan density of proposed new subdivisions.

Existing legal non-conforming housing shall not contribute to the overall general plan density of proposed new subdivisions provided that the non-conforming units are located on a remainder parcel, and any new parcels created conform to the density standard under the General Plan.”

9) Consistent Density Range for the Residential Multifamily Designation

Summary: The 2010 Housing Element adopted by the Board of Supervisors included an implementation to establish a consistent density range for the Residential Multifamily General Plan designation of 7– 30 units per acre. The next step in the Housing Element process for this implementation measure is to modify the Residential Multifamily General Plan land use designation in the Eureka Community Plan (ECP) to specify this density range.

Proposed General Plan Modifications:

The following modifications shown in underline and strikeout are proposed to the ECP:

2620 Policies

1. Residential Density and Lot Sizes:

- (a) The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre.
- (b) The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to ~~46~~ 30 dwelling units per acre.

- (c) The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3, R-4,) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps...

2733 Residential, Multiple Family (RM)

1. Character: The multiple family residential designation is intended to be applied in urban areas of the County, where topography, access, utilities and public services make the area suitable for multiple family home development. Density is to be determined by community character.
2. Primary and Compatible Uses: Multiple family housing, professional and business offices, educational and religious activities, mobile home parks, boarding and rooming houses, social halls, fraternal and social organizations, non-commercial recreational facilities.
3. Density Range: 7-16 ~~30~~ du/acre.

10) Housing Trust Fund

Summary: The adopted 2010 Housing Element included an implementation measure to establish a Housing Trust Fund. A Housing Trust Fund helps communities provide affordable housing by dedicating revenue to a specific fund for supporting affordable housing projects.

The next step in the process for this implementation measure is to solidify the details of the trust fund in terms how money will be added to the fund, who will be able to access money from the fund, and which target populations will benefit from the program funds. Note: this program was not reviewed with the 2010 Housing Element.

Proposed Housing Trust Fund Parameters

Eligible Housing Trust Fund Projects

Projects eligible for funding would include new construction, rehabilitation, and preservation existing affordable housing at risk of converting to market-rate housing.

Accountability

Administration of the fund would be directly accountable to the Board of Supervisors.

Who Is Eligible to Apply for Housing Trust Funds?

The proposed fund would allow any entity providing affordable housing to apply for funding, such as non-profits, quasi-governmental organizations, government, or private developers.

Sources of Revenue

The revenue source to establish the Housing Trust Fund would likely come from the sale of County surplus property. The proposed initial goal for funding is \$500,000. After initial funding has been established, on-going revenue is proposed to come from payments by housing developers who do not include affordable housing in developments, interest on the fund, and loans repaid to the fund.

ATTACHMENT 3

Staff Analysis of the Evidence Supporting the Required Findings

Required Findings: To approve this set of General Plan and Ordinance Amendments, the Planning Commission must determine that there is evidence in support of making **all** of the following required findings listed below.

1. General Plan Consistency: The following table identifies the evidence which supports finding that the proposed implementing ordinances, GP changes and LCP Amendments are consistent with a comprehensive view of the General Plan Volume 1 (Framework Plan).

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency §1330</p>	<p>The elements of the General Plan must be consistent.</p> <p>All the goals, policies and standards must be consistent.</p> <p>The General Plan text and diagrams must support each other and show the same conclusions.</p> <p>The data base must be consistent for all the elements.</p> <p>When a portion of the plan is amended, then the rest of the plan and its implementing programs must be brought into conformity.</p> <p>Zoning or the implementation of the plan is required to be consistent with the plan.</p>	<p>The new implementing ordinances, GP changes and LCP Amendment are required to implement the adopted 2010 Housing Element Update and to conform it to requirements of state law. Findings made in approving the 2010 Housing Element Update included the finding it is consistent with the other elements of the general plan.</p> <p>The 2010 Housing Element Update uses the same base information as the other Elements. For example the residential land inventory uses information from the Land Use Element and the Hazards and Resources chapter of the Framework Plan in setting development potential for lots.</p> <p>The project involves simultaneous amendment to other Elements to bring them into conformity with the new policies and programs of the 2010 Housing Element Update.</p> <p>The project also involves zoning changes to ensure consistency with the 2010 Housing Element Update.</p>
<p>§1452.2 Required Findings</p>	<p>Base information or physical conditions have changed; or</p> <p>Community values and assumptions have changed; or</p> <p>There is an error in the plan; or</p> <p>To maintain established uses otherwise consistent with a comprehensive view of the plan.</p>	<p>The base information of the General Plan changed with the adoption of the 2010 Housing Element Update.</p> <p>The new implementing ordinances, GP changes and LCP Amendments are required to bring the other elements of the General Plan in line with the policies, standards, implementation measures of the adopted 2010 Housing Element Update.</p> <p>Implementation of the 2010 Housing Element Update is also necessary to maintain the County's competitive status with regard to grant eligibility. This could be considered an established use that is otherwise consistent with a comprehensive view of the plan.</p>

2. Public Interest: The following table identifies the evidence which supports finding that the proposed implementing ordinances, GP changes and LCP Amendments are in the public interest.

Plan Section(s)	Applicable Requirements	Evidence Sup[porting the Finding
Government Code Section 65356.1 and §1452.2 of the Framework Plan.	The General Plan Amendment must be in the public interest.	<p>The project applies countywide. The implementation measures (zoning ordinance changes) are tied to facilitating residential development, particularly development affordable to lower income households. Assisting lower income households with renting or purchasing a home is in the public interest. Public testimony received during the scoping meetings for the Element supported these changes, further indicating public interest in the programs.</p> <p>The proposed modifications to the Element are necessary to comply with new requirements of state law, which is also in the public interest.</p>

3. Consistency With State Laws: The following table identifies the evidence which supports finding that the proposed implementing ordinances, GP changes and LCP Amendments are consistent with State Laws.

Section(s)	Applicable Requirements	Evidence Sup[porting the Finding
Government Code Section 65302.81	Specific findings are required where a general plan element is adopted that limits the number of housing units which may be constructed on an annual basis.	The proposed implementing ordinances, GP changes and LCP Amendments support construction of new homes.
Government Code Section 65580.	Housing Elements shall include discussion of all the items required by Government Code.	The Housing Element is required to include a housing program that describe actions the County will undertake to implement the policies and achieve the goals and objectives of the Housing Element. The proposed implementing ordinances, GP changes and LCP Amendments implement the policies and achieve the goals and objectives of the 2010 Housing Element Update.

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200 (Coastal Act)</p>	<p>The proposed amendments must conform to the policies contained in Chapter 3 of the Coastal Act. Chapter 3 sets forth policies regarding the following issues:</p> <p>Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p>	<p>Within the coastal zone portions of the county are numerous coastal access points which were identified within each of the approved coastal plans. A complete listing of the coastal access points is included in the appendices of the Natural Resources and Hazards Report.</p> <p>The proposed new implementing ordinances, GP changes and LCP Amendments do not contain any measures that will directly result in the construction of new housing. Instead, the implementation measures strive to better accommodate anticipated growth, and facilitate affordable housing as a component of that anticipated growth. It is thus reasonable to assume the project will not affect the amount or rate of new construction.</p> <p>The Framework Plan, and numerous community plans and coastal plans described in the SEIR for the 2010 Housing Element Update contain numerous specific policies and implementation programs specifically designed to minimize visual impacts from the proposed LCP Amendments and maintain coastal access points inventoried in the local coastal plans. The zoning ordinance carries out these programs through application of zone designations and development standards. Implementation of the many existing policies, programs, standards, and requirements which serve to mitigate impacts will minimize impacts of the proposed LCP Amendments on coastal access.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, and priority of development purposes)</p>	<p>Humboldt County has a wealth of outdoor recreational opportunities and areas of incomparable value and unsurpassed beauty. More than twenty percent of the county's 2.3 million acres are protected open space, forests, and recreation areas. Within the county boundaries, there are 4 federal parks and beaches, 10 state parks (3 of which are encompassed by Redwood National Park), 16 county parks and beaches, recreational areas and reserves, and National Parkland and National Forest land. These areas contribute to the quality of life in Humboldt County and provide needed recreation opportunities for residents of neighboring counties and from all over the world as well.</p> <p>The policies, programs, standards and regulations referenced in the SEIR for the 2010 Housing Element Update serve to reduce impacts to developed recreational facilities in the coastal zone.</p> <p>Other recreational resources in the coastal zone include areas for water-oriented activities, ocean-front land protected for recreational uses, and aquacultural uses. Numerous policies in the Framework Plan and coastal plans aim at avoiding any alteration of sensitive biological communities, which are found along water bodies and ocean front land. These include the Streamside Management Areas, and Coastal Zoning designations. Existing policies directed toward Streamside Management Areas protect valuable riparian and inland wetland habitat, while coastal zoning designations serve to protect sensitive habitat areas near the coast, bays, sloughs and lagoons. These same policies also serve to protect areas for water-oriented activities and ocean-front land protected for recreational uses from alteration from the proposed LCP Amendments.</p> <p>Effectuation of the policies, programs, and standards in the Framework Plan, community plans, coastal plans and other land use requirements identified in the SEIR for the 2010 Housing Element Update will reduce the potential impacts of the proposed LCP Amendments on recreational resources to less than significant levels. The County has mapped sensitive habitat areas, riparian areas and wetlands, and the building permit review process for new residential construction references these maps to avoid significant impacts on biological resources and recreational uses, and to ensure new residential construction does not conflict with policies or ordinances protecting biological or recreational resources.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>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>The County usually has some discretionary authority for all other land uses on privately held property in unincorporated areas. The Framework Plan, community plans and coastal plans guide the County in these decisions. These plans include policies for the protection and preservation of our biologically diverse county.</p> <p>Within the coastal zone, the Natural Resources zone designation and a set of combining zones which are applied to other base zone designations protect environmentally sensitive areas. An overlay to the zoning district designates the Coastal Wetland, Coastal Resource Dependent, Riparian and Stream Corridor, Offshore Rocks, Coastal Elk Habitat, and Beach and Dune Area. The zoning overlay requires specific development review standards in accordance with the coastal plan policies in order to ensure maximum habitat protection in these coastal areas. Development proposals within the coastal zone that may impact the mapped sensitive habitat areas must submit an environmental assessment as part of their development application.</p> <p>The California Department of Fish & Game (CDFG) has developed a list of "special status species." Plant or animal species may be identified as "special status species" even if they are not officially listed as threatened or endangered.</p> <p>A number of "special status species" exist in Humboldt County. The California Department of Fish and Game (CDFG) has also identified a number of Significant Natural Areas (SNAs). SNAs are designated sites that support extremely rare communities or species, populations of several special-status species, high-quality examples of special biological communities, or high species diversity. In addition to the specific sites identified as SNAs, other biological communities in the County require special protection.</p> <p>Numerous policies in the Framework Plan, community plans and coastal plans aim to avoid any alteration of the diversity of species in sensitive biological communities resulting from the proposed LCP Amendments. These include the Streamside Management Areas, and Coastal Zoning designations. Existing policies directed toward Streamside Management Areas protect valuable riparian and inland wetland habitat, while coastal zoning designations serve to protect sensitive habitat areas near the coast, bays, sloughs and lagoons. Protection of the riparian habitat will also indirectly result in reducing impacts to water quality from erosion, pollutants and stormwater run-off.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control) (continued)</p>	<p>Effectuation of the policies, programs, and standards in the Framework Plan, community plans, coastal plans and other land use requirements identified in the SEIR for the 2010 Housing Element Update will reduce the potential impacts of the proposed LCP Amendments to less than significant levels. The County has mapped sensitive habitat areas, riparian areas and wetlands, and the building permit review process for new residential construction references these maps to avoid significant impacts on biological resources, and to ensure new residential construction does not conflict with policies or ordinances protecting biological resources.</p> <p>The construction of housing that may indirectly result from the implementation of these LCP Amendments does not normally involve a risk of accidental explosion or release of hazardous substances. Although torches used in welding pipes together may result in explosions and hazardous materials such as deck sealer may tip over and drain into the soil, these impacts are normally incidental and not significant.</p> <p>Implementation of the County's coastal plans and zoning ordinance will also serve to prevent any impacts of the proposed LCP Amendments from diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control.</p>
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p>	<p>A number of biological communities characterize Humboldt County. These communities include mixed evergreen forest, oak woodlands, Douglas fir forest, old growth and coast redwood forest, grassland, coastal beach-dune vegetation, northern coastal scrub, chaparral, salt marsh, riparian, and freshwater marsh. The Framework Plan, community plans, coastal plans and the Natural Resources and Hazards Report contain detailed descriptions of each of these habitats.</p> <p>As mentioned previously, a number of "special status species" exist in Humboldt County. The California Department of Fish and Game (CDFG) has also identified a number of Significant Natural Areas (SNAs). In addition to the specific sites identified as SNAs, other biological communities in the County require special protection.</p> <p>Numerous policies in the Framework Plan, community plans and coastal plans aim to avoid any alteration of the diversity of species in sensitive biological communities resulting from the proposed LCP Amendments. These include the Streamside Management Areas, and Coastal Zoning designations.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources) (continued)</p>	<p>Existing policies directed toward Streamside Management Areas protect valuable riparian and inland wetland habitat, while coastal zoning designations serve to protect sensitive habitat areas near the coast, bays, sloughs and lagoons. Protection of the riparian habitat will also indirectly result in reducing impacts to water quality from erosion, pollutants and stormwater run-off.</p> <p>Within the coastal zone, the Natural Resources zone designation and a set of combining zones which are applied to other base zone designations protect environmentally sensitive areas. An overlay to the zoning district designates the Coastal Wetland, Coastal Resource Dependent, Riparian and Stream Corridor, Offshore Rocks, Coastal Elk Habitat, and Beach and Dune Area. The zoning overlay requires specific development review standards in accordance with the coastal plan policies in order to ensure maximum habitat protection in these coastal areas. Development proposals within the coastal zone that may impact the mapped sensitive habitat areas must submit an environmental assessment as part of their development application.</p> <p>The Framework Plan, each of the individual community plans, coastal plans, the Natural Resources and Hazards Report and the Housing Element contain a complete discussion of agricultural and timber resources.</p> <p>Agricultural and timber operations and resources may potentially be adversely affected by encouraging housing in areas used for or suitable for agricultural use and zoned to allow residential uses. Conflicts between agricultural and residential uses reduce the productivity of the agricultural lands, making them less valuable, and more vulnerable to conversion.</p> <p>The Supplemental EIR for the 2010 Housing Element identifies the existing policies and standards that will help mitigate potential impacts of new development on agricultural and timber lands. All of those policies, programs standards and regulations identified in the SEIR to respond to potential impacts on Agricultural Resources serve to mitigate potential impacts of the proposed LCP Amendments on agricultural resources.</p> <p>In the coastal zone, these are sufficient to prevent agricultural and timber lands from being converted to other uses, and to prevent conflicts between agriculturally and timber- zoned properties from adjacent residential uses.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Land Resources (continued) (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p>	<p>The Framework Plan, community plans, coastal plans and the SEIR for the 2010 Housing Element Update contain a complete description of cultural resources and conditions. Existing County policies, programs, standards, and other requirements identified in SEIR for protecting cultural resources sufficiently reduce impacts of the proposed LCP Amendments on mapped cultural and archaeological resources to a level of insignificance.</p>
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p>	<p>A complete discussion of scenic resources is contained in the Framework Plan, each of the individual community plans, coastal plans, the Natural Resources and Hazards Report (Dyett and Bhatia, 2002), and in the SEIR for the 2010 Housing Element Update.</p> <p>In general, the proposed LCP Amendments could result in impacts on the visual quality and community character of the County through additional development of residential uses, and possibly some commercial uses. Unless carefully sited and designed, this development would have the potential to block or alter water and scenic hillside and ridgeline views.</p> <p>The Housing Element, Framework Plan, and numerous community plans and coastal plans described in the SEIR for the Housing Element Update contain numerous specific policies and implementation programs designed to minimize visual impacts and maintain a high degree of design harmony with the environmental setting of the County and the scale and character of existing development. The zoning ordinance carries out these programs through application of zone designations and development standards. Implementation of the many existing policies, programs, standards, and requirements which serve to mitigate visual impacts reduce the aesthetic impacts of the project.</p> <p>The Framework Plan, community plans, coastal plans and the Natural Resources and Hazards Report contain a complete description of geologic and soils conditions. Maps in the Framework Plan depict soils and geologic conditions and areas of relative hazard.</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
<p>Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200</p>	<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p>	<p>The Plan intends not to remove all risks associated with each specific type of hazard, but to reduce risks to life and property and to make informed decisions about development near these hazards. These factors are considered in the type, location, design and density or intensity of development in the County. The policies and programs in the Plan that constitute part of the project, specifically address potential environmental impacts related to rupture of earthquake faults, and serve to mitigate potential impacts to some degree.</p> <p>Mitigation measures contained in the County's zoning ordinance are implemented in the review of specific development proposals. Site specific measures will further serve to mitigate this impact. They illustrate and clarify how potential impacts have been addressed in the project itself.</p> <p>Soil erosion from construction sites is now regulated by the County's Grading Ordinance, which was adopted in 2002. Measures contained in that ordinance reduce the potential for soil erosion by limiting the time for soil disturbance to the summer months, and only with an erosion control plan may soil disturbing activities occur in the winter.</p> <p>Soil testing requirements of the Health Department and the Regional Water Quality Control Board's Basin Plan for the North Coast for placement of on-site sewage disposal systems ensure soils are capable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.</p> <p>Some areas of Humboldt County face multiple geologic hazards that are not completely mapped such as areas of strong seismic shaking, landslides and areas subject to liquefaction. Mapping these hazards is beyond the scope of this project</p>

Section(s)	Applicable Requirements	Evidence Supporting Finding
Consistency: Administrative Regulations – Title 14, § 13551 And Public Resources Code, § 30200	Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)	<p>The objectives, policies, and programs of the Framework Plan and other County regulations aim to reduce death, injuries, damage to property, and economic and social dislocation resulting from geologic hazards and other public health and safety concerns. These measures are identified in the SEIR for the 2010 Housing Element Update.</p> <p>A complete description of public services conditions is contained in the SEIR for the 2010 Housing Element, Framework Plan, community plans, coastal plans the Building Communities Report (a technical background paper for the concurrent General Plan Update program), and the Master Service Elements of each water, wastewater and fire protection district.</p> <p>The policies, programs, standards and regulations referenced in the SEIR serve to reduce the impacts of this project on public works facilities.</p>
	Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.	<p>The proposed LCP Amendments do not contain any measures that will directly result in the construction of new housing. Instead, the programs strive to better accommodate anticipated growth, and facilitate affordable housing within anticipated growth. Industrial sites in the coastal zone will not be affected by the project as residential uses are not encouraged in industrial areas.</p>
	The LCP Amendment shall be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.	<p>The LCP Amendments will be carried out in accordance with the Coastal Act (pursuant to Section 30510(a) of the Act.</p>

4. Environmental Impact:

With the exception of the HTF ordinance, environmental review of the ordinances and GP changes was conducted at the time the 2010 Housing Element Update was being reviewed. A Program Environmental Impact Report for the 2010 Housing Element Update (SCH #2009022077) was certified on August 31, 2009, which identified the potential environmental impacts, and proposed mitigation measures to reduce those impacts. (The LCP Amendments are statutorily exempt from environmental review.)

The below addendum to the SEIR updates the environmental review for the HTF ordinance. It concludes there are no additional impacts from this ordinance that were not already evaluated in the SEIR.

Addendum to the SEIR for the 2010 Housing Element Update (SCH #2009022077): Section 15164 of the CEQA Guidelines allow addendums to be used in lieu of a supplemental or subsequent EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

The proposed project does not contain substantial revisions to the previous project the EIR evaluated. The only change from the previous project is review of the HTF Ordinance, which describes how funds are

secured and distributed to an account established for funding affordable housing projects. Construction of affordable housing projects will be more likely with the HTF Ordinance, however these projects will be required to perform individual environmental impact analysis at the time the housing project is reviewed.

There are no substantial changes to the circumstances under which the project was undertaken; there is no substantial increase in the severity of previously identified significant effects.

Additionally, there is no new information of substantial importance, which was not known at the time and could not have been known with the exercise of reasonable diligence that would require a new or additional environmental review. The mitigation measures for the previously approved EIR are still applicable for this project and will continue to substantially reduce one or more significant effects on the environment.

ATTACHMENT 4

Draft Implementing Ordinances, GP changes, and LCP Amendments

IMPLEMENTATION CATEGORY ITEM #1 & #2: Housing Opportunity Zones and Relaxed Second Unit Standards

Applicable Policies, Standards and Programs in the 2010 Housing Element

- H-P2. Housing Opportunity Zones.** The County shall adopt policies, standards and programs to stimulate residential and infrastructure development within Board adopted Housing Opportunity Zones.
- H-P23. Residential Subdivision Approvals within Housing Opportunity Zones.** The density of residential subdivisions within Housing Opportunity Zones shall not be reduced below the calculated minimum number of units per Standard H-S3 unless the County makes specified findings.
- H-S3. Calculation of the Minimum Number of Residential Units on a Parcel.** The minimum number of required residential units on an individual parcel in the residential land inventory of the Housing Element shall be calculated by multiplying the applicable mid-point Plan density by the net developable area determined during application processing. The net developable area shall be the total parcel area minus areas that cannot be physically developed due to hazards or environmental constraints.
- H-S8. Incentives for Residential Development within Housing Opportunity Zones.** Residential development within designated Housing Opportunity Zones shall be provided with one or more of the following incentives as detailed in the land use ordinance:
- Accommodations for residential units in commercial zones
 - Modified parking standards
 - Increased density bonuses and allowances
 - Modified development standards for second units that do not exceed 50% of the square footage of the primary unit, or 800 square feet, whichever is smaller.
 - Reduced minimum parcel sizes
 - Prioritized infrastructure development
- H-IM1. Housing Opportunity Zones.** The County shall adopt Housing Opportunity Zones and applicable residential and infrastructure development incentives and standards by ordinance. Housing Opportunity Zones shall be identified in areas with public water and sewer. Areas with new public water and sewer services shall be eligible for consideration as a Housing Opportunity Zone. Responsible Agency: CDS. Timeframe: By December 31, 2009.

Proposed Framework Plan Changes to Implement Housing Opportunity Zones a)

“Accommodations for residential units in commercial zones”

Note: To avoid duplication, the proposed amendments to §2741 -§2743 of the Framework Plan, Eureka Community Plan, Garberville\Redway\Benbow\Alderpoint Community Plan and McKinleyville Community Plan are consolidated with the others beginning on page 80.

Proposed McKinleyville Area Plan (MCAP) Changes to Implement Housing Opportunity Zones a)

“Accommodations for residential units in commercial zones”

Note: To avoid duplication, the proposed amendments to §5.20 of the McKinleyville Area Plan are consolidated with the others shown on page 95.

Proposed Zoning Ordinance Amendments to Implement Housing Opportunity Zones - Chapter 3 (Coastal) a) "Accommodations for residential units in commercial zones"

CHAPTER 3
Table Of Contents

Section B: Regulations That Apply In All Or Several Zones
Part 1: Uses And Activities

313-42	General Provisions	86
313-43-68	Alphabetical Listing of Uses and Activities	86
313-43.1	Accessory Uses	86
313-43.2	Allowed Agricultural Activities Not a Nuisance ("Right to Farm Ordinance")	88
313-43.3	Animal Keeping	93
313-44.1	Bed and Breakfast Establishments	95
313-45.1	Coastal-Dependent Industrial Development	95
313-45.2	Cottage Industry	98
313-46.1	Dredge Spoils Disposal	101
	<i>313-47-49: Sections Reserved for Future Use</i>	
313-50.1	Home Occupation and Addresses of Convenience	101
	<i>313-51-54: Sections Reserved for Future Use</i>	
<u>313-55.1</u>	<u>Mixed Use Development Regulations</u>	<u>102</u>
	<i>313-55 - 56: Section Reserved for Future Use</i>	
313-57.1	Oil and Gas Drilling and Processing	104
	<i>313-58-60: Sections Reserved for Future Use</i>	
313-61.1	Solid Waste Disposal	106

Note: To avoid duplication, the proposed ordinance changes to §313-2.2 are consolidated with the others shown on page 104.

313-55.1 Mixed-Use Development Regulations

- 55.1.1 Purpose: The purpose of these regulations is to establish minimum standards for mixed use residential and non-residential development to protect public health and provide a satisfactory living environment.
- 55.1.2 Applicability: The provisions of this section shall apply to the Principally Permitted Multifamily Residential, Transitional and Supportive Housing Use Types in the CG – Commercial General Zone within mapped Housing Opportunity Zones.
- 55.1.3 Standards for Commercial Development that Impact Mixed-Use Residential Development.
 - 55.1.3.1 Use of Toxic or Hazardous Materials: No commercial uses shall be conducted on the on the same lot as the proposed residential development that require the filing of a hazardous materials business plan with the Department of Health and Human Services – Division of Environmental Health.
 - 55.1.3.2 Noise: All noise generating operations on the same lot as the proposed residential development shall be buffered so they do not exceed the exterior ambient noise level by more than 5 dB(a).

55.1.3.3 Lights: All luminaries providing lighting for parking, entry, signage and other uses on the same lot as the proposed residential development shall be designed, controlled and sited to minimize impacts on residentially developed areas.

55.1.3.4 Vibrations: No perceptible vibrations shall be permitted on the same lot as the proposed residential development.

55.1.3.5 Electronic Interference. No visual or audible interference of radio or television reception by commercial operations on the same lot as the proposed residential development shall be permitted.

55.1.3.6 Dust Control: All areas used for parking, traffic circulation and storage on the same lot as the proposed residential development shall be surfaced with asphalt concrete or the equivalent to control dust.

55.1.3.7. Parking: Parking may be shared between residential and commercial uses where it can be demonstrated the commercial use will not utilize the shared parking areas outside of the hours of 7:30am – 5:30pm. A Notice of Restriction may be required to disclose to future commercial tenants the nature of the shared parking arrangement.

55.1.3.8 Mixed-Use Residential Development to be Subordinate. The gross floor area of residential units shall be no more than 50% of the gross floor area of the commercial uses on the same lot as the proposed residential development.

55.1.3.9 Size and Placement of Residential Units on the Ground Floor: The gross floor area of residential units on the ground floor shall be no more than 25% of the gross floor area of all commercial establishments on the ground floor on the same lot as the proposed residential development. Entrances to principally permitted residential units on the ground floor shall be subordinate to the entrances of the commercial establishments on the same lot.

55.1.4 Modification of Standards for Commercial Development that Impact Mixed-Use Residential Development with Special Permit. A mixed-use development that does not meet the standards set forth in Section 313-55.1.3 may be permitted with a Special Permit.

Housing Opportunity Zone Zoning Ordinance Amendments - Chapter 4 (Non-Coastal) a) "Accommodations for residential units in commercial zones"

314-43–68: ALPHABETICAL LISTING OF USES AND ACTIVITIES

- 314-43.1 ACCESSORY USES
- 314-43.2 ALLOWED AGRICULTURAL ACTIVITIES NOT A NUISANCE
("RIGHT TO FARM ORDINANCE")
- 314-43.3 ANIMAL KEEPING.
- 314-44.1 BED AND BREAKFAST ESTABLISHMENTS.
- 314-45.1 COTTAGE INDUSTRY.
- 314-50.1 HOME OCCUPATIONS AND ADDRESSES OF CONVENIENCE
- 314-55.1 MIXED USE DEVELOPMENT REGULATIONS
- 314-58.1 PUBLIC USES
- 314-60.1 REMOVAL OF NATURAL MATERIALS

- 314-61.1 STREAMSIDE MANAGEMENT AREA ORDINANCE
- 314-62.1 TEMPORARY USES
- 314-62.2 TIMBER PRODUCTION

...

314-2.1 C-1: NEIGHBORHOOD COMMERCIAL ZONE

Note: To avoid duplication, the proposed ordinance changes to §314-2.1 through 312-2.4 are consolidated with the others beginning on page 110.

314-55.1 Mixed-Use Development Regulations

55.1.1 Purpose: The purpose of these regulations is to establish minimum standards for mixed use residential and non-residential development to protect public health and provide a satisfactory living environment.

55.1.2 Applicability: The provisions of this section shall apply to Principally Permitted Multifamily Residential, Transitional and Supportive Housing developments within mapped Housing Opportunity Zones in the C-1 Neighborhood Commercial, C-2 Community Commercial, C-3 Industrial Commercial, and CH Highway Commercial Zones.

55.1.3 Standards for Commercial Development that Impact Mixed-Use Residential Development.

55.1.3.1 Use of Toxic or Hazardous Materials: No commercial uses shall be conducted on the same lot as the proposed residential development that require the filing of a hazardous materials business plan with the Department of Health and Human Services – Division of Environmental Health.

55.1.3.2 Noise: All noise generating operations on the same lot as the proposed residential development shall be buffered so they do not exceed the exterior ambient noise level by more than 5 dB(a).

55.1.3.3 Lights: All luminaries on the same lot as the proposed residential development providing lighting for parking, entry, signage and other uses shall be designed, controlled and sited to minimize impacts on residentially developed areas.

55.1.3.4 Vibrations: No perceptible vibrations shall be permitted on the same lot as the proposed residential development

55.1.3.5 Electronic Interference. No visual or audible interference of radio or television reception by commercial operations on the same lot as the proposed residential development shall be permitted.

55.1.3.6 Dust Control: All areas used for parking, traffic circulation and storage on the same lot as the proposed residential development shall be surfaced with asphalt concrete or the equivalent to control dust.

55.1.3.7. Parking: Parking may be shared between residential and commercial uses where it can be demonstrated the commercial use will not utilize the shared parking areas outside of the hours

of 7:30am – 5:30pm. A Notice of Restriction may be required to disclose to future commercial tenants the nature of the shared parking arrangement.

55.1.3.8 Mixed-Use Residential Development to be Subordinate. The gross floor area of residential units shall be no more than 50% of the gross floor area of the commercial uses on the same lot as the proposed residential development.

55.1.3.9 Size and Placement of Residential Units on the Ground Floor: The gross floor area of residential units on the ground floor shall be no more than 25% of the gross floor area of all commercial establishments on the ground floor on the same lot as the proposed residential development . Entrances to principally permitted residential units on the ground floor shall be subordinate to the entrances of the commercial establishments on the same lot.

55.1.4 Modification of Standards for Commercial Development that Impact Mixed-Use Residential Development with Special Permit. A mixed-use development that does not meet the standards set forth in Section 313-55.1.3 may be permitted with a Special Permit.

Proposed Zoning Ordinance Amendments to Implement Housing Opportunity Zones - Chapter 3 (Coastal) b) "Modified parking Standards"

313-109.1 OFF-STREET PARKING

...

109.1.4 Parking Spaces Required. The number of off-street parking spaces required shall not be less than the following: (Former Section CZ#A314-26(D))

109.1.4.1 Residential Uses.

109.1.4.1.1 Single Detached and Duplex Building Types. (Former Section CZ#A314-26(D)(1)(a))

109.1.4.1.1.1 One (1) parking space for each dwelling unit containing not more than one (1) bedroom; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom. The required parking shall be sited outside the front yard setback. In RS zones, non independently usable (tandem) parking is allowed on lots with only one single family residence where the parking is located in a garage and driveway immediately in front of the garage (Former Section CZ#A314-26(D)(1)(a)(i))

109.1.4.1.1.1.1 Housing Opportunity Zone Exceptions. Within mapped Housing Opportunity Zones, the parking required in 109.1.4.1.1.1 is reduced to one (1) parking space for each dwelling unit 1,000 square feet or less in total gross floor area. Also one-half (½) of the required parking spaces, or one (1) required parking space, whichever is greater, may be located within the front yard setback.

and compact parking spaces may be used for second units.

109.1.4.1.1.2 Except as provided in subsection 109.1.4.1.1.3, when a single family residence or duplex is proposed on a parcel that is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, parking spaces in addition to those required by subsection 109.1.4.1.1.1, shall be provided as follows: (Former Section CZ#A314-26(D)(1)(a)(ii))

109.1.4.1.1.2.1 One (1) space for each single family residence containing one bedroom or less; (Former Section CZ#A314-26(D)(1)(a)(ii))

109.1.4.1.1.2.2 One (1) space for each duplex unit; (Former Section CZ#A314-26(D)(1)(a)(ii))

109.1.4.1.1.2.3 Two (2) spaces for each single family residence containing two or more bedrooms. (Former Section CZ#A314-26(D)(1)(a)(ii); Amended by Ord. 1842, Sec. 23, 8/16/88)

109.1.4.1.1.2.4 Housing Opportunity Zone Exceptions. Within mapped Housing Opportunity Zones, no additional parking shall be required for dwelling units 1,000 square feet or less in total gross floor area, regardless of the number of bedrooms.

Proposed Zoning Ordinance Amendments to Implement Housing Opportunity Zones - Chapter 4 (Non-Coastal) b) "Modified parking Standards"

314-109.1 OFF-STREET PARKING...

...

109.1.3 **Parking Spaces Required.** The number of off-street parking spaces required shall not be less than specified in this Section: (Former Section INL#316-13.3; Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1 Residential Uses.

109.1.3.1.1 One-Family and Two-Family Dwellings.

109.1.3.1.1.1 One (1) parking space for each dwelling unit containing one (1) bedroom or less; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom. The required parking shall not be sited in the front-yard setback. (Former Section INL#316-13.3(a)(1)(a); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.1 Housing Opportunity Zone Exceptions. Within mapped Housing Opportunity Zones, the parking required in 109.1.3.1.1.1 is reduced to one (1) parking space for each dwelling unit 1,000 square feet or less in total gross floor area. Also, one-half (½) of the required parking spaces, or one (1) required parking space, whichever is greater, may be located within the front yard setback.

109.1.3.1.1.2 Except as provided in subsection 314-109.1.3.1.1.3, when a single family residence or duplex is proposed on a parcel that is served by a roadway not improved to a width of forty feet (40') with asphalt or gravel, parking spaces in addition to those required by subsection 314-109.1.3.1.1.1, shall be located outside of the front-yard setback. In R-1 zones, non independently usable (tandem) parking is allowed on lots with only one single family residence where the parking is located in a garage and driveway immediately in front of the garage. Parking shall be provided as follows: (Former Section INL#316-13.3(a)(b); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88, Amended by Ord. 2313A, 12/16/03)

109.1.3.1.1.2.1 One (1) space for each single family residence and each unit of a duplex containing one (1) bedroom or less. (Former Section INL#316-13.3(a)(1)(b)(1); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.2.2 One (1) space for an attached second or secondary dwelling unit and each unit of a duplex containing two (2) or more bedrooms. (Former Section INL#316-13.3(a)(1)(b)(2); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88, Amended by Ord. 2335, 12/14/04)

109.1.3.1.1.2.3 Two (2) spaces for each single family residence containing two (2) or more bedrooms. (Former Section INL#316-13.3(a)(1)(b)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.2.4 Housing Opportunity Zone Exceptions. Within mapped Housing Opportunity Zones, no additional parking shall be required for dwelling units 1,000 square feet or less in total gross floor area, regardless of the number of bedrooms.

109.1.3.1.1.3 Instead of providing the additional parking spaces required by subsection 314-109.1.3.1.1.2, a parking lane may be constructed along the frontage of the lot. The parking lane shall meet the standards referred to in subsection 314-109.1.2.4. (Former Section INL#316-13.3(a)(1)(c); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.1.4 Driveway openings shall be in conformance with the

standards in the “Encroachment Regulations” of this Code. (See also, Division 4, Chapter 1, Encroachment.) (Former Section INL#316-13.3(a)(1) (d); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.2 Family Dwellings with More than Two Dwelling Units....

Proposed Framework Plan Amendments to Implement Housing Opportunity Zones

c) “Increased density bonuses and allowances”

Note: To avoid duplication, the density bonuses and allowances shown below also include proposed changes to address Implementation Category Item #3 “Incentives for Affordable and Special Needs Housing” on page 66.

2700 LAND USE DESIGNATIONS

2715 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses); up to 100% density bonuses are allowed for projects within mapped Housing Opportunity Zones with up to 100% units affordable to lower income households. Density ranges may also be exceeded within Planned Unit Developments (PUD’s). Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD’s to encourage the provision of common open space areas within subdivisions.

Proposed Eureka Community Plan (ECP) Changes to Implement Housing Opportunity Zones

c) “Increased density bonuses and allowances”

2715 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses); up to 100% density bonuses are allowed for projects within mapped Housing Opportunity Zones with 100% units affordable to lower income households. Density ranges may also be exceeded within Planned Unit Developments (PUD’s). Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD’s to encourage the provision of extraordinary public benefits within subdivisions.

Proposed Garberville\Redway\Benbow\Alderpoint Community Plan (GRBAP) Changes to Implement Housing Opportunity Zones c) "Increased density bonuses and allowances"

2715 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses); up to 100% density bonuses are allowed for projects within mapped Housing Opportunity Zones with 100% units affordable to lower income households. Density ranges may also be exceeded within Planned Unit Developments (PUD's). Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

Proposed McKinleyville Community Plan (MCCP) Changes to Implement Housing Opportunity Zones c) "Increased density bonuses and allowances"

2715 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses); up to 100% density bonuses are allowed for projects within mapped Housing Opportunity Zones with 100% units affordable to lower income households. Density ranges may also be exceeded within Planned Unit Developments (PUD's). Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions.

Proposed McKinleyville Area Plan (MCAP) Changes to Implement Housing Opportunity Zones c) "Increased density bonuses and allowances"

3.25 HOUSING

- A. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element. (Amended by Res. No. 81-143, 12/15/81)
- B. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on costal resources and would be consistent with all applicable local costal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or

State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. (Amended by Res. No. 83-58, 3/15/83, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07).

3.37 HOUSING

*** 30252. (2) The location and amount of new development should maintain and enhance public access to coast by providing commercial facilities within or adjoining residential development or in other areas will minimize the use of Coastal access roads.

...

D. PLANNED UNIT DEVELOPMENT

1. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards (Amended by Res. No. 83-58, 3/15/83, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07).

...

5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded ~~by up to 35%~~ to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in ~~2006~~ 2009. Up to 100% density bonuses are allowed for projects within mapped Housing Opportunity Zones with 100% units affordable to lower income households. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards.

In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase in the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the

density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.

Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions. (Added by Res. 114c 2/9/98, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07)

Proposed Zoning Ordinance Amendments to Implement Housing Opportunity Zones - Chapter 3 (Coastal) c) "Increased density bonuses and allowances"

~~313-112.1~~ — ~~RESIDENTIAL DENSITY BONUS~~

~~112.1.1 Purpose and Intent.~~ This Density Bonus Ordinance is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with Sections 65915 and 65917 of the California Government Code. In enacting this section, it is the intent of the County of Humboldt to facilitate the development of affordable housing and to implement the goals, objectives, and polices of the County's Housing Element. (Former Section CZ#A314-12.1(A); Added by Ord. 2167, Sec. 25, 4/7/98)

~~112.1.2 Definitions.~~ Whenever the following terms are used in this section, they shall have the meaning established by this subsection and as defined in Section C: Index of Definitions of Language and Legal Terms. (Former Section CZ#A314-12.1(B)(1-16); Added by Ord. 2167, Sec. 25, 4/7/98)

- ~~112.1.2.1~~ — Additional Incentives
- ~~112.1.2.2~~ — Affordable Rent
- ~~112.1.2.3~~ — Very Low Income
- ~~112.1.2.4~~ — Lower Income
- ~~112.1.2.5~~ — Affordable Sales Price
- ~~112.1.2.6~~ — Density Bonus
- ~~112.1.2.7~~ — Density Bonus Housing Agreement
- ~~112.1.2.8~~ — Density Bonus Unit
- ~~112.1.2.9~~ — Equivalent Financial Incentive
- ~~112.1.2.10~~ — Housing Cost
- ~~112.1.2.11~~ — Housing Development
- ~~112.1.2.12~~ — Lower Income Household

- ~~112.1.2.13 — Maximum Residential Density~~
- ~~112.1.2.14 — Non-Restricted Unit~~
- ~~112.1.2.15 — Qualifying Resident~~
- ~~112.1.2.16 — Senior Citizen Housing~~
- ~~112.1.2.17 — Target Unit~~
- ~~112.1.2.18 — Very Low Income Household~~

~~112.1.3 — Implementation:~~

~~112.1.3.1 — The County shall grant either: a Density Bonus, or a Density Bonus with an Additional Incentive(s), or Equivalent Financial Incentive; as set forth in subsection 112.1.5 of this section, to an applicant or developer of a Housing Development within mapped Housing Opportunity Zones, and in projects who agrees with enforceable agreements to provide the following: (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.3.1.1 — At least twenty percent (20%) ten percent (10%) of the total units of the Housing Development as Target Units affordable to Lower Income Households; or — (Former Section CZ#A314-12.1(C)(1); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.3.1.2 — At least ten percent (10%) five percent (5%) of the total units of the Housing Development as Target Units affordable to Very Low Income Households; or — (Former Section CZ#A314-12.1(C)(2); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.3.1.3 — A senior citizen housing development or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code; or — (Former Section CZ#A314-12.1(C)(3); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.3.1.4 — Ten percent (10%) of the units in a condominium project as defined in subsection F of section 1351 of the Civil Code are affordable to moderate income households.~~

~~112.1.3.2 — In determining The minimum number of Density Bonus Units to be granted pursuant to this section shall be the same as those provided in CGC §65915 (f), the Maximum Residential Density for the site shall be multiplied by 0.10 where Very Low Income Households are targeted, or by 0.20 where Lower Income Households are targeted. The Density Bonus Units shall not be included when determining the total number of Target Units in the Housing Development. When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. (Former Section CZ#A314-12.1(C); Added~~

by Ord. 2167, Sec. 25, 4/7/98)

~~112.1.3.3 In cases where a density increase of less than twenty five percent (25%) is requested, no reduction will be allowed in the number of Target Units required. In cases where a density increase of more than twenty five percent (25%) is requested, the requested density increase, if granted, shall be considered an Additional Incentive, as outlined in subsection 112.1.5 of this section. (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.3.5 In cases where the developer agrees to construct more than twenty percent (20%) ten percent (10%) of the total units for Lower Income Households, or more than ten percent (10%) five percent (5%) of the total units for Very Low Income Households, the developer is entitled to only one Density Bonus and an Additional Incentive(s) (or an Equivalent Financial Incentive) pursuant to subsection 112.1.5 of this section. (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.3.6 Similarly, a developer who agrees to construct Senior Citizen Housing with twenty percent (20%) or ten percent (10%) of the units reserved for Lower or Very Low Income Households, respectively, is only entitled to one Density Bonus and an Additional Incentive(s). (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.3.7 The County may, however, grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required as specified by this section. (Former Section CZ#A314-12.1(C); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4 Development Standards.~~

~~112.1.4.1 Target Units should be constructed concurrently with Non-Restricted Units unless both the County and the developer/applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development. (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4.2 Target Units shall remain restricted and affordable to the designated group for a period of thirty (30) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program; or rental subsidy program), under the following circumstances: (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4.2.1 Both a Density Bonus and an Additional Incentive(s) is granted; or (Former Section CZ#A314-12.1(D)(1); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4.2.2 An Equivalent Financial Incentive equivalent to a Density Bonus and an Additional Incentive(s) is granted. (Former Section CZ#A314-12.1(D)(2); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4.3 Target Units shall remain restricted and affordable to the designated group for a~~

~~period of ten (10) years under the following circumstances: (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4.3.1— Only a Density Bonus is granted and no Additional Incentives are granted; or (Former Section CZ#A314-12.1(D)(3); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4.3.2— An Equivalent Financial Incentive equivalent to only a Density Bonus is granted. (Former Section CZ#A314-12.1(D)(4); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4.4 3— Circumstances may arise in which the public interest would be served by allowing some or all of the Target Units associated with one Housing Development to be produced and operated at an alternative development site. Where the developer and County form such an agreement, the resulting linked developments shall be considered a single Housing Development for purposes of this section. Under these circumstances, the developer shall be subject to the same requirements of this section for the Target Units to be provided on the alternative site. (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4. 5 4— Target Units should be built on site wherever possible and, when practical, be dispersed within the Housing Development. Where feasible, the number of bedrooms of the Target Units should be equivalent to the bedroom mix of the non-Target units of the Housing Development; except that the Developer may include a higher proportion of Target Units with more bedrooms. The design and appearance of the Target Units shall be compatible with the design of the total Housing Development. Housing Developments shall comply with all applicable development standards, except those which may be modified as provided by this section. (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.4. 6 5— A Density Bonus Housing Agreement shall be made a condition of the discretionary planning permits for all Housing Developments pursuant to this chapter. The Agreement shall be recorded as a restriction on the parcel or parcels on which the Target Units will be constructed. The Agreement shall be consistent with subsection 313-112.1.7 of this section. (Former Section CZ#A314-12.1(D); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.5— Development Incentives:~~

~~112.1.5.1— The County shall provide a Density Bonus and an Additional Incentive(s), for qualified Housing Developments, upon the written request of a developer, unless the County makes a written finding that the Additional Incentive(s) would have an adverse impact on public health and safety, the environment, or an historic site or building, or be contrary to state or federal law. (Former Section CZ#A314-12.1(E); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.5.2~~ The development incentives granted shall contribute significantly to the economic feasibility of providing the Target Units. Applicants seeking a Waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the Housing Development economically feasible in accordance with Government Code Section 65915(e) necessary for the development to occur at the densities or with the concessions or incentives permitted under this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to this section. This requirement may be satisfied by reference to applicable sections of the County's general plan housing element. (Former Section CZ#A314-12.1(E); Added by Ord. 2167, Sec. 25, 4/7/98)

~~112.1.5.3~~ The need for incentives will vary for different Housing Developments. Therefore, the allocation of Additional Incentives shall be determined on a case-by-case basis. The applicant shall receive the following number of incentives or concessions:

— One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development; or

— Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development; or

— Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

— The Additional Incentives may include, but are not limited to, any of the following: (Former Section CZ#A314-12.1(E); Added by Ord. 2167, Sec. 25, 4/7/98)

~~112.1.5.3.1~~ A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code). These may include, but are not limited to, any of the following: (Former Section CZ#A314-12.1(E)(1); Added by Ord. 2167, Sec. 25, 4/7/98)

~~112.1.5.3.1.1~~ Reduced minimum lot sizes and dimensions. (Former Section CZ#A314-12.1(E)(1)(a); Added by Ord. 2167, Sec. 25, 4/7/98)

~~112.1.5.3.1.2~~ Reduced minimum yard setbacks. (Former Section CZ#A314-12.1(E)(1)(b); Added by Ord. 2167, Sec. 25, 4/7/98)

- ~~112.1.5.3.1.3 Increased maximum lot coverage; up to 80% lot coverage is allowed. (Former Section CZ#A314 12.1(E)(1)(c); Added by Ord. 2167, Sec. 25, 4/7/98)~~
- ~~112.1.5.3.1.4 Increased maximum building height. (Former Section CZ#A314 12.1(E)(1)(d); Added by Ord. 2167, Sec. 25, 4/7/98)~~
- ~~112.1.5.3.1.5 Reduced on site parking standard; including the number or and size of spaces. Upon the request of the developer, the county shall not require onsite parking that exceeds the following ratios: (A) Zero to one bedroom: one (1) onsite parking space. (B) Two to three bedrooms: two (2) onsite parking spaces. (C) Four and more bedrooms: two and one half (2-1/2) parking spaces. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on street parking. (Former Section CZ#A314 12.1(E)(1)(e); Added by Ord. 2167, Sec. 25, 4/7/98)~~
- ~~112.1.5.3.1.6 Reduced minimum building separation requirements. (Former Section CZ#A314 12.1(E)(1) (f); Added by Ord. 2167, Sec. 25, 4/7/98)~~
- ~~112.1.5.3.1.7 Reduced street standards (e.g. reduced minimum street widths). (Former Section CZ#A314 12.1(E)(1)(g); Added by Ord. 2167, Sec. 25, 4/7/98)~~
- ~~112.1.5.3.1.8 Reduced solar shading requirements.~~
- ~~112.1.5.3.2 Allow the Housing Development to include nonresidential uses and/or allow the Housing Development within a nonresidential zone. (Former Section CZ#A314 12.1(E)(2); Added by Ord. 2167, Sec. 25, 4/7/98)~~
- ~~112.1.5.3.3 Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance. (Former Section CZ#A314 12.1(E)(3); Added by Ord. 2167, Sec. 25, 4/7/98)~~
- ~~112.1.5.3.4 A Density Bonus of more than twenty five percent (25%). Density bonuses of 100% will be allowed for projects within mapped Housing Opportunity Zones with 100% of the units affordable to lower income households. (Former Section CZ#A314 12.1(E)(4); Added by Ord. 2167, Sec. 25, 4/7/98)~~
- ~~112.1.5.3.5 Waived, reduced, or deferred planning, plan check, construction permit, improvement plan review fees, map check fees, and/or development impact fees. (Former Section CZ#A314 12.1(E)(5); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.5.3.6 — Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on- or off-site improvements, land or construction costs. (Former Section CZ#A314-12.1(E)(6); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~112.1.5.3.7 — Fast track processing of all permits and requirements for affordable housing projects through the Planning and Building, Environmental Health and Land Use Divisions by dedicated staff on a priority basis ahead of non-density bonus permit applications.~~

~~112.1.5.3.8 — Deferral of subdivision improvement requirements consistent with the protection of public health and safety.~~

~~112.1.5.4 — The County may offer an Equivalent Financial Incentive instead of granting a Density Bonus and an Additional Incentive(s). The value of the Equivalent Financial Incentive shall equal at least the land cost per dwelling unit savings that would result from a Density Bonus and must contribute significantly to the economic feasibility of providing the Target Units pursuant to this section. (Former Section CZ#A314-12.1(E); Added by Ord. 2167, Sec. 25, 4/7/98)~~

313-111.1 DENSITY BONUS AND OTHER DEVELOPER INCENTIVES

Sections:

<u>111.1.1</u>	<u>Purpose</u>
<u>111.1.2</u>	<u>Definitions</u>
<u>111.1.3</u>	<u>Applications for Density Bonus</u>
<u>111.1.4</u>	<u>Processing of Density Bonus Applications</u>
<u>111.1.5</u>	<u>Eligibility Criteria for Density Bonus and Incentives or Concessions</u>
<u>111.1.6</u>	<u>Project Specific Density Bonus</u>
<u>111.1.7</u>	<u>Density Bonus for Development of Child Care Facility</u>
<u>111.1.8</u>	<u>Available Incentives and Concessions</u>
<u>111.1.9</u>	<u>General Provisions for Density Bonuses and Incentives/Concessions</u>
<u>111.1.10</u>	<u>Required Density Bonus Agreement and Terms of Agreement</u>

111.1.1 Purpose

This Density Bonus Ordinance is intended to provide incentives for the production of affordable housing, senior housing and the development of child care facilities. In enacting this Chapter, it is the intent of the County of Humboldt to implement the goals, objectives, and policies of the County General Plan and further to implement and be subject to California Government Code Section 65915. In the event that any provision in this chapter conflicts with state law, state law shall control.

111.1.2 Definitions

Whenever the following terms are used in this Section, they shall have the meaning established by this subsection and as defined in Section C: Index of Definitions of Language and Legal Terms.

<u>111.1.2.1</u>	<u>Affordable Housing/Affordable Housing Unit</u>
<u>111.1.2.2</u>	<u>Affordable Rent</u>
<u>111.1.2.3</u>	<u>Child Care Facility</u>
<u>111.1.2.4</u>	<u>Density Bonus</u>
<u>111.1.2.5</u>	<u>Density Bonus Housing Agreement</u>
<u>111.1.2.6</u>	<u>Density Bonus Units</u>
<u>111.1.2.7</u>	<u>Housing Authority</u>
<u>111.1.2.8</u>	<u>Housing Development</u>
<u>111.1.2.9</u>	<u>Incentives or Concessions</u>
<u>111.1.2.10</u>	<u>Initial Subsidy</u>
<u>111.1.2.11</u>	<u>Low Income Household</u>
<u>111.1.2.12</u>	<u>Moderate Income Household</u>
<u>111.1.2.13</u>	<u>Proportionate Share of Appreciation</u>
<u>111.1.2.14</u>	<u>Senior Citizen Housing Development</u>
<u>111.1.2.15</u>	<u>Very Low Income Household</u>

111.1.3 Application for Density Bonus and Incentives or Concessions.

At the time the applicant of a proposed Housing Development, seeking a density bonus and concessions or incentives under this chapter, files a formal application for approval of the proposed development with the Department of Community Development the following information shall be submitted with the fees and required application:

111.1.3.1 Identification of the location, acreage, and the maximum number of base units allowed under the zoning and the land use designated under the General Plan without the Density Bonus.

111.1.3.2 Identification of the total number of units proposed, specifically identifying the Density Bonus units and the Affordable Units which will demonstrate eligibility under this chapter.

111.1.3.3 Identification of the requested concessions or incentives or a list of any alternative concessions or incentives which would provide, in the developer's opinion, an equivalent financial value to the concession or incentive requested. This requirement does not impair the applicant from substituting a new incentive or concession from what is initially proposed, but substitution may cause project delays and require revision of environmental documents, and may necessitate additional processing fees as determined by the Director of Community Development.

111.1.3.4 A clear statement of how the requested concessions or incentives are

necessary to make the proposed Housing Development economically feasible, and result in identifiable, financially sufficient and actual cost reductions. The information should be sufficiently detailed to enable County staff to examine the conclusions reached by the developer.

111.1.3.5 Other pertinent information as the Planning Director may require to enable the County to adequately analyze the identifiable, financially sufficient and actual cost reductions of the proposed Housing Development with respect to the requested additional concession or incentive and other concessions or incentives which may be made available.

111.1.4 Processing of Density Bonus Application.

111.1.4.1 Once deemed complete, the density bonus application shall be processed and determinations made concurrent with the underlying Housing Development application.

111.1.4.2 Review Authority. A request for density bonus will be reviewed by the same review authority as the Housing Development's other entitlements specifically noted below. The reviewing authority shall grant the density bonus and requested incentive(s) or concession(s) unless the findings in Section 111.1.4.2 can be made.

111.1.4.2.1 Design Review. When a proposed Housing Development needs only Design Review, then the Design Review Board will consider and act on the density bonus request when the preliminary design review application is considered.

111.1.4.2.2 Planning Commission/Board of Supervisors. If the project requires entitlements or an environmental clearance to be considered by the Planning Commission and/or the Board of Supervisors, then these decision bodies will consider and act on the density bonus request concurrent with the applicable project entitlement/environmental clearance.

111.1.4.3 A Housing Development including at least 20 percent of total units affordable to very low or low income households or a combination of the two, with affordable rents maintained through an agreement with the Housing Authority or another governmental agency, shall be entitled to priority processing. Priority processing shall mean a timeline for review of the Housing Development and all associated applications as mutually agreed to by the County and the developer.

111.1.4.4 Application for Density Bonus Housing Agreement. Once the proposed Housing Development has received its approval for Density Bonus, as described above, the developer shall file an application, including the payment of any processing fees with the Planning Division for approval and finalization of the Density Bonus Agreement in compliance with the requirements set forth in Section 111.1.10.

111.1.5 Eligibility Criteria for Density Bonus

111.1.5.1 The County of Humboldt shall consider a density bonus and provide incentives or concessions as described in Section 111.1.8, when a developer of a Housing Development seeks and agrees to construct a Housing Development that will contain at least one of the following:

111.1.5.1.1 Ten percent of the total units of a Housing Development strictly for Low Income Households as defined herein;

111.1.5.1.2 Five percent of the total units of a Housing Development strictly for Very Low Income Households as defined herein;

111.1.5.1.3 A Senior Citizen Housing Development, as defined herein;

111.1.5.1.4. Ten percent of the total dwelling units in a condominium or planned unit development for persons and families of Moderate Income Households as defined herein, provided that all units in the development are offered to the public for purchase.

111.1.6 Project Specific Density Bonus

The County of Humboldt will allow a Housing Development a density bonus and concessions or incentives meeting all the applicable eligibility requirements of this chapter according to the following density bonus options. In the event that the minimum requirements for granting density bonus units or number of applicable concessions or incentives as set forth in California Government Code 65915 is amended or modified after the adoption of this chapter by the County, then the lowest minimum requirements shall apply.

111.1.6.1 Density Bonus for Very Low Income Households: If a housing developer elects to construct units for Very Low Income Households, the development shall be entitled to the following Density Bonus calculation:

<u>Provision of Very Low Income Units</u>		
<u>Percentage of Very Low Income Units Affordable</u>	<u>Density Bonus Available*</u>	<u>Number of Incentives or Concessions</u>
<u>5%</u>	<u>20%</u>	<u>1</u>
<u>6%</u>	<u>22.5%</u>	<u>1</u>
<u>7%</u>	<u>25%</u>	<u>1</u>
<u>8%</u>	<u>27.5%</u>	<u>1</u>
<u>9%</u>	<u>30%</u>	<u>1</u>
<u>10%</u>	<u>32.5%</u>	<u>2</u>
<u>11%</u>	<u>35%</u>	<u>2</u>
<u>15%</u>	<u>35%</u>	<u>3</u>

* the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus

111.1.6.2 Density Bonus for Low Income Households: If a housing developer elects to construct units for Low Income Households, the Housing Development shall be entitled to the following Density Bonus calculation:

<u>Provision of Low Income Units</u>		
<u>Percentage of Low Income Units Affordable</u>	<u>Density Bonus Available*</u>	<u>Number of Incentives or Concessions</u>
<u>10%</u>	<u>20%</u>	<u>1</u>
<u>11%</u>	<u>21.5%</u>	<u>1</u>
<u>12%</u>	<u>23%</u>	<u>1</u>
<u>13%</u>	<u>24.5%</u>	<u>1</u>
<u>14%</u>	<u>26%</u>	<u>1</u>
<u>15%</u>	<u>27.5%</u>	<u>1</u>
<u>17%</u>	<u>30.5%</u>	<u>1</u>
<u>18%</u>	<u>32%</u>	<u>1</u>
<u>19%</u>	<u>33.5%</u>	<u>1</u>
<u>20%</u>	<u>35%</u>	<u>2</u>
<u>30%</u>	<u>35%</u>	<u>3</u>

** the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus*

111.1.6.3 Senior Housing: If a housing developer elects to construct a Senior Citizen Housing Development, the density bonus shall be 20 percent of the total number of allowed housing units without the Density Bonus.

111.1.6.4 Moderate Income Units in Condominiums and Planned Developments: If a housing developer elects to construct units for Moderate Income Households, the development shall be entitled to the following Density Bonus calculation:

<u>Moderate Income Units</u>		
<u>Percentage of Moderate Income Units Affordable</u>	<u>Density Bonus Available*</u>	<u>Number of Incentives or Concessions</u>
<u>10%</u>	<u>5%</u>	<u>1</u>
<u>11%</u>	<u>6%</u>	<u>1</u>
<u>12%</u>	<u>7%</u>	<u>1</u>
<u>13%</u>	<u>8%</u>	<u>1</u>
<u>14%</u>	<u>9%</u>	<u>1</u>
<u>15%</u>	<u>10%</u>	<u>1</u>
<u>16%</u>	<u>11%</u>	<u>1</u>
<u>17%</u>	<u>12%</u>	<u>1</u>
<u>18%</u>	<u>13%</u>	<u>1</u>

Moderate Income Units		
<u>Percentage of Moderate Income Units Affordable</u>	<u>Density Bonus Available*</u>	<u>Number of Incentives or Concessions</u>
<u>19%</u>	<u>14%</u>	<u>1</u>
<u>20%</u>	<u>15%</u>	<u>2</u>
<u>21%</u>	<u>16%</u>	<u>2</u>
<u>23%</u>	<u>18%</u>	<u>2</u>
<u>24%</u>	<u>19%</u>	<u>2</u>
<u>25%</u>	<u>20%</u>	<u>2</u>
<u>26%</u>	<u>21%</u>	<u>2</u>
<u>27%</u>	<u>22%</u>	<u>2</u>
<u>28%</u>	<u>23%</u>	<u>2</u>
<u>30%</u>	<u>25%</u>	<u>3</u>
<u>31%</u>	<u>26%</u>	<u>3</u>
<u>32%</u>	<u>27%</u>	<u>3</u>
<u>33%</u>	<u>28%</u>	<u>3</u>
<u>34%</u>	<u>29%</u>	<u>3</u>
<u>35%</u>	<u>30%</u>	<u>3</u>
<u>36%</u>	<u>31%</u>	<u>3</u>
<u>37%</u>	<u>32%</u>	<u>3</u>
<u>38%</u>	<u>33%</u>	<u>3</u>
<u>39%</u>	<u>34%</u>	<u>3</u>
<u>40%</u>	<u>35%</u>	<u>3</u>

** the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus*

111.1.6.5 Density Bonus for Land Donation: When an applicant for a tentative map, parcel map, or other residential development approval donates at least one acre of land or enough land to develop 40 units, then the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density for the entire Housing Development as follows:

<u>LAND DONATION</u>	
<u>Percentage of Very Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>10%</u>	<u>15%</u>
<u>11%</u>	<u>16%</u>
<u>12%</u>	<u>17%</u>
<u>13%</u>	<u>18%</u>
<u>14%</u>	<u>19%</u>
<u>15%</u>	<u>20%</u>
<u>16%</u>	<u>21%</u>
<u>17%</u>	<u>22%</u>
<u>18%</u>	<u>23%</u>
<u>19%</u>	<u>24%</u>
<u>20%</u>	<u>25%</u>
<u>21%</u>	<u>26%</u>
<u>22%</u>	<u>27%</u>
<u>23%</u>	<u>28%</u>
<u>24%</u>	<u>29%</u>
<u>25%</u>	<u>30%</u>
<u>26%</u>	<u>31%</u>
<u>27%</u>	<u>32%</u>
<u>29%</u>	<u>34%</u>
<u>30%</u>	<u>35%</u>

111.1.6.5.1 Nothing in this subsection shall be construed to enlarge or diminish the authority of the County to require a developer to donate land as a condition of development.

111.1.6.5.2 The Density Bonus for land dedication shall be in addition to any Density Bonus earned pursuant to Section 111.1.6 and up to a maximum combined increase of 35 percent.

111.1.6.5.3 An applicant with a land donation shall be eligible for the increased Density Bonus if all of the following conditions are met:

111.1.6.5.3 .1 The applicant donates and transfers the land to the County no later than the date of approval of the County of the final subdivision map, parcel map, or Housing Development application for the proposed Housing Development seeking the Density Bonus.

111.1.6.5.3 .2 The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to Very Low Income Households in an amount not less than 10 percent of the number of residential units of the proposed Housing Development seeking the Density Bonus.

111.1.6.5.3 .3 The land proposed to be donated to the County:

111.1.6.5.3 .3.1 has the appropriate General Plan designation and is appropriately zoned for development at the density described in paragraph (3) of subsection (c) of Section 65583.2; and

111.1.6.5.3 .3 .2 is or will be served by adequate public facilities and infrastructures; and

111.1.6.5.3 .3 .3 is donated no later than the date of approval of the final subdivision map, parcel map or Housing Development application seeking a Density Bonus and has all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income housing units on the transferred land;

and

111.1.6.5.3 .3 .4 is transferred to the County or a housing developer approved by the County; and

111.1.6.5.3 .3 .5 shall be within the boundary of the proposed development or within one-quarter mile of the boundary of the proposed development; and

111.1.6.5.3 .3 .6 must have a proposed source of funding for the very low income units prior to the approval of the final subdivision map, parcel map or Housing Development application seeking the Density Bonus.

111.1.6.5.4 The transferred land and the Affordable Housing Units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of units for at least 30 years from the date of occupancy.

111.1.6.6 Condominium Conversions. Density Bonus for Condominium Conversion, shall be considered and approved in accordance with Section 65915.5 of the California Government Code for specifications.

111.1.7 Density Bonus for Development of Child Care Facility

111.1.7.1 A Housing Development meeting the requirements of Section 111.1.5 and 111.1.6 above and including a child care facility that will be located on the premises of, as part of, or adjacent to, such a Housing Development shall receive either of the following:

111.1.7.1.1 An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

111.1.7.1.2 An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

111.1.7.2 When a Housing Development is providing a Child Care Facility consistent with this ordinance, then the conditions of approval shall require that:

111.1.7.2.1 The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable; and

111.1.7.2.2 Of the children who attend the childcare facility, the children of Very Low Income Households, Lower Income Households, or persons or families of Moderate Income shall equal a percentage that is equal to or greater than the percentage of affordable units that are required pursuant to Section 111.1.5.

111.1.7.3 The County shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

111.1.8 Available Incentives and Concessions.

In addition to the applicable density bonus described above, an applicant may request incentives or concessions in connection with its application for a density bonus in accordance with the density bonus calculation set forth in Section 111.1.6.

111.1.8.1 An incentive or concession may mean:

111.1.8.1.1 A reduction in the site development standards or a modification of zoning code requirements including but not limited to:

111.1.8.1.1.1 Reduced minimum lot sizes and dimensions.

111.1.8.1.1.2 Reduced minimum yard setbacks.

111.1.8.1.1.3 Increased maximum lot coverage; up to 80% lot coverage is allowed.

111.1.8.1.1.4 Increased maximum building height.

111.1.8.1.1.5 Reduced on-site parking standard; including the number and size of spaces. Upon the request of the developer, the county shall not require onsite parking that exceeds the following ratios: (A) Zero to one bedroom: one (1) onsite parking space. (B) Two to three bedrooms: two (2) onsite parking spaces. (C) Four and more bedrooms: two and one-half (2-1/2) parking spaces. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.

111.1.8.1.1.6 Reduced minimum building separation requirements.

111.1.8.1.1.7 Reduced street standards (e.g. reduced minimum street widths).

111.1.8.1.1.8 Reduced solar shading requirements.

111.1.8.1.1.2 Allow the Housing Development to include nonresidential uses and/or allow the Housing Development within a nonresidential zone.

111.1.8.1.1.3 Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or

avoidance.

111.1.8.1.1.4 A Density Bonus of more than twenty-five percent (25%). Density bonuses of 100% will be allowed for projects within mapped Housing Opportunity Zones with 100% of the units affordable to lower income households.

111.1.8.1.1.5 Waived, reduced, or deferred planning, plan check, construction permit, improvement plan review fees, map check fees, and/or development impact fees.

111.1.8.1.1.6 Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on- or off-site improvements, land or construction costs.

111.1.8.1.1.7 Fast-track processing of all permits and requirements for affordable housing projects through the Planning and Building, Environmental Health and Land Use Divisions by dedicated staff on a priority basis ahead of non-density bonus permit applications.

111.1.8.1.1.8 Deferral of subdivision improvement requirements consistent with the protection of public health and safety.

111.1.8.1.2 Approval of mixed-use development in conjunction with the proposed Housing Development if the non-residential land uses will reduce the cost of the proposed Housing Development, and the non-residential land uses are compatible with the proposed Housing Development and surrounding development;

111.1.8.1.3 Other regulatory incentives or concessions proposed by the applicant or that the County determines will result in identifiable, financially sufficient, and actual cost reductions.

111.1.8.2 The County shall grant incentive(s) or concession(s) requested by the applicant unless the County can make a written finding, based upon the substantial evidence, of any of the following:

111.1.8.2.1 The incentive or concession is not required in order to provide for affordable housing costs or affordable rents.

111.1.8.2.2 The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or any real property that is listed in the California Register of Historical Resources and for which

the County determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate- income households.

111.1.8.2.3 The incentive or concession would be contrary to state or federal law.

111.1.9 General Provisions for Density Bonuses and Incentives/Concessions

111.1.9.1 An affordable unit provided in order to be eligible under this Chapter shall also be considered an allocated unit under the County's Housing Allocation Plan.

111.1.9.2 All density bonus calculations resulting in fractional units shall be rounded up to the next whole number.

111.1.9.3 The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

111.1.9.4 Upon request by the applicant, the County shall not require the proposed Housing Development eligible for a Density Bonus pursuant to this chapter to provide a parking ratio, including handicapped and guest parking, that exceeds the following:

111.1.9.4.1 Zero to one bedrooms: one onsite parking space

111.1.9.4.2 Two to three bedrooms: two onsite parking spaces

111.1.9.4.3 Four and more bedrooms: two and one-half parking spaces.

If the total number of parking spaces required for the proposed Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.

111.1.9.5 The County shall not apply any development standard that would have the effect of precluding the construction of a proposed Housing Development meeting the requirements of Section 111.1.6 at the densities or with the incentives permitted by this Chapter. An applicant may submit with its application to the County a proposal for the waiver or reduction of development standards. A waiver or reduction of development standards, the application of which would physically preclude the development, shall not reduce nor increase the number of incentives or concessions being requested. Nothing in this subsection, however, shall be interpreted to require the County to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the County determines there is no

feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the affordable units economically feasible.

111.1.9.6 Location of Affordable Units. The location of the affordable units within the Housing Development may be at the discretion of the developer. However, the affordable units shall:

111.1.9.6.1 Be constructed at the same time as the market units are constructed.

111.1.9.6.2 Be reasonably dispersed throughout the development and/or phases if applicable.

111.1.9.6.3 Be a similar unit type/size to the overall Housing Development; and

111.1.9.6.4 Be reasonably compatible with the design or use of the remaining units in terms of appearance, materials and quality finish.

111.1.10 Required Density Bonus Agreement and Terms of Agreement.

111.1.10.1 A Density Bonus Housing Agreement must be executed prior to recording any final map for the underlying property or prior to the issuance of any building permit for the Housing Development, whichever comes first. The Density Bonus Housing Agreement shall be binding on all future owners and successors of interests of the Housing Development.

111.1.10.2 The Density Bonus Housing Agreement shall:

111.1.10.2 .1 Identify the type, size and location of each Affordable Housing Unit required hereunder;

111.1.10.2 .2 Identify the term of the agreement, which would define the term of affordability of the required units;

111.1.10.2 .3 Require that the Affordable Housing Units be constructed and completed by the developer as specified in this Chapter and in accordance with state law;

111.1.10.2 .4 Require that each Affordable Housing Unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement.

111.1.10.2 .5 Identify the means by which such continued availability shall be secured and enforced and the procedures under which the Affordable

Housing Units shall be leased and shall contain such other terms and provisions, the Housing Authority may require. The agreement, in its form and manner of execution, shall be in a form able to be recorded with the Humboldt County Recorder.

111.1.10.2 .6 The Density Bonus Housing Agreement shall be reviewed and approved by the [Planning Director / Executive Director of the County's Housing Authority and the affordability of the required units shall be monitored for compliance by the Housing Authority staff. The Housing Authority is hereby expressly authorized to act as the County's agent to enter into the Density Bonus Housing Agreement for the purpose of enforcing the terms of the agreement consistent with this chapter.

111.1.10.3 Required Terms for the Continued Availability of Affordable Units

111.1.10.3 .1 Low and Very Low Income Households. A housing developer providing Low and Very Low income units in accordance with this chapter must continue to restrict those units to Low or Very Low Income households for a minimum of 30 years or longer term under another regulatory agreement from the date of initial occupancy.

111.1.10.3.2 Moderate Income Households. In the case of a Housing Development providing Moderate Income units, the initial occupant of the unit must be a person or family of Moderate Income.

111.1.10.3.2.1 Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The local government shall recapture any Initial Subsidy and its Proportionate Share of Appreciation; which shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into the Housing Authority Trust Account to be used in accordance with subsection (e) of Section 33334.2 of the Health and Safety Code.”

SECTION C: INDEX OF DEFINITIONS OF LANGUAGE AND LEGAL TERMS

313-136-161 DEFINITIONS (A-Z)

313-136 DEFINITIONS (A)

Affordable Rent: ~~Means monthly housing expenses, including a reasonable allowance for utilities, for rental Target Units reserved for Very Low or Lower Income Households, not exceeding the following calculations:~~

A. ~~Very Low Income: Fifty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (Former Section CZ#A314 12.1(B)(2)(a); Added by Ord. 2167, Sec. 25, 4/7/98)~~

B. ~~Lower Income: Sixty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). (Former Section CZ#A314 12.1(B)(2)(b); Added by Ord. 2167, Sec. 25, 4/7/98)~~

Affordable Housing/Affordable Housing Unit: A housing unit which is available for sale to Moderate Income Households or for rent to Low and/or Very Low Income Households, as those terms are defined in this section.

Affordable Rent: Monthly rent charged to Low and Very Low Income Households for housing units as calculated in accordance with section 50053 of the Health and Safety Code.

313-138 DEFINITIONS (C)

Child Care Facility: A facility that provides non-medical care and supervision of minor children for periods of less than 24 hours and is licensed by the California State Department of Social Services, further subject to the definition in California Government Code Section 65915(h)(4).

313-139 DEFINITIONS (D)

~~Density Bonus:~~ ~~Means a minimum density increase of at least twenty-five percent (25%) unless a lesser percentage is elected by the applicant over the otherwise Maximum Residential Density under the certified LCP. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 313-111. For each 1 percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35 percent. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314 12.1(B)(4); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~Density Bonus Housing Agreement:~~ ~~Means a legally binding agreement between a developer and the County to ensure that the requirements of the Residential Density Bonus Section are satisfied. The agreement, among other things, shall establish: the number of Target Units, their size, location, terms and conditions of affordability, and production schedule. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314 12.1(B)(5); Added by Ord. 2167, Sec. 25, 4/7/98)~~

~~**Density Bonus Unit:** Means those residential units granted pursuant to the provisions of the Residential Density Bonus Section that exceed the otherwise Maximum Residential Density for the development site. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(6); Added by Ord. 2167, Sec. 25, 4/7/98)~~

Density Bonus: A density increase for residential units over the otherwise allowed residential density under the applicable zoning and land use designation on the date an application is deemed complete.

Density Bonus Housing Agreement: A legally binding agreement between a developer and the County [Housing Authority or Planning Department] to ensure that continued affordability of the Affordable Housing Units required by this chapter persists and the units are maintained in accordance with this chapter.

Density Bonus Units: Those additional residential units granted pursuant to the provisions of this chapter.

313-143 DEFINITIONS (H)

~~**Housing Development:** Means construction projects consisting of five or more residential units, including single family, multifamily, and manufactured homes for sale or rent. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(9); Added by Ord. 2167, Sec. 25, 4/7/98)~~

Housing Authority: An appointed body of the County of Humboldt authorized to engage in or assist in the development or operation of affordable housing.

Housing Development: A development project for five or more residential units. Within this chapter, it shall also include a subdivision or common interest development, a project which rehabilitates and converts a commercial building to a residential use and a condominium conversion of an existing multi-family building.

313-144 DEFINITIONS (I)

Incentives or Concessions: Regulatory concessions which include, but are not limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost reductions that are offered in addition to a Density Bonus.

Initial Subsidy: The fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then

the value at the time of the resale shall be used as the initial market value. (e.g. X (fair market value of the home to be purchased) - Y (the price the moderate income family paid for the home) + Z (amount of any down payment assistance) = Initial Subsidy).

313-147 DEFINITIONS (L)

Low Income Household: A household whose income does not exceed 80 percent of the area median income for Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

313-148 DEFINITIONS (M)

Moderate Income Household: A household whose gross income does not exceed 120 percent of the area median income for Humboldt County as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.

313-151 DEFINITIONS (P)

Proportionate Share of Appreciation: The ratio of the local government's Initial Subsidy as defined above to the fair market value of the home at the time of initial sale. (e.g. X (initial subsidy) / Y (fair market value) = Proportionate Share of Appreciation).

313-154 DEFINITIONS (S)

~~**Senior Citizen Housing:** Means a housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et. seq., including 12955.9 in particular), which has been “designed to meet the physical and social needs of senior citizens,” and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 (PL 100-430) and implementing regulations and as that phrase is used in California Civil Code Sections 51.2 and 51.3. (See, Section 313-112.1, Residential Density Bonus, for further discussion.) (Former Section CZ#A314-12.1(B)(14); Added by Ord. 2167, Sec. 25, 4/7/98)~~

Senior Citizen Housing Development: A residential development developed, substantially rehabilitated or renovated, and having at least 35 dwelling units for senior citizens in compliance with the requirements of Section 51.3 and 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

Proposed Zoning Ordinance Amendments to Implement Housing Opportunity Zones - Chapter 4 (Non-Coastal) c) "Increased density bonuses and allowances"

~~314-112.1 RESIDENTIAL DENSITY BONUS~~

~~112.1.1 Purpose and Intent.~~ This Density Bonus Ordinance is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with Sections 65915 and 65917 of the California Government Code. In enacting this Chapter, it is the intent of the County of Humboldt to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County's Housing Element. (Former Section INL#316.4-1(A); Added by Ord. 2166, Sec. 31, 4/7/98)

~~112.1.2 Definitions.~~ Whenever the following terms are used in this Section, they shall have the meaning established by this section and as defined in this Chapter 4: Section C: Index of Definitions of Language and Legal Terms. (Former Section INL#316.4-2(a-p); Added by Ord. 2166, Sec. 31, 4/7/98; Amended by Ord. 2214, 6/6/00)

- ~~112.1.2.1 Additional Incentives~~
- ~~112.1.2.2 Affordable Rent~~
- ~~112.1.2.3 Affordable Sales Price~~
- ~~112.1.2.4 Density Bonus~~
- ~~112.1.2.5 Density Bonus Housing Agreement~~
- ~~112.1.2.6 Density Bonus Unit~~
- ~~112.1.2.7 Equivalent Financial Incentive~~
- ~~112.1.2.8 Housing Cost~~
- ~~112.1.2.9 Housing Development~~
- ~~112.1.2.10 Lower Income~~
- ~~112.1.2.11 Lower Income Household~~
- ~~112.1.2.12 Maximum Residential Density~~
- ~~112.1.2.13 Non-Restricted Unit~~
- ~~112.1.2.14 Qualifying Resident~~
- ~~112.1.2.15 Senior Citizen Housing~~
- ~~112.1.2.16 Target Unit~~
- ~~112.1.2.17 Very Low Income~~
- ~~112.1.2.18 Very Low Income Household~~

~~112.1.3 Implementation:~~

~~112.1.3.1 The County shall grant either: a Density Bonus, or a Density Bonus with an Additional Incentive(s), or Equivalent Financial Incentive; as set forth in Section 314-112.1.5, to an applicant or developer of a Housing Development within mapped Housing Opportunity Zones, and in projects who agrees with enforceable agreements to provide the following: (Former Section INL#316.4-3; Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.3.1.1~~ — At least ten percent 20 (10%) of the total units of the Housing Development as Target Units affordable to Lower Income Households; or (Former Section INL#316.4 3(a); Added by Ord. 2166, Sec. 31, 4/7/98)

~~112.1.3.1.2~~ — At least 10 five percent (5%) of the total units of the Housing Development as Target Units affordable to Very Low Income Households; or (Former Section INL#316.4 3(b); Added by Ord. 2166, Sec. 31, 4/7/98)

~~112.1.3.1.3~~ — Δ Senior citizen housing development or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code; or (Former Section INL#316.4 3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

~~112.1.3.1.4~~ — Twenty Ten percent (10%) of the units in a condominium project as defined in subsection F of section 1351 of the Civil Code are affordable to moderate income households. (Added by Ord. 2313A, 12/16/03)

~~112.1.3.2~~ — In determining The minimum number of Density Bonus Units to be granted pursuant to this Section shall be the same as those provided in CGC §65915 (f), the Maximum Residential Density for the site shall be multiplied by 0.25. When calculating the number of permitted Density Bonus Units, any fractions of units shall be rounded to the next larger integer. (Former Section INL#316.4 3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

~~112.1.3.3~~ — In determining the number of Target Units to be provided pursuant to this Section, the Maximum Residential Density shall be multiplied by 0.10 where Very Low Income Households are targeted, or by 0.20 where Lower Income Households are targeted. The Density Bonus Units shall not be included when determining the total number of Target Units in the Housing Development. When calculating the required number of Target Units, any resulting decimal fraction shall be rounded to the next larger integer. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. (Former Section INL#316.4 3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

~~112.1.3.4~~ — In cases where a density increase of less than 25 percent is requested, no reduction will be allowed in the number of Target Units required. In cases where a density increase of more than 25 percent is requested, the requested density increase, if granted, shall be considered an Additional Incentive, as outlined in Section 314 112.1.5. (Former Section INL#316.4 3(c); Added by Ord. 2166, Sec. 31, 4/7/98)

~~112.1.3.5~~ — In cases where the developer agrees to construct more than more than 20 10 percent of the total units for Lower Income Households, or more than 10 five percent (5%) of the total units for Very Low Income Households, the developer is entitled to only one Density Bonus and an Additional Incentive(s) (or an Equivalent Financial Incentive) pursuant to Section 314 112.1.5. Similarly, a developer who agrees to construct Senior Citizen Housing with 20 or 10 percent of the units

~~reserved for Lower or Very Low Income Households, respectively, is only entitled to one Density Bonus and an Additional Incentive(s). The County may, however, grant multiple Additional Incentives to facilitate the inclusion of more Target Units than are required as specified by this Chapter section. (Former Section INL#316.4-3(e); Added by Ord. 2166, Sec. 31, 4/7/98)~~

112.1.4 — Development Standards.

~~112.1.4.1 Target Units should be constructed concurrently with Non-Restricted Units unless both the County and the developer/applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.4.2 Target Units shall remain restricted and affordable to the designated group for a period of 30 years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program; or rental subsidy program): (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98, Amended by Ord. 2335, 12/14/04)~~

~~112.1.4.3 Circumstances may arise in which the public interest would be served by allowing some or all of the Target Units associated with one Housing Development to be produced and operated at an alternative development site. Where the developer and County form such an agreement, the resulting linked developments shall be considered a single Housing Development for purposes of this Chapter. Under these circumstances, the developer shall be subject to the same requirements of this Chapter for the Target Units to be provided on the alternative site. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98, Amended by Ord. 2335, 12/14/04)~~

~~112.1.4.4 Target Units should be built onsite wherever possible and, when practical, be dispersed within the Housing Development. Where feasible, the number of bedrooms of the Target Units should be equivalent to the bedroom mix of the non-Target units of the Housing Development; except that the Developer may include a higher proportion of Target Units with more bedrooms. The design and appearance of the Target Units shall be compatible with the design of the total Housing Development. Housing Developments shall comply with all applicable development standards, except those which may be modified as provided by this Chapter. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98, Amended by Ord. 2335, 12/14/04)~~

~~112.1.4.5 A Density Bonus Housing Agreement shall be made a condition of the discretionary planning permits for all Housing Developments pursuant to this chapter. The Agreement shall be recorded as a restriction on the parcel or parcels on which the Target Units will be constructed. The Agreement shall be consistent with Section 314-112.1.7. (Former Section INL#316.4-4; Added by Ord. 2166, Sec. 31, 4/7/98, Amended by Ord. 2335, 12/14/04)~~

112.1.5 — Development Incentives.

~~112.1.5.1 The County shall provide a Density Bonus and an Additional Incentive(s), for qualified Housing Developments, upon the written request of a developer, unless the County makes a written finding that the Additional Incentive(s) would have an adverse impact on public health and safety, the environment, or an historic site or building or be contrary to state or federal law. (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98, Amended by Ord. 2313A, 12/16/03))~~

~~112.1.5.2 The development incentives granted shall contribute significantly to the economic feasibility of providing the Target Units. Applicants seeking a Waiver or modification of development or zoning standards shall show that such waivers or modifications are necessary to make the Housing Development economically feasible in accordance with Government Code Section 65915(e), necessary for the development to occur at the densities or with the concessions or incentives permitted under this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to this section. This requirement may be satisfied by reference to applicable sections of the County's general plan housing element. (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.5.3 The need for incentives will vary for different Housing Developments. Therefore, the allocation of Additional Incentives shall be determined on a case-by-case basis. The applicant shall receive the following number of incentives or concessions:~~

~~— One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development; or~~

~~— Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development; or.~~

~~— Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.~~

~~— Additional Incentives may include, but are not limited to, any of the following: (Former Section INL#316.4-5; Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.5.3.1 A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code). These may include, but are not limited to, any of the following: (Former Section INL#316.4-5(a)(1-7);~~

Added by Ord. 2166, Sec. 31, 4/7/98)

~~112.1.5.3.1.1 Reduced minimum lot sizes and dimensions.~~

~~112.1.5.3.1.2 Reduced minimum yard setbacks.~~

~~112.1.5.3.1.3 Increased maximum lot coverage; up to 80% lot coverage is allowed.~~

~~112.1.5.3.1.4 Increased maximum building height.~~

~~112.1.5.3.1.5 Reduced on-site parking standard; including the number or size of spaces. Upon the request of the developer, the county shall not require onsite parking that exceeds the following ratios: (A) Zero to one bedroom: one (1) onsite parking space. (B) Two to three bedrooms: two (2) onsite parking spaces. (C) Four and more bedrooms: two and one-half (2-1/2) parking spaces. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking~~

~~112.1.5.3.1.6 Reduced minimum building separation requirements.~~

~~112.1.5.3.1.7 Reduced street standards (e.g. reduced minimum street — widths).~~

~~112.1.5.3.1.8 Reduced solar shading requirements.~~

~~112.1.5.3.2 — Allow the Housing Development to include nonresidential uses and/or allow the Housing Development within a nonresidential zone. (Former Section INL#316.4 5(b); Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.5.3.3 — Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance. (Former Section INL#316.4 5(e); Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.5.3.4 — A Density Bonus of more than 25 percent. Density bonuses of 100% will be allowed for projects within Housing Opportunity Zones with 100% of the units affordable to lower income households. (Former Section INL#316.4 5(d); Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.5.3.5 — Waived, reduced, or deferred planning, plan check, construction permit, improvement plan review fees, map check fees, and/or development impact fees. (Former Section INL#316.4 5(e); Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.5.3.6 — Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on or off site improvements, land or construction costs. (Former Section INL#316.4 5(f); Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.5.3.7 — Fast track processing of all permits and requirements for affordable~~

housing projects through the Planning and Building, Environmental Health and Land Use Divisions by dedicated staff on a priority basis ahead of non-density bonus permit applications.

112.1.5.3.8 — Deferral of subdivision improvement requirements consistent with the protection of public health and safety.

~~112.1.5.4 — The County may offer an Equivalent Financial Incentive instead of granting a Density Bonus and an Additional Incentive(s). The value of the Equivalent Financial Incentive shall equal at least the land cost per dwelling unit savings that would result from a Density Bonus and must contribute significantly to the economic feasibility of providing the Target Units pursuant to this Chapter. (Former Section INL#316.4 5; Added by Ord. 2166, Sec. 31, 4/7/98)~~

~~112.1.5.5 — When an applicant qualifying for a density bonus includes a child care facility that will be located on the project site or adjacent to the project site, that applicant is eligible for additional incentives as provided by State law. (Added by Ord. 2335, 12/14/04)~~

314-112.1 DENSITY BONUS AND OTHER DEVELOPER INCENTIVES

Sections:

<u>112.1.1</u>	<u>Purpose</u>
<u>112.1.2</u>	<u>Definitions</u>
<u>112.1.3</u>	<u>Applications for Density Bonus</u>
<u>112.1.4</u>	<u>Processing of Density Bonus Applications</u>
<u>112.1.5</u>	<u>Eligibility Criteria for Density Bonus and Incentives or Concessions</u>
<u>112.1.6</u>	<u>Project Specific Density Bonus</u>
<u>112.1.7</u>	<u>Density Bonus for Development of Child Care Facility</u>
<u>112.1.8</u>	<u>Available Incentives and Concessions</u>
<u>112.1.9</u>	<u>General Provisions for Density Bonuses and Incentives/Concessions</u>
<u>112.1.10</u>	<u>Required Density Bonus Agreement and Terms of Agreement</u>

112.1.1 Purpose

This Density Bonus Ordinance is intended to provide incentives for the production of affordable housing, senior housing and the development of child care facilities. In enacting this Chapter, it is the intent of the County of Humboldt to implement the goals, objectives, and policies of the County General Plan and further to implement and be subject to California Government Code Section 65915. In the event that any provision in this chapter conflicts with state law, state law shall control.

112.1.2 Definitions

Whenever the following terms are used in this Section, they shall have the meaning established by this subsection and as defended in Section C: Index of Definitions of Language and Legal Terms.

<u>112.1.2.1</u>	<u>Affordable Housing/Affordable Housing Unit</u>
<u>112.1.2.2</u>	<u>Affordable Rent</u>
<u>112.1.2.3</u>	<u>Child Care Facility</u>
<u>112.1.2.4</u>	<u>Density Bonus</u>
<u>112.1.2.5</u>	<u>Density Bonus Housing Agreement</u>
<u>112.1.2.6</u>	<u>Density Bonus Units</u>
<u>112.1.2.7</u>	<u>Housing Authority</u>
<u>112.1.2.8</u>	<u>Housing Development</u>
<u>112.1.2.9</u>	<u>Incentives or Concessions</u>
<u>112.1.2.10</u>	<u>Initial Subsidy</u>
<u>112.1.2.11</u>	<u>Low Income Household</u>
<u>112.1.2.12</u>	<u>Moderate Income Household</u>
<u>112.1.2.13</u>	<u>Proportionate Share of Appreciation</u>
<u>112.1.2.14</u>	<u>Senior Citizen Housing Development</u>
<u>112.1.2.15</u>	<u>Very Low Income Household</u>

112.1.3 Application for Density Bonus and Incentives or Concessions.

At the time the applicant of a proposed Housing Development, seeking a density bonus and concessions or incentives under this chapter, files a formal application for approval of the proposed development with the Department of Community Development the following information shall be submitted with the fees and required application:

112.1.3.1 Identification of the location, acreage, and the maximum number of base units allowed under the zoning and the land use designated under the General Plan without the Density Bonus.

112.1.3.2 Identification of the total number of units proposed, specifically identifying the Density Bonus units and the Affordable Units which will demonstrate eligibility under this chapter.

112.1.3.3 Identification of the requested concessions or incentives or a list of any alternative concessions or incentives which would provide, in the developer’s opinion, an equivalent financial value to the concession or incentive requested. This requirement does not impair the applicant from substituting a new incentive or concession from what is initially proposed, but substitution may cause project delays and require revision of environmental documents, and may necessitate additional processing fees as determined by the Director of Community Development.

112.1.3.4 A clear statement of how the requested concessions or incentives are necessary to make the proposed Housing Development economically feasible, and result in identifiable, financially sufficient and actual cost reductions. The information should be sufficiently detailed to enable County staff to examine the conclusions reached by the developer.

112.1.3.5 Other pertinent information as the Planning Director may require to enable the County to adequately analyze the identifiable, financially sufficient and actual cost reductions of the proposed Housing Development with respect to the requested additional concession or incentive and other concessions or incentives which may be made available.

112.1.4 Processing of Density Bonus Application.

112.1.4.1 Once deemed complete, the density bonus application shall be processed and determinations made concurrent with the underlying Housing Development application.

112.1.4.2 Review Authority. A request for density bonus will be reviewed by the same review authority as the Housing Development's other entitlements specifically noted below. The reviewing authority shall grant the density bonus and requested incentive(s) or concession(s) unless the findings in Section 112.1.4.2 can be made.

112.1.4.2.1 Design Review. When a proposed Housing Development needs only Design Review, then the Design Review Board will consider and act on the density bonus request when the preliminary design review application is considered.

112.1.4.2.2 Planning Commission/Board of Supervisors. If the project requires entitlements or an environmental clearance to be considered by the Planning Commission and/or the Board of Supervisors, then these decision bodies will consider and act on the density bonus request concurrent with the applicable project entitlement/environmental clearance.

112.1.4.3 A Housing Development including at least 20 percent of total units affordable to very low or low income households or a combination of the two, with affordable rents maintained through an agreement with the Housing Authority or another governmental agency, shall be entitled to priority processing. Priority processing shall mean a timeline for review of the Housing Development and all associated applications as mutually agreed to by the County and the developer.

112.1.4.4 Application for Density Bonus Housing Agreement. Once the proposed Housing Development has received its approval for Density Bonus, as described above, the developer shall file an application, including the payment of any processing fees with the Planning Division for approval and finalization of the Density Bonus Agreement in compliance with the requirements set forth in Section 112.1.10.

112.1.5 Eligibility Criteria for Density Bonus

112.1.5.1 The County of Humboldt shall consider a density bonus and provide incentives or concessions as described in Section 112.1.8, when a developer of a Housing Development seeks and agrees to construct a Housing Development that will contain at least one of the following:

112.1.5.1.1 Ten percent of the total units of a Housing Development strictly for Low Income Households as defined herein;

112.1.5.1.2 Five percent of the total units of a Housing Development strictly for Very Low Income Households as defined herein;

112.1.5.1.3 A Senior Citizen Housing Development, as defined herein;

112.1.5.1.4. Ten percent of the total dwelling units in a condominium or planned unit development for persons and families of Moderate Income Households as defined herein, provided that all units in the development are offered to the public for purchase.

112.1.6 Project Specific Density Bonus

The County of Humboldt will allow a Housing Development a density bonus and concessions or incentives meeting all the applicable eligibility requirements of this chapter according to the following density bonus options. In the event that the minimum requirements for granting density bonus units or number of applicable concessions or incentives as set forth in California Government Code 65915 is amended or modified after the adoption of this chapter by the County, then the lowest minimum requirements shall apply.

112.1.6.1 Density Bonus for Very Low Income Households: If a housing developer elects to construct units for Very Low Income Households, the development shall be entitled to the following Density Bonus calculation:

<u>Provision of Very Low Income Units</u>		
<u>Percentage of Very Low Income Units Affordable</u>	<u>Density Bonus Available*</u>	<u>Number of Incentives or Concessions</u>
<u>5%</u>	<u>20%</u>	<u>1</u>
<u>6%</u>	<u>22.5%</u>	<u>1</u>
<u>7%</u>	<u>25%</u>	<u>1</u>
<u>8%</u>	<u>27.5%</u>	<u>1</u>
<u>9%</u>	<u>30%</u>	<u>1</u>
<u>10%</u>	<u>32.5%</u>	<u>2</u>
<u>11%</u>	<u>35%</u>	<u>2</u>
<u>15%</u>	<u>35%</u>	<u>3</u>

** the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus*

112..1.6.2 Density Bonus for Low Income Households: If a housing developer elects to construct units for Low Income Households, the Housing Development shall be entitled to the following Density Bonus calculation:

<u>Provision of Low Income Units</u>		
<u>Percentage of Low Income Units Affordable</u>	<u>Density Bonus Available*</u>	<u>Number of Incentives or Concessions</u>
<u>10%</u>	<u>20%</u>	<u>1</u>
<u>11%</u>	<u>21.5%</u>	<u>1</u>
<u>12%</u>	<u>23%</u>	<u>1</u>
<u>13%</u>	<u>24.5%</u>	<u>1</u>
<u>14%</u>	<u>26%</u>	<u>1</u>
<u>15%</u>	<u>27.5%</u>	<u>1</u>
<u>17%</u>	<u>30.5%</u>	<u>1</u>
<u>18%</u>	<u>32%</u>	<u>1</u>
<u>19%</u>	<u>33.5%</u>	<u>1</u>
<u>20%</u>	<u>35%</u>	<u>2</u>
<u>30%</u>	<u>35%</u>	<u>3</u>

** the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus*

112.1.6.3 Senior Housing: If a housing developer elects to construct a Senior Citizen Housing Development, the density bonus shall be 20 percent of the total number of allowed housing units without the Density Bonus.

112.1.6.4 Moderate Income Units in Condominiums and Planned Developments: If a housing developer elects to construct units for Moderate Income Households, the development shall be entitled to the following Density Bonus calculation:

<u>Moderate Income Units</u>		
<u>Percentage of Moderate Income Units Affordable</u>	<u>Density Bonus Available*</u>	<u>Number of Incentives or Concessions</u>
<u>10%</u>	<u>5%</u>	<u>1</u>
<u>11%</u>	<u>6%</u>	<u>1</u>
<u>12%</u>	<u>7%</u>	<u>1</u>
<u>13%</u>	<u>8%</u>	<u>1</u>
<u>14%</u>	<u>9%</u>	<u>1</u>
<u>15%</u>	<u>10%</u>	<u>1</u>
<u>16%</u>	<u>11%</u>	<u>1</u>
<u>17%</u>	<u>12%</u>	<u>1</u>
<u>18%</u>	<u>13%</u>	<u>1</u>
<u>19%</u>	<u>14%</u>	<u>1</u>
<u>20%</u>	<u>15%</u>	<u>2</u>
<u>21%</u>	<u>16%</u>	<u>2</u>
<u>23%</u>	<u>18%</u>	<u>2</u>
<u>24%</u>	<u>19%</u>	<u>2</u>

Moderate Income Units		
<u>Percentage of Moderate Income Units Affordable</u>	<u>Density Bonus Available*</u>	<u>Number of Incentives or Concessions</u>
<u>25%</u>	<u>20%</u>	<u>2</u>
<u>26%</u>	<u>21%</u>	<u>2</u>
<u>27%</u>	<u>22%</u>	<u>2</u>
<u>28%</u>	<u>23%</u>	<u>2</u>
<u>30%</u>	<u>25%</u>	<u>3</u>
<u>31%</u>	<u>26%</u>	<u>3</u>
<u>32%</u>	<u>27%</u>	<u>3</u>
<u>33%</u>	<u>28%</u>	<u>3</u>
<u>34%</u>	<u>29%</u>	<u>3</u>
<u>35%</u>	<u>30%</u>	<u>3</u>
<u>36%</u>	<u>31%</u>	<u>3</u>
<u>37%</u>	<u>32%</u>	<u>3</u>
<u>38%</u>	<u>33%</u>	<u>3</u>
<u>39%</u>	<u>34%</u>	<u>3</u>
<u>40%</u>	<u>35%</u>	<u>3</u>

** the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus*

112.1.6.5 Density Bonus for Land Donation: When an applicant for a tentative map, parcel map, or other residential development approval donates at least one acre of land or enough land to develop 40 units, then the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density for the entire Housing Development as follows:

<u>LAND DONATION</u>	
<u>Percentage of Very Low Income Units</u>	<u>Percentage Density Bonus</u>
<u>10%</u>	<u>15%</u>
<u>11%</u>	<u>16%</u>
<u>12%</u>	<u>17%</u>
<u>13%</u>	<u>18%</u>
<u>14%</u>	<u>19%</u>
<u>15%</u>	<u>20%</u>
<u>16%</u>	<u>21%</u>
<u>17%</u>	<u>22%</u>
<u>18%</u>	<u>23%</u>
<u>19%</u>	<u>24%</u>
<u>20%</u>	<u>25%</u>
<u>21%</u>	<u>26%</u>
<u>22%</u>	<u>27%</u>
<u>23%</u>	<u>28%</u>
<u>24%</u>	<u>29%</u>
<u>25%</u>	<u>30%</u>
<u>26%</u>	<u>31%</u>
<u>27%</u>	<u>32%</u>
<u>29%</u>	<u>34%</u>
<u>30%</u>	<u>35%</u>

112.1.6.5.1 Nothing in this subsection shall be construed to enlarge or diminish the authority of the County to require a developer to donate land as a condition of development.

112.1.6.5.2 The Density Bonus for land dedication shall be in addition to any Density Bonus earned pursuant to Section 112.1.6 and up to a maximum combined increase of 35 percent.

112.1.6.5.3 An applicant with a land donation shall be eligible for the increased Density Bonus if all of the following conditions are met:

112.1.6.5.3 .1 The applicant donates and transfers the land to the County no later than the date of approval of the County of the final subdivision map, parcel map, or Housing Development application for the proposed Housing Development seeking the Density Bonus.

112.1.6.5.3 .2 The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to Very Low Income Households in an amount not less than 10 percent of the number of residential units of the proposed Housing Development seeking the Density Bonus.

112.1.6.5.3 .3 The land proposed to be donated to the County:

112.1.6.5.3 .3.1 has the appropriate General Plan designation and is appropriately zoned for development at the density described in paragraph (3) of subsection (c) of Section 65583.2; and

112.1.6.5.3 .3 .2 is or will be served by adequate public facilities and infrastructures; and

112.1.6.5.3 .3 .3 is donated no later than the date of approval of the final subdivision map, parcel map or Housing Development application seeking a Density Bonus and has all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income housing units on the transferred land; and

112.1.6.5.3 .3 .4 is transferred to the County or a housing developer approved by the County; and

112.1.6.5.3 .3 .5 shall be within the boundary of the proposed development or within one-quarter mile of the boundary of the proposed development; and

112.1.6.5.3 .3 .6 must have a proposed source of funding for the very low income units prior to the approval of

the final subdivision map, parcel map or Housing Development application seeking the Density Bonus.

112.1.6.5.4 The transferred land and the Affordable Housing Units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of units for at least 30 years from the date of occupancy.

112.1.6.6 Condominium Conversions. Density Bonus for Condominium Conversion, shall be considered and approved in accordance with Section 65915.5 of the California Government Code for specifications.

112.1.7 Density Bonus for Development of Child Care Facility

112.1.7.1 A Housing Development meeting the requirements of Section 112.1.5 and 112.1.6 above and including a child care facility that will be located on the premises of, as part of, or adjacent to, such a Housing Development shall receive either of the following:

112.1.7.1.1 An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

112.1.7.1.2 An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

112.1.7.2 When a Housing Development is providing a Child Care Facility consistent with this ordinance, then the conditions of approval shall require that:

112.1.7.2.1 The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable; and

112.1.7.2.2 Of the children who attend the childcare facility, the children of Very Low Income Households, Lower Income Households, or persons or families of Moderate Income shall equal a percentage that is equal to or greater than the percentage of affordable units that are required pursuant to Section 112.1.5.

112.1.7.3 The County shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

112.1.8 Available Incentives and Concessions.

In addition to the applicable density bonus described above, an applicant may request incentives or concessions in connection with its application for a density bonus in accordance with the density bonus calculation set forth in Section 112.1.6.

112.1.8.1 An incentive or concession may mean:

112.1.8.1.1 A reduction in the site development standards or a modification of zoning code requirements including but not limited to:

112.1.8.1.1.1 Reduced minimum lot sizes and dimensions.

112.1.8.1.1.2 Reduced minimum yard setbacks.

112.1.8.1.1.3 Increased maximum lot coverage; up to 80% lot coverage is allowed.

112.1.8.1.1.4 Increased maximum building height.

112.1.8.1.1.5 Reduced on-site parking standard; including the number and size of spaces. Upon the request of the developer, the county shall not require onsite parking that exceeds the following ratios: (A) Zero to one bedroom: one (1) onsite parking space. (B) Two to three bedrooms: two (2) onsite parking spaces. (C) Four and more bedrooms: two and one-half (2-1/2) parking spaces. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.

112.1.8.1.1.6 Reduced minimum building separation requirements.

112.1.8.1.1.7 Reduced street standards (e.g. reduced minimum street widths).

112.1.8.1.1.8 Reduced solar shading requirements.

112.1.8.1.1.2 Allow the Housing Development to include nonresidential uses and/or allow the Housing Development within a nonresidential zone.

112.1.8.1.1.3 Other regulatory incentives or concessions proposed by the developer or the County which result in identifiable cost reductions or avoidance.

112.1.8.1.1.4 A Density Bonus of more than twenty-five percent (25%). Density bonuses of 100% will be allowed for projects within mapped Housing Opportunity Zones with 100% of the units affordable to lower income households.

112.1.8.1.1.5 Waived, reduced, or deferred planning, plan check, construction permit, improvement plan review fees, map check fees, and/or development impact fees.

112.1.8.1.1.6 Direct financial aid in the form of a loan or a grant to subsidize or provide low interest financing for on- or off-site improvements, land or construction costs. (Former Section CZ#A314-12.1(E)(6); Added by Ord. 2167, Sec. 25, 4/7/98)

112.1.8.1.1.7 Fast-track processing of all permits and requirements for affordable housing projects through the Planning and Building, Environmental Health and Land Use Divisions by dedicated staff on a priority basis ahead of non-density bonus permit applications.

112.1.8.1.1.8 Deferral of subdivision improvement requirements consistent with the protection of public health and safety.

112.1.8.1.2 Approval of mixed-use development in conjunction with the proposed Housing Development if the non-residential land uses will reduce the cost of the proposed Housing Development, and the non-residential land uses are compatible with the proposed Housing Development and surrounding development;

112.1.8.1.3 Other regulatory incentives or concessions proposed by the applicant or that the County determines will result in identifiable, financially sufficient, and actual cost reductions.

112.1.8.2 The County shall grant incentive(s) or concession(s) requested by the applicant unless the County can make a written finding, based upon the substantial evidence, of any of the following:

112.1.8.2.1 The incentive or concession is not required in order to provide for affordable housing costs or affordable rents.

112.1.8.2.2 The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or any real property that is listed in the California Register of Historical Resources and for which the County determines there is no feasible method to satisfactorily

mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate- income households.

112.1.8.2.3 The incentive or concession would be contrary to state or federal law.

112.1.9 General Provisions for Density Bonuses and Incentives/Concessions

112.1.9.1 An affordable unit provided in order to be eligible under this Chapter shall also be considered an allocated unit under the County's Housing Allocation Plan.

112.1.9.2 All density bonus calculations resulting in fractional units shall be rounded up to the next whole number.

112.1.9.3 The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

112.1.9.4 Upon request by the applicant, the County shall not require the proposed Housing Development eligible for a Density Bonus pursuant to this chapter to provide a parking ratio, including handicapped and guest parking, that exceeds the following:

112.1.9.4.1 Zero to one bedrooms: one onsite parking space

112.1.9.4.2 Two to three bedrooms: two onsite parking spaces

112.1.9.4.3 Four and more bedrooms: two and one-half parking spaces.

If the total number of parking spaces required for the proposed Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.

112.1.9.5 The County shall not apply any development standard that would have the effect of precluding the construction of a proposed Housing Development meeting the requirements of Section 112.1.6 at the densities or with the incentives permitted by this Chapter. An applicant may submit with its application to the County a proposal for the waiver or reduction of development standards. A waiver or reduction of development standards, the application of which would physically preclude the development, shall not reduce nor increase the number of incentives or concessions being requested. Nothing in this subsection, however, shall be interpreted to require the County to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the County determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the affordable units economically feasible.

112.1.9.6 Location of Affordable Units. The location of the affordable units within the Housing Development may be at the discretion of the developer. However, the affordable units shall:

112.1.9.6.1 Be constructed at the same time as the market units are constructed.

112.1.9.6.2 Be reasonably dispersed throughout the development and/or phases if applicable.

112.1.9.6.3 Be a similar unit type/size to the overall Housing Development; and

112.1.9.6.4 Be reasonably compatible with the design or use of the remaining units in terms of appearance, materials and quality finish.

112.1.10 Required Density Bonus Agreement and Terms of Agreement.

112.1.10.1 A Density Bonus Housing Agreement must be executed prior to recording any final map for the underlying property or prior to the issuance of any building permit for the Housing Development, whichever comes first. The Density Bonus Housing Agreement shall be binding on all future owners and successors of interests of the Housing Development.

112.1.10.2 The Density Bonus Housing Agreement shall:

112.1.10.2 .1 Identify the type, size and location of each Affordable Housing Unit required hereunder;

112.1.10.2 .2 Identify the term of the agreement, which would define the term of affordability of the required units;

112.1.10.2 .3 Require that the Affordable Housing Units be constructed and completed by the developer as specified in this Chapter and in accordance with state law;

112.1.10.2 .4 Require that each Affordable Housing Unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement.

112.1.10.2 .5 Identify the means by which such continued availability shall be secured and enforced and the procedures under which the Affordable Housing Units shall be leased and shall contain such other terms and provisions, the Housing Authority may require. The agreement, in its form and manner of execution, shall be in a form able to be recorded with the Humboldt County Recorder.

112.1.10.2 .6 The Density Bonus Housing Agreement shall be reviewed and approved by the [Planning Director / Executive Director of the County's Housing Authority and the affordability of the required units shall be monitored for compliance by the Housing Authority staff. The Housing Authority is hereby expressly authorized to act as the County's agent to enter into the Density Bonus Housing Agreement for the purpose of enforcing the terms of the agreement consistent with this chapter.

112.1.10.3 Required Terms for the Continued Availability of Affordable Units

112.1.10.3 .1 Low and Very Low Income Households. A housing developer providing Low and Very Low income units in accordance with this chapter must continue to restrict those units to Low or Very Low Income households for a minimum of 30 years or longer term under another regulatory agreement from the date of initial occupancy.

112.1.10.3.2 Moderate Income Households. In the case of a Housing Development providing Moderate Income units, the initial occupant of the unit must be a person or family of Moderate Income.

112.1.10.3.2.1 Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The local government shall recapture any Initial Subsidy and its Proportionate Share of Appreciation; which shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into the Housing Authority Trust Account to be used in accordance with subsection (e) of Section 33334.2 of the Health and Safety Code."

SECTION C: INDEX OF DEFINITIONS OF LANGUAGE AND LEGAL TERMS

314-136-161 DEFINITIONS (A-Z)

314-136 DEFINITIONS (A)

~~**Affordable Rent.** Means monthly housing expenses, including a reasonable allowance for utilities, for rental Target Units reserved for Very Low or Lower Income Households,~~

not exceeding the following calculations: (From Section INL#316.4 2(b); Added by Ord. 2166, Sec. 31, 4/7/98)

A. ~~Very Low Income: Fifty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). See Section 314 112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4 2(b)(1); Added by Ord. 2166, Sec. 31, 4/7/98)~~

B. ~~Lower Income: Sixty percent of the area median income for Humboldt County, adjusted for household size, multiplied by thirty percent (30%) and divided by twelve (12). See Section 314 112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4 2(b)(2); Added by Ord. 2166, Sec. 31, 4/7/98)~~

Affordable Housing/Affordable Housing Unit: A housing unit which is available for sale to Moderate Income Households or for rent to Low and/or Very Low Income Households, as those terms are defined in this section.

Affordable Rent: Monthly rent charged to Low and Very Low Income Households for housing units as calculated in accordance with section 50053 of the Health and Safety Code.

314-138 DEFINITIONS (C)

Child Care Facility: A facility that provides non-medical care and supervision of minor children for periods of less than 24 hours and is licensed by the California State Department of Social Services, further subject to the definition in California Government Code Section 65915(h)(4).

314-139 DEFINITIONS (D)

Density Bonus: Means a minimum density increase of at least twenty five percent (25%) over the otherwise Maximum Residential Density. See, Section 314 112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4 2(d); Added by Ord. 2166, Sec. 31, 4/7/98)

Density Bonus Housing Agreement: Means a legally binding agreement between a developer and the County to ensure that the requirements of the Residential Density Bonus Section are satisfied. The agreement, among other things, shall establish: the number of Target Units, their size, location, terms and conditions of affordability, and production schedule. See, Section 314 112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4 2(e); Added by Ord. 2166, Sec. 31, 4/7/98)

Density Bonus Unit: Means those residential units granted pursuant to the provisions of the Residential Density Bonus Section that exceed the otherwise Maximum Residential Density for the development site. See, Section 314 112.1, Residential Density Bonus;

for further discussion. (Former Section INL#316.4 2(f); Added by Ord. 2166, Sec. 31, 4/7/98)

Density Bonus: A density increase for residential units over the otherwise allowed residential density under the applicable zoning and land use designation on the date an application is deemed complete.

Density Bonus Housing Agreement: A legally binding agreement between a developer and the County [Housing Authority or Planning Department] to ensure that continued affordability of the Affordable Housing Units required by this chapter persists and the units are maintained in accordance with this chapter.

Density Bonus Units: Those additional residential units granted pursuant to the provisions of this chapter.

314-143 DEFINITIONS (H)

Housing Authority: An appointed body of the County of Humboldt authorized to engage in or assist in the development or operation of affordable housing.

Housing Development: A development project for five or more residential units. Within this chapter, it shall also include a subdivision or common interest development, a project which rehabilitates and converts a commercial building to a residential use and a condominium conversion of an existing multi-family building.

Housing Development: Means construction projects consisting of five or more residential units, including single family, multifamily, and manufactured homes for sale or rent, pursuant to this Section. See Section 314-112.1, Residential Density Bonus, for further discussion. (From Section INL#316.4 2(i); Added by Ord. 2166, Sec. 31, 4/7/98)

314-144 DEFINITIONS (I)

Incentives or Concessions: Regulatory concessions which include, but are not limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost reductions that are offered in addition to a Density Bonus.

Initial Subsidy: The fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (e.g. X (fair market value of the home to be purchased) - Y (the price the

moderate income family paid for the home) + Z (amount of any down payment assistance) = Initial Subsidy).

314-147 DEFINITIONS (L)

Low Income Household: A household whose income does not exceed 80 percent of the area median income for Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

314-148 DEFINITIONS (M)

Moderate Income Household: A household whose gross income does not exceed 120 percent of the area median income for Humboldt County as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.

314-151 DEFINITIONS (P)

Proportionate Share of Appreciation: The ratio of the local government's Initial Subsidy as defined above to the fair market value of the home at the time of initial sale. (e.g. X (initial subsidy) / Y (fair market value) = Proportionate Share of Appreciation).

314-154 DEFINITIONS (S)

Senior Citizen Housing Development: A residential development developed, substantially rehabilitated or renovated, and having at least 35 dwelling units for senior citizens in compliance with the requirements of Section 51.3 and 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

Senior Citizen Housing: Means a housing development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et. seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 (PL 100-430) and implementing regulations and as that phrase is used in California Civil Code Sections 51.2 and 51.3. (See Section 314-112.1, Residential Density Bonus, for further discussion.) (From Section INL#316.4 2(n); Added by Ord. 2166, Sec. 31, 4/7/98)

314-157 DEFINITIONS (V)

Very Low Income Household: A household whose income does not exceed 50 percent of the area median income for Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

~~**Very Low Income Household:** Means households whose income does not exceed the very low income limits applicable to Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code. (See, Section 314-112.1, Residential Density Bonus, for further discussion.) — (From Section INL#316.4-2(p); Added by Ord. 2166, Sec. 31, 4/7/98)~~

Proposed Zoning Ordinance Amendments to Implement Housing Opportunity Zones - Chapter 3 (Coastal) d) “Modified development standards for second units that do not exceed 50% of the square footage of the primary unit, or 800 square feet, whichever is smaller.”

313-87.1 SECOND RESIDENTIAL UNIT

...

87.1.3 **General Provisions.** The following General Provisions shall apply to all secondary residential units. (Former Section CZ#A314-31(C))

...

87.1.3.4 **Kitchen and Bathroom Facilities Required:** The second residential unit shall contain separate kitchen or kitchenette and bathroom facilities. Where the unit has a separate entrance, the entrance shall be subordinate to the entrance of the main unit. Visual screening or other design solutions may be used to make the entrance of the second unit subordinate to the primary unit. (Former Section CZ#A314-31(C)(4))

...

87.1.12 Development regulations and standards for qualifying second dwelling units located in mapped Housing Opportunity Zones. The development regulations and standards of Section 87.1.4 shall be modified for secondary dwelling units with a gross floor area of 800 square feet or less (i.e., “qualifying” unit) as follows:

87.1.12.1 Building Site: The second unit need not be sited on the same building site as the primary residence; meaning that the second unit may be located more than 30 feet from the main residence and may be served by a separate driveway.

87.1.12.2 Development Standards. The second dwelling unit shall conform to the development standards for the main dwelling of the zoning district in which it is located, except that the second dwelling unit may encroach two feet (2') into the minimum required rear and interior side yard setbacks, and the maximum lot coverage requirement shall be increased to 55%. The lot coverage for all development excluding the coverage for the second unit shall not exceed the 35% standard for the zone without a variance.

87.1.12.3 Access. The parcel shall be served by a road meeting the minimum requirements of the local fire agency for fire apparatus access. Road and sidewalk improvements for second units on local roads as determined by the Department of Public Works meeting this standard shall be limited to pavement of the encroachment area.

87.1.12.4 Off Street parking. No additional parking spaces are required for the second dwelling unit.

Proposed Zoning Ordinance Amendments to Implement Housing Opportunity Zones - Chapter 4 (Non-Coastal) d) "Modified development standards for second units that do not exceed 50% of the square footage of the primary unit, or 800 square feet, whichever is smaller."

314-87.1 SECOND AND SECONDARY DWELLING UNITS

87.1.1 **Purpose; Findings.** The provisions of this chapter are intended to set forth standards for the creation of a second dwelling unit or a secondary dwelling unit by new construction or the conversion of existing living space into independent living space on lots in rural areas and residential neighborhoods. The Board of Supervisors finds that, subject only to appeal or review as provided in Chapter 2 (Section 312-13), whenever a permit is issued to an applicant for a secondary dwelling unit in an R-1 or RS Zone, or any AG zone that is planned and zoned for parcel sizes of five (5) acres or less, or any AG zone in the McKinleyville Community Plan Area that is planned and zoned for parcel sizes of ten (10) acres or less with less than 5 acres of prime agricultural soil, the secondary dwelling unit for which the permit has been issued shall be deemed not to exceed the allowable density for the lot on which it is located and shall be deemed to be a residential use which is consistent with the existing General Plan and zoning designation for the lot. (Former Section INL#316.1-1; Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 25, 4/7/98)

...

87.1.3 Secondary Dwelling Units - Criteria.

87.1.3.1 A secondary dwelling unit shall be permitted as a principal permitted use in FR, R-1, RS and U zoning districts if in conformance with the provisions of this chapter and all of criteria (87.1.3.1.1) through (87.1.3.1.6). A secondary unit that complies with all the criteria (87.1.3.1.1) through (87.1.3.1.6) may also be

permitted as a principally permitted use in any AG zone that is planned and zoned for parcel sizes of five (5) acres or less provided the parcel is within a community plan area and the use is specifically authorized by the plan designation. (Former Section INL#316.1-3(a); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.1.1 The subject lot is outside mapped Housing Opportunity Zones and has a minimum of 50 feet of frontage on a publicly maintained street that is improved to a road category 4, as specified in the Appendix to Title III, Division 2, of the Humboldt County Code. Within mapped Housing Opportunity Zones on parcels served by a local road as determined by the Department of Public Works and meeting the minimum requirements of the local fire agency for fire apparatus access, road and sidewalk improvements for second units 800 square feet in gross floor area or less shall be limited to pavement of the encroachment area; (Former Section INL#316.1-3(a)(1); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.3.1.2 The primary and secondary units comply with all applicable County Health Department requirements for sewage disposal and water supply without the issuance of waivers; (Former Section INL#316.1-3(a)(2); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.1.3 The secondary unit complies with all applicable County development standards and other zoning requirements except that second dwelling units 800 square feet in gross floor area or less may encroach two feet (2') into the minimum required rear and interior side yard setbacks, and the maximum lot coverage requirement shall be increased to 55%. The lot coverage for all development excluding the coverage for the second unit shall not exceed the 35% standard for the zone without a variance; (Former Section INL#316.1-3(a)(3); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.1.4 Both dwellings share a common driveway off the access road, except that within mapped Housing Opportunity Zones the driveway need not be shared for secondary dwelling units 800 square feet in gross floor area or less; (Former Section INL#316.1-3(b)(2); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

87.1.3.1.5 At least one point of a bearing wall on the secondary dwelling unit is located within thirty (30) feet of the principal dwelling, except that within mapped Housing Opportunity Zones this maximum building separation standard does not apply to secondary dwelling units 800 square feet in gross floor area or less, and; (Former Section INL#316.1-3(a)(3); INL#316.1-3(b)(1); Added by Ord. 1865, Sec. 1, 5/30/89)

87.1.3.1.6 The secondary unit is subordinate to the primary residence. Visual screening or other design solutions may be used to make the entrance of

the second unit subordinate to the primary unit. (Former Section INL#316.1-3(c); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2166, Sec. 26, 4/7/98)

...

87.1.6 Procedures for Second and Secondary Dwelling Units.

87.1.6.1 An application for a Special Permit for such units may be made by the owner of the property upon which the new unit will be located or by the owner's authorized agent. The application shall be in writing on forms prescribed by the Planning Division. (Former Section INL#316.1-6(a); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

87.1.6.2 At the time that an application is filed in proper form, the Hearing Officer or administrative official shall approve, approve with conditions, or deny a Special Permit in accordance with the procedures set forth in Chapter 2 of Division 1 of Title III of the Humboldt County Code. (Former Section INL#316.1-6(b); Added by Ord. 1865, Sec. 1, 5/30/89; Amended by Ord. 2214, 6/6/00)

87.1.6.3 Findings required for approval shall include conformance with these regulations and the applicable provisions of Chapter 2 of Division 1 of Title III of this Code, except that in residential zones (R-1 and RS), or any AG zone that is planned and zoned for minimum parcel sizes of five (5) acres or less, or any AG zone in the McKinleyville Community Plan Area that is planned and zoned for minimum parcel sizes of ten (10) acres or less with less than 5 acres of prime agricultural soil, a finding of conformance with the General Plan's density for the area need not be made.

Proposed Subdivision Ordinance Amendments to implement Housing Opportunity Zones e) "Reduced minimum parcel sizes"

325-11. MINIMUM LOT SIZE MODIFICATION.

This section applies in those instances in which a subdivider proposes to develop his land to a maximum density allowable under the existing zoning. It does not apply in those instances in which the proposed land division stops short of the maximum density allowable by zoning or the existing General Plan. If the subdivider proposes reduced subdivision improvements premised upon a lesser density than allowed under current zoning, the requirements of paragraphs (5)A and (5)B of § 323-6(a) apply. In the event of phase development of larger land tracts - wherein subdivision of the total property is proposed to occur over a period of years - each and every map filed must stand on its own as to the requirements of this section.

In order to permit more flexibility to cope with difficulties due to topography and other natural or man-made features of Humboldt County, the minimum lot area in any zone or General Plan designation may be modified down to a maximum of fifty percent (50%) of the minimum lot size required, or no less than 1,500 square feet within mapped Housing Opportunity Zones. At the same time, no lot created by the subdivision shall be larger than 1.8 times the minimum lot size permitted under the applicable zoning or General Plan classification.

Lots smaller than 3,000 square feet in size shall not include coastal environmentally sensitive habitat areas or their buffers, streamside management areas, other wet areas, slopes greater than 15%, or other mapped physical constraints as shown on the current residential land inventory GIS maps of the of the Housing Element.

Also, the number of lots shall not be more than would normally be allowed in the applicable zone or General Plan designation, nor shall the area of the total property in the before condition divided by the total number of lots to be created result in an average area less than that required in the applicable zone or General Plan designation.

The Advisory Agency shall, in determining the amount of each modification to the lots to be created by the subdivision, the arrangement of the lots, and the dimensions of each lot, find the following:

- (a) The provisions for lots are in harmony with the topographic configuration of the site and the immediate area.
- (b) Soil conditions both on-site and off-site will not be adversely affected.
- (c) Hydrologic conditions of the site and the surrounding areas will not be adversely affected.
- (d) The internal arrangement of the streets and access to public roads will not adversely affect the traffic patterns of the area and emergency vehicle access.
- (e) The number, type and density of dwelling units and the design of the site conform to this section and are in the interest of the public welfare.
- (f) The existing character of the area in terms of density and arrangement will not be adversely affected.
- (g) Any existing inland wetlands, water course and tidal wetlands will not be adversely affected.
- (h) Over-all conformance to the Humboldt County General Plan.
- (i) Nothing herein permit lots less than 6,000 square feet in size, except that within mapped Housing Opportunity Zones, lots as small as 1,500 square feet are permitted. (Ord. 1146 § 59, 7/19/77)

Proposed Zoning Ordinance Amendments to implement Housing Opportunity Zones – Chapter 3 (Coastal Zone) e) “Reduced minimum parcel sizes”

313-99.1 EXCEPTIONS TO THE DEVELOPMENT STANDARDS

99.1.1 **Exceptions to Development Standards.** The following exceptions to the development standards in this Division are allowed subject to the specified limitations: (Former Section CZ#A314-15(A))

- 99.1.1.1 **Exceptions to Height Standards.** Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in this division provided that a Special Permit is first obtained. Such excess height, when allowed, will normally be conditioned upon

proportional increases in the yards required. (Former Section CZ#A314-15(A)(1))

99.1.1.2 Exceptions to Lot Size, Lot Width and Lot Depth Standards in Residential Zones. In order to encourage housing within mapped Housing Opportunity Zones, or better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Special Permit. (Former Section CZ#A314-15(A)(2))

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATION	LIMITATIONS
Minimum Lot Size	<u>Within mapped Housing Opportunity Zones Minimum Lot Size may be modified down to a minimum of 1,500 square feet. Outside Housing Opportunity Zones, Minimum Lot Size may be modified down to a minimum of fifty percent (50%) of the required lot size, or 5,000 square feet, whichever is greater.</u>	Such modifications must be approved in conjunction with a subdivision or lot line adjustment. No lot created by the proposed subdivision or lot line adjustment shall exceed 1.8 times the applicable minimum lot size. <u>Lots smaller than 3,000 square feet in size shall not include coastal environmentally sensitive habitat areas or their buffers, streamside management areas, other wet areas, slopes greater than 15%, or other mapped physical constraints as shown on the current residential land inventory GIS maps of the of the Housing Element..</u> Also, the total number of lots created by the subdivision shall not be more than that allowed by the applicable zone.
Minimum Lot Width	Minimum Lot Width may be modified to a minimum of fifty percent (50%) of the required lot width.	Minimum Lot Width shall not be modified below fifty feet (50').
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.

Proposed Zoning Ordinance Amendments to implement Housing Opportunity Zones – Chapter 4 (Non-Coastal Zone) e) “Reduced minimum parcel sizes”

314-99.1 EXCEPTIONS TO DEVELOPMENT STANDARDS

99.1.1 **Exceptions to Height Standards.** Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in this Division provided that a Special Permit is first obtained. Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required, (Former Section INL#316-9(a))

99.1.2 **Exceptions to Lot Size, Lot Width and Lot Depth Standards.** In order to encourage housing within mapped Housing Opportunity Zones, or better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Special Permit. : (Former Section INL#316-9(b))

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATIONS	LIMITATIONS
Minimum Lot Size	<u>Within mapped Housing Opportunity Zones Minimum Lot Size may be modified down to a minimum of 1,500 square feet. Outside Housing Opportunity Zones, Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.</u>	Such modification must be approved in conjunction with a subdivision or lot line adjustment. No lot created by the proposed subdivision or lot line adjustment shall exceed 1.8 times the applicable lot size. <u>Lots smaller than 3,000 square feet in size shall not include streamside management areas, other wet areas, slopes greater than 15%, or other mapped physical constraints as shown on the current residential land inventory GIS maps of the of the Housing Element..</u> Also, the total number of lots created by the subdivision shall not be more than that allowed by the applicable zone.
Minimum Lot Width	Minimum Lot Width may be modified to a maximum of fifty (50) percent.	Minimum Lot Width shall not be modified below fifty (50) feet.
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.

Proposed Framework Plan Amendments to Implement Housing Opportunity Zones f) "Prioritized infrastructure development"

4500 WATER AND WASTEWATER FACILITIES

4510 WATER FACILITIES

...

4512 POLICIES

1. Encourage further investigation of the County's water resources by Federal and State Water Resources agencies.
2. Regulate development that could pollute watershed areas as defined in Section 3362.1
3. Ensure that the intensity and timing of new development will be consistent with the capacity of water supplies.
4. Maximize the use of water conservation techniques appropriate for new and existing development.
5. Funding and the allocation of other resources to public water facilities shall be prioritized in mapped Housing Opportunity Zone areas.

(Policies 1, 2, 3, and 4 are also included in the Water Resources Section 3300 of the General Plan.)

4520 WASTEWATER FACILITIES

...

4531 POLICIES

1. Population projections and other related demographic information in the General Plan should be used as a guide for determining the size of wastewater disposal treatment facilities, and the extent of services provided.
2. Responsible County agencies shall continue to coordinate with special districts in maintaining data on wastewater facility capacity.
3. Funding and the allocation of other resources to public wastewater facilities shall be prioritized in mapped Housing Opportunity Zone areas.

~~3-4~~. Projects requiring public wastewater disposal shall receive public sewer commitments from the appropriate district or agency prior to receiving tentative approval.

(Refer to the Development Timing Section of the General Plan for further discussion and policies on public wastewater disposal).

~~4-5~~. Areas planned for additional development which are dependent on individual septic tank leach field disposal systems shall have minimum lot sizes based on the following factors:

- A. soil suitability,
- B. slope,
- C. water source (on site-well or serviced),
- D. proximity to sensitive habitats.

~~5-6~~. Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet of an unstable land form.

~~6-7~~. Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt-Del Norte Department of Public Health and the North Coast Regional Water Quality Control Board.

IMPLEMENTATION CATEGORY ITEM #3: Incentives for Affordable and Special Needs Housing

Applicable Policies, Standards and Programs in the 2010 Housing Element

H-S9. Incentives for Affordable and Special Needs Housing. Residential development with long term covenants and restrictions to ensure continued affordability to persons or families of low, very low or extremely low income or meeting the housing needs of identified special populations shall be provided with one or more of the following incentives as detailed in the land use ordinance:

- a) Deferral or subsidy of permit and review fees
- b) Deferral of subdivision improvements until issuance of building permits
- c) Deferral of subdivision fees until issuance of building permits
- d) Deferral or subsidy of development impact fees
- e) Eligible for fast-track and streamlined permit process
- f) Modified parking standards
- g) Increased density bonuses and allowances
- h) Reduced lot coverage standards
- i) Modified Solar Shading Ordinance requirements
- j) Special Permit process for waiver of development standards
- k) Prioritized infrastructure development and service delivery

H-IM2. Incentives for Affordable and Special Needs Housing. The County shall adopt residential and infrastructure development incentives and standards by ordinance to encourage housing affordable to persons or families of low, very low or extremely low income or meeting the housing needs of identified special populations. Responsible Agency: CDS. Timeframe: By December 31, 2009.

H-IM5. Residential Density Bonus. The County shall develop density bonus provisions within Housing Opportunity Zones, and maintain consistency with the density bonus provisions of state law, by ordinance. Responsible Agency: CDS. Timeframe: By August 31, 2009.

H-IM22. Flexible Application of Development Standards. The County shall adopt by ordinance provisions, which allow exceptions and modifications to development standards for extremely low, very low and low income housing through a special permit process. Responsible Agency: CDS. Timeframe: December 31, 2009.

Proposed Amendments to Implement Incentives for Affordable and Special Needs Housing a) – k) see above Amendments to Implement Housing Opportunity Zones “Increased density bonuses and allowances” beginning on page 35.

Proposed North Coast Area Plan Amendments to Implement Incentives for Affordable and Special Needs Housing g) “Increased density bonuses and allowances”

3.24 HOUSING

A. HOUSING OPPORTUNITIES

Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element.

B. PLANNED UNIT DEVELOPMENT

It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. (Amended by Res. No. 83-58, 3/15/83, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07).

...

5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded ~~by up to 35%~~ to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in ~~2006~~ 2009. Up to 100% density bonuses are allowed for projects within mapped Housing Opportunity Zones with 100% units affordable to lower income households. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards.

In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase in the County determines that the means of accommodating the density increase proposed by the applicant does not have an

adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.

Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions. (Added by Res. 114c 2/9/98, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07)

Proposed Trinidad Area Plan Amendments to Implement Incentives for Affordable and Special Needs Housing g) "Increased density bonuses and allowances"

3.14 HOUSING

...

B. DEVELOPMENT POLICIES (Amended by Res. No. 82-100, July 27, 1982)

1. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element.
2. Planned Unit Development. It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards.

(Amended by Res. No. 83-58, 3/15/83, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07).

...

4.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded ~~by up to 35%~~ to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in ~~2006~~ 2009. Up to 100% density bonuses are allowed for projects within mapped Housing Opportunity Zones with 100% units affordable to lower income households. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards.

In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.

Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions. (Added by Res. 114c 2/9/98, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07)

Proposed Humboldt Bay Area Plan Amendments to Implement Incentives for Affordable and Special Needs Housing g) "Increased density bonuses and allowances"

3.16 HOUSING

A. PLANNED USES

Because only a moderate increase in residential development is planned within the coastal zone, the direct provision of housing for low and moderate-income households is not possible. The development policies, however, support actions of the Humboldt Housing Authority to protect, if feasible, existing low and moderate income housing. Within the urban limit a large

portion of the housing - notably in the Manila and Fields Landing areas – is low and moderate-income housing. These policies will protect existing units from demolition, therefore will protect the existing housing stock.

...

B. DEVELOPMENT POLICIES

1. Housing opportunities for persons of low and moderate income shall be protected, encouraged, and provided, where feasible. New housing in the Coastal Zone shall be developed in conformity with the goals, policies, standards, and programs of the Humboldt County Housing Element.
2. Planned Unit Development. It is the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42, incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. (Amended by Res. No. 83-58, 3/15/83, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07).

...

CHAPTER 4

STANDARDS FOR PLAN DESIGNATIONS

4.10 INTRODUCTION

The Area Plan Land Use Maps indicate the planned principal use for all areas in the Coastal Zone. These planned uses are the basis on which zoning and subsequent development decisions are made; their intent is to guide the development of each area within the framework of community goals and objectives (Chapter 3 of the Area Plan) and the requirements of Public Resources Code section 30000 et seq., (the California Coastal Act of 1976).

On the maps, the planned principal uses – or planning designations are indicated by symbols; the key on the map indicates which symbol stands for which planning designation. In this chapter, the standards for permitted use are identified for each planning designation. While in some cases these standards are very specific, they are for the most part of a more general nature than the zoning standards, (these are found in the Coastal Zoning Ordinance). This is for a definite reason: the plan designations for an area indicate the overall pattern of eventual development for several years ahead, while the zoning now in force limits present development to what can now be supported in the area. Ordinarily only one zone will be compatible with a single plan designation, and any zoning adopted must conform with and be adequate to carry out the land use plan.

For each Urban and Rural land use designation, the purpose, principal use, and conditional use, and as applicable, the gross density are identified.

Oil and gas pipelines and electrical transmission lines are allowed in all land use designations, in accordance with Sections 3.14B (5) and (6), in both urban and rural areas, by conditional use permit. Surface mining and solid waste disposal projects are allowed in certain land use designations according to the policies of Sections 3.14B (9) and (10).

Should a discrepancy exist between the list of allowable uses of these Chapter 4 land use designations and the policies of Chapter 3, the policies of Chapter 3 take precedence.

Density ranges described in land use designations may be exceeded ~~by up to 35%~~ to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in ~~2006~~ 2009. Up to 100% density bonuses are allowed for projects within mapped Housing Opportunity Zones with 100% units affordable to lower income households. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards.

In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase in the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.

Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions. (Added by Res. 114c 2/9/98, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07)

Proposed Eel River Area Plan Amendments to Implement Incentives for Affordable and Special Needs Housing g) "Increased density bonuses and allowances"

3.26 HOUSING

C. PLANNED UNIT DEVELOPMENT

It shall be the policy of the County to encourage the Planned Unit Development (PUD) concept. Where such utilization would provide extraordinary benefits to the community and to the County, such as: dedications of open space and public access, protection of visual resources and sensitive habitats beyond that already required in Sections 3.41 and 3.42,

incentives may include increases of up to 25% over planned densities if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. (Amended by Res. No. 83-58, 3/15/83, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07).

...

5.15 DENSITY BONUSES AND PLANNED UNIT DEVELOPMENTS

Density ranges described in land use designations may be exceeded ~~by up to 35%~~ to encourage affordable housing production pursuant to §65915 of the California Government Code (Density Bonuses) in effect in ~~2006~~ 2009. Up to 100% density bonuses are allowed for projects within mapped Housing Opportunity Zones with 100% units affordable to lower income households. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program policies and development standards.

In reviewing a proposed density increase, the County shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The County shall only grant a density increase if the County determines that the means of accommodating the density increase proposed by the applicant does not have an adverse effect on coastal resources. If, however, the County determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, the County shall not grant the density increase.

Density ranges may also be exceeded within Planned Unit Developments (PUD's) up to 25% if increasing the density would not have an adverse effect on coastal resources and would be consistent with all applicable local coastal program policies and development standards. The 25% density bonus limit for PUDs may be combined with any other density bonus allowed by County or State regulations so long as densities greater than ~~35%~~ 100% would not result and the means of accommodating the density bonus would not have an adverse effect on coastal resources as that term is defined in Section 112.1.6.5 of the Coastal Zoning Ordinance and would be consistent with all applicable LCP policies and development standards. Also, a variety of housing types and a mixture of residential and commercial uses may be allowed to encourage affordable housing production under the provisions of State law referenced above, and in PUD's to encourage the provision of extraordinary public benefits within subdivisions. (Added by Res. 114c 2/9/98, Amended by Res. 06-73a, 7/25/06, Res. 07-17. 2/27/07)

Proposed Zoning Ordinance Amendments to Implement Incentives for Affordable and Special Needs Housing – Chapter 3 (Coastal Zone) j)

“Special Permit process for waiver of development standards”

313-99.1 EXCEPTIONS TO THE DEVELOPMENT STANDARDS

99.1.1 **Exceptions to Development Standards.** The following exceptions to the development standards in this Division are allowed subject to the specified limitations: (Former Section CZ#A314-15(A))

99.1.1.1 Exceptions to Height Standards. Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in this division provided that a Special Permit is first obtained. Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required, or covenants and restrictions ensuring long term affordability of housing for lower income households. (Former Section CZ#A314-15(A)(1))

99.1.1.2 Exceptions to Lot Size, Lot Width and Lot Depth Standards in Residential Zones. In order to encourage housing affordable to lower income households, or better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Special Permit. Exceptions for housing affordable to lower income households shall be conditioned to require covenants and restrictions ensuring long term affordability: (Former Section CZ#A314-15(A)(2))

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATION	LIMITATIONS
Minimum Lot Size	<p><u>Minimum Lot Size for housing affordable to lower income households may be modified down to a minimum of 1,500 square feet.</u></p> <p>Minimum Lot Size may be modified down to a minimum of fifty percent (50%) of the required lot size, or 5,000 square feet, whichever is greater.</p>	<p>Such modifications must be approved in conjunction with a subdivision or lot line adjustment.</p> <p>No lot created by the proposed subdivision or lot line adjustment shall exceed 1.8 times the applicable minimum lot size <u>except housing affordable to lower income households with , which may be modified down to a minimum of 1,500 square feet..</u></p>

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATION	LIMITATIONS
		Also, the total number of lots created by the subdivision shall not be more than that allowed by the applicable zone.
Minimum Lot Width	Minimum Lot Width may be modified to a minimum of fifty percent (50%) of the required lot width.	Minimum Lot Width shall not be modified below fifty feet (50').
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.

99.1.1.3 Exceptions to Yard Standards.

99.1.1.3.1 Architectural Features. Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet (2½') into the minimum required yard. (Former Section CZ#A314-15(A)(3)(a))

99.1.1.3.2 Uncovered Porches, Decks or Stairways. Uncovered porches, decks or stairways, fire escapes or landings may extend a maximum of six feet (6') into front or rear yards and three feet (3') into side yards. (Former Section CZ#A314-15(A)(3)(b))

99.1.1.3.3 Developed Block in a Residential Zone. In any RM, R2 or RS zone where more than one-half of the existing and potential lots on the block are occupied with residential main buildings, the required front yard shall be the average of those of the improved sites to a maximum of that required for the zone. (Former Section CZ#A314-15(A)(3)(c))

99.1.1.3.4 Substandard Lots. Minimum yard standards for substandard lots less than two and one-half acres (2.5a) in size in RA, AE, TPZ and TC zones shall be reduced to:

Front	Twenty feet (20')
Rear	Ten feet (10')
Interior Side	Five feet (5')
Exterior Side	Twenty feet (20')

(Former Section CZ#A314-15(A)(3)(d); Amended by Ord. 1842, Sec. 22, 8/16/88)

99.1.1.3.5 Other Exceptions to Yard Standards. In any RS, or R-2 zone, any structure, building or any architectural feature of a building may be constructed within the front yard setback requirements in this Division without a Special Permit, and within the side and rear yard requirements in this Division provided a Special Permit is first obtained. Such reduced yard setback requirements may be conditioned upon proportional decreases in the maximum building height allowed, and may require a setback reduction agreement with the adjoining property owner(s) unless the project is for housing affordable to lower income households with covenants and restrictions ensuring long term affordability.

Exceptions to the front yard setback may only be allowed if all the following criteria are met:

- the setback is not reduced to less than 10 feet,
- the house is located on a dead end street, cul-de-sac, or secondary road that is not included in the Circulation Element of the General Plan,
- the garage is not located closer than 20 feet from the street.
- the driveway and parking area has adequate clearance from adjacent property lines and structures, and
- the street fully complies with County standards along the frontage of the lot. and
- the reduced setback is consistent with the County's Visibility Ordinance

99.1.1.4 Exceptions to Lot Coverage Standards. In any RS zone on lots 6,000 square feet or less in size, or for housing affordable to lower income households with covenants and restrictions ensuring long term affordability, any structure, building or any architectural feature of a building may be constructed in excess of the lot coverage requirements in this Division provided a Special Permit is first obtained.

Proposed Zoning Ordinance Amendments to Implement Incentives for Affordable and Special Needs Housing – Chapter 4 (Non-Coastal Zone)

j) "Special Permit process for waiver of development standards"

314-99.1 EXCEPTIONS TO DEVELOPMENT STANDARDS

99.1.1 **Exceptions to Height Standards.** Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in this Division provided that a Special Permit is first obtained. Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required, or covenants and restrictions ensuring long term affordability of housing for lower income households. (Former Section INL#316-9(a))

99.1.2 **Exceptions to Lot Size, Lot Width and Lot Depth Standards.** In order to encourage housing affordable to lower income households, or better design and cope with difficulties due to topography and other natural or man-made features, minimum lot size, minimum lot width and maximum lot depth in all zones may be modified as specified in the following table, subject to securing a Special Permit. Exceptions for housing affordable to lower income households shall be conditioned to require covenants and restrictions ensuring long term affordability: (Former Section INL#316-9(b))

EXCEPTIONS TABLE		
DEVELOPMENT STANDARD	PERMITTED MODIFICATIONS	LIMITATIONS
Minimum Lot Size	<p>Minimum Lot Size for housing affordable to lower income households may be modified down to a minimum of 1,500 square feet.</p> <p>Minimum Lot Size may be modified down to a maximum of fifty (50) percent, or 5,000 square feet, whichever is greater.</p>	<p>Such modification must be approved in conjunction with a subdivision or lot line adjustment.</p> <p>No lot created by the proposed subdivision or lot line adjustment shall exceed 1.8 times the applicable lot size <u>except housing affordable to lower income households, which may be modified down to a minimum of 1,500 square feet.</u></p> <p>Also, the total number of lots created by the subdivision shall not be more than that allowed by the applicable zone.</p>
Minimum Lot Width	Minimum Lot Width may be modified to a maximum of fifty (50) percent.	Minimum Lot Width shall not be modified below fifty (50) feet.
Maximum Lot Depth	Maximum Lot Depth may be modified up to a maximum of twice that permitted.	Maximum Lot Depth shall not be modified to exceed eight (8) times the lot width.

99.1.3 Exceptions to Yard Standards.

99.1.3.1 Architectural Features. Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of two and one-half feet (2 ½') into the minimum required yard. (Former Section INL#316-9(c)(1); Amended by Ord. 1848, Sec. 17, 9/13/88)

99.1.3.2 Uncovered Porches, Decks or Stairways. Uncovered porches, decks or stairways, fire escapes or landings may extend a maximum of six feet (6') into front or rear yards and three feet (3') into side yards. (Former Section INL#316-9(c)(2); Amended by Ord. 1848, Sec. 17, 9/13/88)

99.1.3.3 Developed Block in a Residential Zone. In any R-1, R-2, or RS zone where more than one-half of the existing and potential lots on the block are occupied with residential main buildings, the required front yard shall be the average of those of the improved sites to a maximum of that required for the zone. (Former Section INL#316-9(c)(3); Amended by Ord. 1848, Sec. 17, 9/13/88)

99.1.3.4 Substandard Lots. Minimum yard standards for substandard lots less than 2 ½ acres in size in AE, TPZ, FR, and AG principal zones and B combining zones shall be reduced to: (Former Section INL#316-9(c)(4); Amended by Ord. 1848, Sec. 17, 9/13/88)

Front	Twenty (20) feet
Rear	Ten (10) feet
Interior Side	Five (5) feet
Exterior Side	Twenty (20) feet

99.1.3.5 Other Exceptions to Yard Standards. In any R-1, R-2 or RS zone, any structure, building or any architectural feature of a building may be constructed within the front yard setback requirements in this Division without a Special Permit, and within the side and rear yard setback requirements in this Division provided a Special Permit is first obtained. Such reduced yard setback requirements, may be conditioned upon proportional decreases in the maximum building height allowed, and may require a setback reduction agreement with the adjoining property owner(s) unless the project is for housing affordable to lower income households with covenants and restrictions ensuring long term affordability. (Added by Ord. 2313A, 12/16/03)

Exceptions to the front yard setback may only be allowed provided all the following criteria are met:

- the setback is not reduced to less than 10 feet,
- the house is located on a dead end street, cul-de-sac, or secondary road that is not included in the Circulation Element of the General Plan,

- the garage is not located closer than 20 feet from the street,
- the driveway and parking area has adequate clearance from adjacent property lines and structures, and
- the street fully complies with County standards along the frontage of the lot. and
- the reduced setback is consistent with the County's Visibility Ordinance. (Added by Ord. 2313A, 12/16/03)

99.1.4 **Exceptions to Lot Coverage Standards.** In any R-1 zone on lots 6,000 square feet or less in size, or for housing affordable to lower income households with covenants and restrictions ensuring long term affordability, any structure, building or any architectural feature of a building may be constructed in excess of the lot coverage requirements in this Division provided a Special Permit is first obtained. (Added by Ord. 2313A, 12/16/03)

99.1.4.1 Other Exceptions to Lot Coverage Standards. In any R-1 zone on lots 6,000 square feet or less in size, any deck or decks may be constructed in excess of the lot coverage requirements in this Division without a Special Permit provided all following conditions are met:

99.1.4.1.1 The building area does not exceed the maximum lot coverage allowed by the zone, and

99.1.4.1.2 The total lot coverage of all structures on the lot including the proposed deck does not exceed forty percent (40%), and

99.1.4.1.3 The proposed deck does not encroach into the required setbacks, and

99.1.4.1.4 The deck is uncovered, and

99.1.4.1.5 The deck allows the passage of water so that water can percolate into the soil below. (Added by Ord. 2313A, 12/16/03)

Proposed Framework Plan Amendments to Implement Incentives for Affordable and Special Needs Housing k) “Prioritized infrastructure development.”

Note: The modifications to the §4510 and §4520 of the Framework Plan (Water and Wastewater Facilities) described earlier will also apply to affordable housing projects in those areas; no additional policies are proposed.

IMPLEMENTATION CATEGORY ITEM #4: Protecting Multifamily Uses in the Affordable Multifamily Land Inventory.

Applicable Policies, Standards and Programs in the 2010 Housing Element

H-P6. Protecting Multifamily Uses in the Affordable Multifamily Land Inventory. Sites identified in the residential land inventory as being suitable for meeting extremely low, very low and low multifamily uses shall be protected by ordinance standards or zoning overlay from non-multi-family use development.

H-IM4. Protecting Multifamily Uses in the Affordable Multifamily Land Inventory. The County shall protect multi-family sites identified in the residential land inventory from non-multi-family use development by ordinance. Responsible Agency: CDS. Timeframe: By December 31, 2009.

Proposed Amendments to Protect Multifamily Uses in the Affordable Multifamily Land Inventory The parcels shown in the table below will be rezoned as necessary to apply a Q-Qualified Zone to require a conditional use permit for non-multifamily uses.

Table 1. Proposed Measures to Protect Multifamily Uses in the Affordable Multifamily Land Inventory.

APN	Street	Community Plan Area	Measures for Protecting Multifamily Uses
015-111-008	Lucas Street	Eureka	Rezone to include a Q – Zone
015-221-002	Myrtle Avenue	Eureka	Rezone to include a Q – Zone
016-112-008 & 016-112-012	Moore Avenue (off Myrtle)	Eureka	Rezone to include a Q – Zone
305-101-045	Sunshine Way	Humboldt Hill	Already zoned RM; no Q – Zone to be applied.
505-161-011	Foster Avenue	Arcata	Rezone to include a Q – Zone
508-252-001	McKinleyville Avenue	McKinleyville	Already zoned R-3; no Q – Zone to be applied.

IMPLEMENTATION CATEGORY ITEM #5: Single Room Occupancy Units, #6: Emergency Shelters, and #7: Supportive and Transitional Housing.

Applicable Policies, Standards and Programs in the 2010 Housing Element

- H-P13. Single Room Occupancy Units.** The County shall support the conversion and use of motels, and hotels for single room occupancy units (SRO) units consistent with public health, safety and welfare.
- H-P14. Emergency Shelters.** Emergency shelters, shall be allowed as principally permitted uses on specified parcels within specified zones.
- H-P31. Supportive and Transitional Housing.** Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.
- H-S12. Emergency Shelters.** The County shall use a zoning overlay to identify specific parcels or areas for principally permitted emergency shelters. Parcels shall have one of the following underlying zone designations
- 1) ML – Limited Industrial Zone
 - 2) C-2 – Community Commercial Zone
 - 3) C-3 – Industrial Commercial Zone
 - 4) CG – Commercial General Zone
 - 5) R-3 – Residential Multiple Family Zone
 - 6) RM – Residential Medium Density Zone
- H-S13. Standards for Principally Permitted Emergency Shelters.** Emergency shelters allowed as principally permitted uses shall be required to meet ordinance standards developed by the County that address all the following:
- 1) Maximum number of beds
 - 2) Off-street parking based upon demonstrated need
 - 3) Size and location of on-site waiting and intake areas
 - 4) Provision of on-site management
 - 5) Proximity to other shelters
 - 6) Length of stay
 - 7) Lighting
 - 8) Security during hours of operation.
- H-S15. Single Room Occupancy Units.** The County shall allow conversion of hotels and motels to single room occupancy units (SRO) under specified conditions in selected zones in areas with public water. Plan and zone density standards may be waived for SRO units consistent with public health and safety. Permit fees may be subsidized for hotel and motel conversions to SRO units and for reviews of the legal non-conforming status or Plan amendments or zone reclassifications for motel and hotel conversions that have already occurred.
- H-IM11. Single Room Occupancy Units.** The County shall accommodate the use of hotels and motels for single room occupancy units by ordinance. Responsible Agency: CDS. Timeframe: By December 31, 2009.

H-IM31. Emergency Shelters. The County shall adopt by ordinance provisions which allow emergency shelters consistent with H-P14 and H-S12. Responsible Agencies: CDS and County Counsel. Timeframe: December 31, 2009

H-IM32. Transitional and Supportive Housing. The County shall accommodate transitional and supportive housing consistent with H-P31 and H-S11. Responsible Agencies: CDS and County Counsel. Timeframe: December 31, 2009.

Proposed Framework Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

The following changes are recommended by Housing for All to clarify the language, but are not recommended by staff because they do not seem necessary. If recommended by the Commission, they would apply to the commercial designations in all community plans, coastal plans and the zoning ordinance.

2741 Commercial General (CG)

1. Character: Generally retail sales and services that should be located for convenience. Easily accessible, compatible and geared for local, neighborhood or regional needs. Density determined by level of available services and by community character.
2. Primary and Compatible Uses include: neighborhood commercial, retail sales, retail service, office and professional service, private institution, visitor serving facility, bed and breakfast establishment, transient habitation, heavy commercial, warehousing, storage and distribution; cottage industry, emergency shelters, SRO facilities, and residential uses subordinate to the permitted use including transitional housing, supportive housing, and apartments ~~provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Primary and Compatible" in the CG Plan designation, as well as transitional housing and emergency shelters.~~

Alternative language for the above paragraph proposed by Housing for All

2. Primary and Compatible Uses include: neighborhood commercial, retail sales, retail service, office and professional service, private institution, visitor serving facility, bed and breakfast establishment, transient habitation, heavy commercial, warehousing, storage and distribution; cottage industry, emergency shelters, and SRO facilities. Other residential uses and residential uses subordinate to the permitted use including transitional housing, supportive housing and apartments are compatible uses when subordinate to the permitted use, provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Primary and Compatible" in the CG Plan designation, as well as transitional housing and emergency shelters.

3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plan.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans (Res. 85-81, 8/20/85).

2742 Commercial Services (CS)

1. Character: Heavy commercial uses and compatible light industrial uses not serving day to day needs; in addition to the retail sales and services.
2. Primary and Compatible Uses include: heavy commercial, warehousing, storage and distribution; automotive sales, service, and repair; office and professional Services; cottage industry; research/light manufacturing; commercial recreation, visitor serving facilities, transient habitation, bed and breakfast establishment; retail sales, retail service, neighborhood commercial, emergency shelters, SRO facilities, and residential uses subordinate to the permitted use including transitional housing, supportive housing, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Primary and Compatible" in the CS Plan designation as well as transitional housing and emergency shelters...
3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows, and road and drainage systems or as determined in the Community Plans.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans (Res. 85-81, 8/20/85)

2743 Commercial Recreation (CR)

1. Character: Commercial recreation facilities and accommodations and recreation/tourist oriented sales and services geared to local and visitor needs.
2. Primary and Compatible Uses include: visitor serving facilities, transient habitation, bed and breakfast establishment; commercial recreation, recreational vehicle park, private recreation, retail sales, retail service, neighborhood commercial, cottage industry, research/light manufacturing, serving as visitor destination points such as cheese factories, wineries, and burl works; emergency shelters, and residential use subordinate to the permitted use including SRO facilities, transitional housing, supportive housing, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Primary and Compatible" in the CR Plan designation, as well as transitional housing and emergency shelters.
3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows, and road and drainage systems or as determined in the Community Plans.

4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans. (Res. 85-81, 8/20/85)

Proposed Avenues Community Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

Commercial General (CG)

Character: Generally retail sales and services that should be located for convenience. Easily accessible, compatible and geared for local, neighborhood or regional needs. Density determined by level of available services and by community character.

Primary and Compatible Uses include: neighborhood commercial, retail sales, retail service, office and professional service, private institution, visitor serving facility, bed and breakfast establishment, transient habitation, heavy commercial, warehousing, storage and distribution; cottage industry, emergency shelters, SRO facilities, and residential uses subordinate to the permitted use including transitional housing, supportive housing, and apartments ~~provided the apartments occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CG Plan designation, as well as transitional housing and emergency shelters.~~

Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plan.

Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans (Res. 85-81, 8/20/85).

Commercial Services (CS)

Character: Heavy commercial uses and compatible light industrial uses not serving day to day needs; in addition to the retail sales and services.

Primary and Compatible Uses include: heavy commercial, warehousing, storage and distribution; automotive sales, service, and repair; office and professional Services; cottage industry; research/light manufacturing; commercial recreation, visitor serving facilities, transient habitation, bed and breakfast establishment; retail sales, retail service, neighborhood commercial, emergency shelters, SRO facilities, and residential uses subordinate to the permitted use including emergency shelters transitional housing, supportive housing, and apartments ~~provided the apartments occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CS Plan designation.~~

Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed, and road and drainage systems or as determined in the Community Plans.

Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans (Res. 85-81, 8/20/85)

Commercial Recreation (CR)

Character: Commercial recreation facilities and accommodations and recreation/tourist oriented sales and services geared to local and visitor needs.

Primary and Compatible Uses: Visitor serving facilities, transient habitation, bed and breakfast establishment; commercial recreation, recreational vehicle park, private recreation, retail sales, retail service, neighborhood commercial, cottage industry, research/light manufacturing, serving as visitor destination points such as cheese factories, wineries, and burl works; emergency shelters, and residential use subordinate to the permitted use including ~~emergency shelters, SRO facilities,~~ transitional housing, supportive housing, and apartments ~~provided the apartments occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Primary and Compatible" in the CR Plan designation.~~

Minimum Parcel Size Range: Adequate for parking and setback requirements and consistent with planned uses of adjacent land.

Proposed Carlotta/Hydesville Community Plan (CHCP) Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

2741 Commercial General (CG)

1. Character: Generally retail sales and services that should be located for convenience. Easily accessible, compatible and geared for local, neighborhood or regional needs. Density determined by level of available services and by community character.
2. Primary and Compatible Uses include:
 - Neighborhood Commercial
 - Retail Sales
 - Retail Service
 - Office and Professional Service
 - Private Institution
 - Visitor Serving Facility
 - Bed and Breakfast Establishment
 - Transient Habitation
 - Heavy Commercial
 - Warehousing, Storage and Distribution
 - Cottage Industry
 - SRO Facilities
 - Residential Use Subordinate to the Permitted Use including apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Primary and Compatible" in the CG Plan designation, as well as transitional housing, supportive housing and emergency shelters.
3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plan.

4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.
5. Community Policy: The C-1-Q Zone shall be utilized to explicitly classify the existing commercial uses of Assessor Parcel Numbers 204- 211-09 (saw repair shop), and 206-221-38 (barber/beauty shop) as principal permitted uses and to preclude all other commercial uses on the subject parcels.

2742 Commercial Services (CS)

1. Character: Heavy commercial uses and compatible light industrial uses not serving day to day needs in addition to the retail sales and services.
2. Primary and Compatible Uses include:
 Heavy Commercial
 Warehousing, Storage and Distribution
 Automotive Sales, Service and Repair
 Office and Professional Services
 Cottage Industry
 Research/Light Manufacturing
 Commercial Recreation
 Visitor Serving Facilities
 Transient Habitation
 Bed and Breakfast Establishment
 Retail Sales
 Retail Service
 Neighborhood Commercial
SRO Facilities
 Residential Uses Subordinate to the Permitted Use including apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CS Plan designation, as well as transitional housing, supportive housing and emergency shelters.
3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plans.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

2743 Commercial Recreation (CR)

1. Character: Commercial recreation facilities and accommodations and recreational/tourist oriented sales and services geared to local and visitor needs.
2. Primary and Compatible Uses include:
 Visitor Serving Facilities
 Transient Habitation

Bed and Breakfast Establishment
 Commercial Recreation
 Recreational Vehicle Park
 Private Recreation
 Retail Sales
 Retail Service
 Neighborhood Commercial
 Cottage Industry
 Research/Light Manufacturing, serving as visitor destination points such as cheese factories, wineries and burl works
 Residential Use Subordinate to the Permitted Use ~~including apartments provided they occur on the upper floors of multistory structures where below are establishments~~ engaged in other uses designated "Primary and Compatible" in the CR Plan designation, as well as transitional housing, SRO Facilities, supportive housing and emergency shelters.

3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plans.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

Proposed Eureka Community Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

2741 Commercial General (CG)

1. Character: Generally retail sales and services that should be located for convenience. Easily accessible, compatible and geared for local, neighborhood or regional needs. Density determined by level of available services and by community character.
2. Primary and Compatible Uses include:
 - Neighborhood Commercial
 - Retail Sales
 - Retail Service
 - Office and Professional Service
 - Private Institution
 - Visitor Serving Facility
 - Bed and Breakfast Establishment
 - Transient Habitation
 - Heavy Commercial
 - Warehousing, Storage and Distribution
 - Cottage Industry
 - Emergency Shelters
 - SRO Facilities

Residential Use Subordinate to the Permitted Use including apartments, transitional housing, and supportive housing ~~provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CG Plan designation, as well as transitional housing and emergency shelters.~~

3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Plan.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

2742 Commercial Services (CS)

1. Character: Heavy commercial uses and compatible light industrial uses not serving day to day needs in addition to the retail sales and services.

2. Primary and Compatible Uses include:

Heavy Commercial
Warehousing, Storage and Distribution
Automotive Sales, Service and Repair
Office and Professional Services
Cottage Industry
Research/Light Manufacturing
Commercial Recreation
Visitor Serving Facilities
Transient Habitation
Bed and Breakfast Establishment
Retail Sales
Retail Service
Neighborhood Commercial

Emergency Shelters

SRO Facilities

Residential Uses Subordinate to the Permitted Use including apartments, transitional housing, and supportive housing ~~provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CS Plan designation, as well as transitional housing and emergency shelters.~~

3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plans.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

2743 Commercial Recreation (CR)

1. Character: Commercial recreation facilities and accommodations and recreational/tourist oriented sales and services geared to local and visitor needs.
2. Primary and Compatible Uses include:
 - Visitor Serving Facilities
 - Transient Habitation
 - Bed and Breakfast Establishment
 - Commercial Recreation
 - Recreational Vehicle Park
 - Private Recreation
 - Retail Sales
 - Retail Service
 - Neighborhood Commercial
 - Cottage Industry
 - Research/Light Manufacturing, serving as visitor destination points such as cheese factories, wineries and burl works
 - Emergency Shelters
 - ~~Residential Use Subordinate to the Permitted Use including apartments, SRO Facilities, transitional housing, and supportive housing provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CR Plan designation as well as transitional housing and emergency shelters.~~
3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plans.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

Proposed Fortuna Area Community Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

2741 Commercial General (CG)

1. Character: Retail trade services that should be grouped for convenience. Easily accessible, compatible and geared for local, neighborhood or regional needs. Density determined by level of available services and by community character.
2. Primary and Compatible Uses: General retail trade, business and professional services, motels, hotels, restaurants, offices, public assembly, SRO facilities and residential uses subordinate to the permitted use including apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CG Plan designation, as well as transitional housing, supportive housing and emergency shelters..

3. Minimum Parcel Size: Adequate for proposed use under the tests of parking and setback requirements, consistent with planned uses of adjacent lands and adequate water, sewer, fire flows, and urban road and drainage systems.
4. Community Policy: Traffic safety will be taken into consideration for any development associated with the Commercial General (CG) plan designation at the intersection of U.S. 101 and 12th Street.
5. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

Proposed Freshwater Community Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

2740 COMMERCIAL

2741 Commercial General (CG)

1. Character: Retail trade services that should be grouped for convenience. Easily accessible, compatible and geared for local, neighborhood or regional needs. Density determined by level of available services and by community character.
2. Primary and Compatible Uses: General retail trade, business and professional services, motels, hotels, restaurants, offices, public assembly, SRO Facilities and residential uses subordinate to the permitted use, including apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CG Plan designation, as well as transitional housing, supportive housing and emergency shelters.
3. Minimum Parcel Size: Adequate for proposed use under the tests of parking and setback requirements, consistent with planned uses of adjacent lands or as determined in the Community Plan.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

Proposed Garberville\Redway\Benbow\Alderpoint Community Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing)

2741 Commercial General (CG)

1. Character: Generally retail sales and services that should be located for convenience. Easily accessible, compatible and geared for local, neighborhood or regional needs. Density determined by level of available services and by community character.
2. Primary and Compatible Uses include:
 Neighborhood Commercial
 Retail Sales
 Retail Service

Office and Professional Service
Private Institution
Visitor Serving Facility
Bed and Breakfast Establishment
Transient Habitation
Heavy Commercial
Warehousing, Storage and Distribution
Cottage Industry

Emergency Shelters

SRO Facilities

Residential Use Subordinate to the Permitted Use including apartments transitional housing, and supportive housing ~~provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CG Plan designation, as well as transitional housing and emergency shelters.~~

3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plan.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

2742 Commercial Services (CS)

1. Character: Heavy commercial uses and compatible light industrial uses not serving day to day needs in addition to the retail sales and services.

2. Primary and Compatible Uses include:

Heavy Commercial
Warehousing, Storage & Distribution
Automotive Sales, Service & Repair
Office and Professional Services
Cottage Industry
Research/Light Manufacturing
Commercial Recreation
Visitor Serving Facilities
Transient Habitation
Bed and Breakfast Establishment
Retail Sales
Retail Service
Neighborhood Commercial

Emergency Shelters

SRO Facilities

Residential Uses Subordinate to the Permitted Use including apartments, transitional housing, and supportive housing ~~provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CS Plan designation as well as transitional housing and emergency shelters.~~

3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plans.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

2743 Commercial Recreation (CR)

1. Character: Commercial recreation facilities and accommodations and recreational/tourist oriented sales and services geared to local and visitor needs.
2. Primary and Compatible Uses include:
 Visitor Serving Facilities
 Transient Habitation
 Bed and Breakfast Establishment
 Commercial Recreation
 Recreational Vehicle Park
 Private Recreation
 Retail Sales
 Retail Service
 Neighborhood Commercial
Emergency Shelters
 Cottage Industry
 Residential Use Subordinate to the Permitted Use including apartments, SRO Facilities, transitional housing, and supportive housing ~~provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CR Plan designation as well as transitional housing and emergency shelters.~~
 Research/Light Manufacturing, serving as visitor destination points such as cheese factories, wineries and burl works
3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plans.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

Proposed Jacoby Creek Community Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

2400 URBAN LAND USE

2410 COMMERCIAL AND INDUSTRIAL ...

Standards

1. Character: Retail trade services that should be grouped for convenience. Easily accessible, compatible with and geared for neighborhood needs.
2. Primary Uses: General retail trade, business and professional services, SRO facilities, and residential uses subordinate to the permitted use, including apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in General retail trade, business and professional services, as well as transitional housing, supportive housing and emergency shelters.
3. Density: Minimum parcel size range – 2.5 acres to 6,000 square feet.
4. Zoning classification consistent with Commercial, General.
Neighborhood Commercial (C-1).
5. No use shall be permitted for areas designated as Commercial, General that detracts from the residential desirability of the neighborhood. Uses considered compatible with this designation shall be limited to:
 - A. Professional, service and business offices.
 - B. Stores, agencies and services of a light commercial nature, conducted entirely within an enclosed building.
 - C. Small animal hospitals completely enclosed within a building.
 - D. Automobile service stations.

Proposed McKinleyville Community Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

2741 Commercial General (CG)

1. Character: Retail trade services that should be grouped for convenience. Easily accessible, compatible and geared for local neighborhood or regional needs. Density determined by level of available services and by community character.
2. Primary and Compatible Uses: General retail trade, business and professional services, motels, hotels, restaurants, offices, public assembly, emergency shelters, SRO facilities, and residential uses subordinate to the permitted use, including apartments, transitional housing, and supportive housing ~~provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CG Plan designation, as well as transitional housing and emergency shelters.~~
3. Minimum Parcel Size: Adequate for proposed use under the tests of parking and setback requirements, consistent with planned uses of adjacent lands.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

2742 Commercial Services (CS)

1. Character: Heavy commercial uses and compatible light industrial uses not serving day to day needs. Full range of urban services required (i.e., good access, public sewer and water, electricity, fire protection, and waste disposal).
2. Primary and Compatible Uses: Heavy retail trade, repair services, construction services, wholesale trade, research and development, medical facilities, institutional uses, emergency shelters, SRO facilities, and residential uses subordinate to the permitted use, including apartments, transitional housing, and supportive housing ~~provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CS Plan designation, as well as transitional housing and emergency shelters~~
3. Minimum Parcel Size: Adequate for proposed use under the tests of parking and setback requirements, consistent with planned uses of adjacent lands.
4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

Proposed Orick Community Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

2341 COMMERCIAL, GENERAL

Overview. Commercial, General areas have been designated at Davison Road, both north and south of Redwood Creek, and at the entrance to the valley. The Davison Road sites contain motels. The areas north and south of the Creek are the main part of Orick and contain the bulk of local resident and tourist serving commercial facilities. The most southern site contains a deli and other tourist related uses.

All the Commercial, General areas are currently zoned commercial. The Commercial, General designation encompasses approximately 44 acres.

Character. The Commercial, General designation is utilized to classify lands appropriate for a variety of retail commercial uses. Lands within the designation should be within, or contiguous to, developed areas to facilitate easy access, and should be geared for local, neighborhood or regional needs. Density is to be determined by level of available services and by community character.

Primary and Compatible Uses. General retail trade, business and professional services, motels, hotels, restaurants, offices, public assembly, small animal hospitals, emergency shelters, SRO Facilities, and residential uses subordinate to the permitted use, including apartments, provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CG Plan designation, , as well as

transitional housing and supportive housing, ~~emergency shelters, and small animal hospitals.~~

Minimum Parcel Size. Adequate for parking and setback requirements, and consistent with planned uses of adjacent lands.

Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

2342 COMMERCIAL, RECREATION

Overview. Two Commercial, Recreation areas have been designated along Highway 101 at the southern entrance to the Valley. These Orick Community Plan December, 1983 Page 10 sites are located on either side of an existing commercial area and would complement the existing tourist related facilities. Both sites are flat, stable land, have direct access to the main highway, and are included in the water line extension area. An additional area of approximately 20 acres in the center of town north of the bridge was also added. The total Commercial, Recreation designation encompasses approximately 58 acres.

Character. The Commercial, Recreation designation is utilized to classify existing or proposed private or commercial recreation or visitor-serving uses.

Primary and Compatible Uses. Commercial recreational uses, including campgrounds, R-V parks, hotels and motels, and visitor-serving uses such as gift shops, restaurants, taverns, and bait and tackle shops, emergency shelters, SRO facilities and residential uses subordinate to the permitted use, including apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Primary and Compatible" in the CR Plan designation, , as well as transitional housing, and supportive housing ~~emergency shelters, and bait and tackle shops.~~

Minimum Parcel Size Range. Adequate for parking and setback requirements and consistent with planned uses of adjacent land.

Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

Proposed Willow Creek Community Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

2741 Commercial General (CG)

1. Character: Generally, retail sales and services that should be located for convenience. Easily accessible, compatible and geared for local, neighborhood or regional needs. Density determined by level of available services and by community character.

2. Primary and Compatible Uses include:

Neighborhood Commercial
Retail Sales
Retail Services
Office and Professional Service
Private Institution
Visitor Serving Facility
Bed and Breakfast Establishment
Transient Habitation
Heavy Commercial
Warehousing, Storage and distribution
Cottage Industry
Emergency Shelters
SRO Facilities

Residential Uses Subordinate to the Permitted Use including apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CG Plan designation as well as transitional housing, and supportive housing, ~~emergency shelters~~.

3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plan.

4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

2742 Commercial Services (CS)

1. Character: Heavy commercial uses and compatible light industrial uses not serving day-to-day needs in addition to the retail sales and services.

2. Primary and Compatible Uses include:

Heavy Commercial
Warehousing, Storage and Distribution
Automotive Sales, Service and Repair
Office and Professional Services
Cottage Industry
Research/Light Manufacturing
Commercial Recreation
Visitor-Serving Facilities
Transient Habitation
Bed and Breakfast Establishment
Retail Sales
Retail Service
Neighborhood Commercial
Emergency Shelters
SRO Facilities

Residential Uses Subordinate to the Permitted Use, including apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CS Plan designation as well as transitional housing, and supportive housing emergency shelters.

3. Minimum Parcel Size: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plans.

4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

2743 Commercial Recreation (CR)

1. Character: Commercial recreation facilities and accommodations and recreational/tourist oriented sales and services geared to local and visitor needs.

2. Primary and Compatible Uses include:

Visitor Serving Facilities
Transient Habitation
Bed and Breakfast Establishment
Commercial Recreation
Recreational Vehicle Park
Private Recreation
Retail Sales
Retail Service

Neighborhood Commercial
Cottage Industry
Research/Light Manufacturing, serving as visitor destination points such as cheese factories, wineries, and burl works

Emergency Shelters

Residential Use subordinate to the Permitted Use including apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Primary and Compatible” in the CR Plan designation as well as transitional housing, SRO Facilities, and supportive housing, emergency shelters.

3. Minimum Parcel Size Range: Consistent with planned uses of adjacent lands and adequate for proposed use under the tests of parking and setback requirements, and adequate water, sewer, fire flows and road and drainage systems or as determined in the Community Plans.

4. Residential Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans.

Proposed McKinleyville Area Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

5.20 URBAN PLAN DESIGNATIONS...

(The standards below apply only within Urban Limits as shown in the Area Plan)

CG: COMMERCIAL GENERAL

Purpose: To allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community.

Principal Use: Retail sales, retail services, office and professional uses, and residential uses subordinate to establishments engaged in other uses designated “Principal” or “Conditional” in the CG Plan designation including emergency shelters, transitional housing, and apartments.

Conditional Uses: ~~Hotels, and motels, and residential uses subordinate to the permitted use including emergency shelters, transitional housing, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated “Principal” or “Conditional” in the CG Plan designation.~~

CR: COMMERCIAL RECREATIONAL

Purpose: To protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.

Principal Use: Commercial recreational, including recreational vehicle parks, hotels and motels for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns, for example, subject to the requirements of Section 3.25 (Recreational and Visitor Serving Uses), and residential uses including emergency shelters, transitional housing, a

caretaker's residence, and apartments provided they are subordinate to establishments engaged in other uses designated "Principal" or "Conditional" in the CR Plan designation.

Conditional Uses: Single family house on existing lots, ~~and residential uses subordinate to the permitted use including emergency shelters, transitional housing, a caretaker's residence, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CR Plan designation,~~

MB: BUSINESS PARK (Amended by Res. 85-81, 8/20/85)

Purpose: to provide sites which are suitable for "business park" developments: Well designed and mixed industrially commercial areas composed of nuisance-free light industrial, research and development, administrative and business and professional office, warehousing and storage facilities, developed in a park-like environment.

Principal Uses: research/light industrial, office and professional service, administrative, and warehousing, storage and distribution, and residential uses including transitional housing, a caretaker's residence, and apartments provided they are subordinate to establishments engaged in other uses designated "Principal" or "Conditional" in the MB Plan designation.

Conditional Uses: retail sales, retail service uses, transient habitation uses which are incidental to or supportive of principal uses and ~~residential uses subordinate to the permitted use including emergency shelters, transitional housing, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the MB Plan designation.~~

Proposed NorthCoast Area Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

5.20 URBAN PLAN DESIGNATIONS

...

CG: COMMERCIAL GENERAL

Purpose: To allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community.

Principal Use: Retail sales, retail services, office and professional uses.

Conditional Uses: Hotels, motels and SRO Facilities, and residential uses subordinate to the permitted use including emergency shelters, transitional housing, supportive housing and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CG Plan designation.

CR: COMMERCIAL RECREATIONAL

Purpose: To protect sites suitable for the development of commercial recreational facilities, and for visitor service facility appropriate to assure recreational opportunity for visitors to the area.

Principal Use: Commercial recreational (such as recreational vehicle parks, hotels, and motels, and SRO Facilities) and visitor-serving developments (such as antique ships, art galleries, restaurants, and taverns) subject to the requirements of sections 3.23A, B and C of this document..

Conditional Uses: Single family residences on existing lots and residential uses subordinate to the

permitted use including emergency shelters, transitional housing, supportive housing, a caretaker's residence, and apartments, provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CR Plan designation.

Proposed Trinidad Area Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

4.20 URBAN PLAN DESIGNATIONS

...

CG COMMERCIAL GENERAL

Purpose: to allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community.

Principal Use: retail sales, retail services, office and professional uses.

Conditional Uses: Hotels, motels, SRO Facilities, and residential uses subordinate to the permitted use including emergency shelters, transitional housing supportive housing and apartments, provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CG Plan designation.

CR COMMERCIAL RECREATIONAL

Purpose: to protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.

Principal Use: commercial recreational, including recreational vehicle parks, hotels and motels, for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns for example subject to the requirements of Section 3.13.

Conditional Uses: single family house on existing lots, and residential uses subordinate to the permitted use including emergency shelters, transitional housing, SRO Facilities, and supportive housing a caretaker's residence, and apartments, provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CR Plan designation.

Proposed McKinleyville Area Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional

Housing

5.20 URBAN PLAN DESIGNATIONS

(The standards below apply only within Urban Limits as shown in the Area Plan)

RH: RESIDENTIAL/HIGH DENSITY

Purpose: To maximize effective use of limited urban lands and promote concentration of urban residential use where public services and overall community design make this both feasible and desirable.

Principal Use: Multiple-unit residential development for occupancy by individuals, groups or families, exclusive of mobile home developments, emergency shelters, transitional housing, and supportive housing.

Conditional Uses: Hotels, motels, boarding houses, ~~emergency shelters, transitional housing,~~ mobile home development, single family residences, neighborhood commercial, office and professional uses (Amended by Res. No. 85-65, effective certification: 11/25/85)

1. New neighborhood commercial development, which is conditionally permitted in urban residential land use designations, shall be restricted to locating along minor collectors or a higher order road classification (e.g. major collectors or arterials). (Amended by Res. No. 85-55, 5/7/85).
2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures. (Amended by Res. No. 85-55, 5/7/85).

Gross Density: 18-50 units per acre.

RM: RESIDENTIAL/MEDIUM DENSITY

Purpose: To make effective use of limited urban land and provide areas for residential use of mobile homes in urban areas, consistent with availability of public services.

Principle Use: Duplex, multiple unit and mobile home residential development for occupancy by individuals or families, emergency shelters, transitional housing, and supportive housing.

Conditional Uses: Same as RH plus guest houses, private institutions, neighborhood commercial, office and professional uses (Amended by Res. No. 85-65, effective certification: 11/25/85)

1. New neighborhood commercial development, which is conditionally permitted in urban residential land use designations, shall be restricted to locating along minor

collectors or a higher order road classification (e.g. major collectors or arterials. (Amended by Res. No. 85-55, 5/7/85).

2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures. (Amended by Res. No. 85-55, 5/7/85).

Gross Density: 8-30 units per acre...

CG: COMMERCIAL GENERAL

Purpose: To allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community.

Principal Use: Retail sales, retail services, office and professional uses, emergency shelters, and residential uses including, transitional housing, supportive housing, and apartments provided they are subordinate to establishments engaged in other uses designated "Principal" or "Conditional" in the CG Plan designation.

Conditional Uses: Hotels, motels, and SRO facilities, and residential uses subordinate to the permitted use including emergency shelters, transitional housing, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CG Plan designation.

CR: COMMERCIAL RECREATIONAL

Purpose: To protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.

Principal Use: Commercial recreational, including recreational vehicle parks, hotels and motels, for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns, for example, subject to the requirements of Section 3.25 (Recreational and Visitor Serving Uses) and residential uses including SRO facilities, transitional housing, supportive housing, a caretaker's residence, and apartments provided they are subordinate to establishments engaged in other uses designated "Principal" or "Conditional" in the CR Plan designation.

Conditional Uses: Single family house on existing lots, and residential uses subordinate to the permitted use including emergency shelters, transitional housing, a caretaker's residence, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CR Plan designation,

MB: BUSINESS PARK (Amended by Res. 85-81, 8/20/85)

Purpose: to provide sites which are suitable for "business park" developments: Well designed and mixed industrially commercial areas composed of nuisance-free light industrial, research and development, administrative and business and professional office, warehousing and storage facilities, developed in a park-like environment.

Principal Uses: research/light industrial, office and professional service, administrative, and warehousing, storage and distribution, and residential uses including transitional housing, supportive housing, a caretaker's residence, and apartments provided they are subordinate to establishments engaged in other uses designated "Principal" or "Conditional" in the MB Plan designation.

Conditional Uses: retail sales, retail service uses, transient habitation uses which are incidental to or supportive of principal uses and ~~residential uses subordinate to the permitted use including emergency shelters, transitional housing, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the MB Plan designation.~~

Proposed Humboldt Bay Area Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

CHAPTER 4

STANDARDS FOR PLAN DESIGNATIONS

4.10 INTRODUCTION

...

A URBAN LAND USE DESIGNATIONS

RH: RESIDENTIAL/HIGH DENSITY

Purpose: To maximize effective use of limited urban lands and promote concentration of urban residential use where public services and overall community design make this both feasible and desirable.

Principal Use: Multiple-unit residential development for occupancy by individuals, groups or families, exclusive of mobile home developments, transitional housing, and supportive housing.

Conditional Uses: Hotels, motels, boarding houses, emergency shelters, ~~transitional housing,~~ mobile home development, single family residences, neighborhood commercial, office and professional uses (Amended by Res. No. 85-65, effective certification: 11/25/85)

1. New neighborhood commercial development, which is conditionally permitted in urban residential land use designations, shall be restricted to locating along minor collectors or a higher order road classification (e.g. major collectors or arterials). (Amended by Res. No. 85-55, 5/7/85).

2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures. (Amended by Res. No. 85-55, 5/7/85).

RM: RESIDENTIAL/MEDIUM DENSITY

Purpose: To make effective use of limited urban land and provide areas for residential use of mobile homes in urban areas, consistent with availability of public services.

Principle Use: Duplex, multiple unit and mobile home residential development for occupancy by individuals or families, transitional housing, and supportive housing.

Conditional Uses: Same as RH plus guest houses, office and professional private institutions, and neighborhood commercial (Amended by Res. No. 85-65, effective certification: 11/25/85)

1. New neighborhood commercial development, which is conditionally permitted in urban residential land use designations, shall be restricted to locating along minor collectors or a higher order road classification (e.g. major collectors or arterials). (Amended by Res. No. 85-55, 5/7/85).

2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures. (Amended by Res. No. 85-55, 5/7/85).

Gross Density: 8-30 units per acre...

...

CG: COMMERCIAL GENERAL

Purpose: To allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community.

Principal Use: Retail sales, retail services, office and professional uses.

Conditional Uses: Hotels, and motels, SRO facilities, and residential uses subordinate to the permitted use including emergency shelters, transitional housing, supportive housing, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CG Plan designation.

CR: COMMERCIAL RECREATIONAL

Purpose: To protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.

Principal Use: Commercial recreational, including recreational vehicle parks, hotels and motels. for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns, for example, subject to the requirements of Section 3.25 (Recreational and Visitor Serving Uses),

Conditional Uses: Single family house on existing lots, and residential uses subordinate to the permitted use including emergency shelters, SRO facilities, transitional housing, supportive housing, a caretaker's residence, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CR Plan designation,

...

B. RURAL PLAN DESIGNATIONS

...

CR: COMMERCIAL RECREATION

PURPOSE: to protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors in the area.

PRINCIPAL USE: commercial recreational, including recreational vehicle parks, hotels and motels for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns for example, subject to the requirements of Section 3.27 of this document.

CONDITIONAL USES: single-family house on existing lots, and residential uses subordinate to the permitted use including emergency shelters, SRO facilities, transitional housing, supportive housing, a caretaker's residence, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CR Plan designation,

GROSS DENSITY: maximum density of twelve overnight units per gross developed acre.

Proposed Eel River Area Plan Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing

5.20 URBAN PLAN DESIGNATIONS

(The standards below apply only within Urban Limits as shown in the Area Plan.)

RM: RESIDENTIAL/MEDIUM DENSITY

Purpose: to make effective use of limited urban land and provide areas for residential use of mobile homes in urban areas, consistent with availability of public services.

Principal Use: duplex, multiple unit and mobile home residential development for occupancy by individuals or families, transitional housing and supportive housing.

Conditional Uses: Hotels, motels, boarding houses, emergency shelters, ~~transitional housing~~, mobile home development, single family residences, guest houses, office and professional private institutions, and neighborhood commercial (Amended by the Board of Supervisors, Resolution 85-65; effective certification 11/25/85).

1. New neighborhood commercial development, which is conditionally permitted in urban residential land use designations, shall be restricted to locating along minor collectors or a higher order road classifications (e.g. major collectors or arterials (Amended by Res. No. 85-55, 5/7/85).

2. Neighborhood commercial uses conditionally permitted in urban residential land use designations may be prohibited pursuant to rezoning procedures (Amended by Res. No. 85-55, 5/7/85).

Gross density: 8-30 units per acre....

CG: COMMERCIAL GENERAL

Purpose: to allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community.

Principal Use: retail sales, retail services, office and professional uses.

Conditional Uses: Hotels, motels, SRO Facilities and residential uses subordinate to the permitted use including emergency shelters, transitional housing, supportive housing, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" or "Conditional" in the CG Plan designation.

CR: COMMERCIAL RECREATIONAL

Purpose: to protect sites suitable for the development of commercial recreational facilities, and for visitor service facilities appropriate to assure recreational opportunity for visitors to the area.

Principal Use: commercial recreational, including recreational vehicle parks, hotels and motels for example, and visitor-serving developments, including antique shops, art galleries, restaurants, taverns for example, subject to the requirements of Section 3.25.

Conditional Uses: single family house on existing lots, and residential uses subordinate to the permitted use including emergency shelters, transitional housing, SRO Facilities, supportive housing, a caretaker's residence, and apartments provided they occur on the upper floors of multistory structures where below are establishments engaged in other uses designated "Principal" and "Conditional" in the CR Plan designation.

Proposed Zoning Ordinance Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing – Chapter 3 (Coastal)

CHAPTER 3
Table Of Contents

Section B: Regulations That Apply In All Or Several Zones
Part 1: Uses And Activities

313-42	General Provisions	86
313-43–68	Alphabetical Listing of Uses and Activities	86
313-43.1	Accessory Uses	86
313-43.2	Allowed Agricultural Activities Not a Nuisance (“Right to Farm Ordinance”)	88
313-43.3	Animal Keeping	93
313-44.1	Bed and Breakfast Establishments	95
313-45.1	Coastal-Dependent Industrial Development	95
313-45.2	Cottage Industry	98
313-46.1	Dredge Spoils Disposal	101
<u>313-47.1</u>	<u>Emergency Shelters</u>	<u>101</u>
	<i>313-48–49: Sections Reserved for Future Use</i>	
313-50.1	Home Occupation and Addresses of Convenience	101
<u>313-55.1</u>	<u>Mixed Use Development Regulations</u>	<u>102</u>
	<i>313-55 - 56: Section Reserved for Future Use</i>	
313-57.1	Oil and Gas Drilling and Processing	104
	<i>313-58–59: Sections Reserved for Future Use</i>	
<u>313-60.1</u>	<u>Single Room Occupancy Structures And Facilities</u>	<u>106</u>
313-61.1	Solid Waste Disposal	106
313-61.2	Surface Mining and Reclamation	107

313-62.1	Temporary Uses	115
	<i>313-63: Section Reserved for Future Use</i>	
313-64.1	Vegetation Removal, Major	115
	<i>313-65–68: Sections Reserved for Future Use</i>	

313-2.2 CG: Commercial General	
Use Type	Principal Permitted Use
Civic Use Types	Minor Utilities, Essential Services, Administrative, Non-Assembly Cultural
Commercial Use Types	Retail Sales Retail Services Automotive, Sales, Service and Repair Office and Professional Service
Industrial Use Types*	Cottage Industry; subject to the Cottage Industry Regulations
Residential Use Types	<u>Within mapped Housing Opportunity Zones multifamily residential units, transitional housing and supportive housing subordinate to commercial establishments engaged in uses designated “Principally Permitted” or “Conditionally Permitted” in the CG Zone\</u> <u>Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use</u>
Use Type	Conditionally Permitted Use
Residential Use Types	Caretaker’s Residence <u>SRO Facilities</u> <u>Outside Housing Opportunity Zones, Multi Family Residential, Emergency Shelters and Transitional Housing and Supportive Housing on the upper floors of multistory structures where below are establishments engaged in uses designated “Principally Permitted” or “Conditionally Permitted” in the CG Zone</u> <u>Emergency Shelters outside areas mapped to specifically allow emergency shelters as a principally permitted use</u>
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
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.
Development Standards	
Minimum Lot Size	5,000 square feet
Minimum Lot Width	Fifty feet (50')
Maximum Lot Depth	Three (3) times the lot width
Maximum Density	(None specified.)
Minimum Yard Setbacks***	
Front	None, except that where frontage is in a block which is partially in a Residential (RS, R2, RM) zone, the front yard shall be same as that required in such Residential zone
Rear	Fifteen feet (15'), except that where a rear yard abuts an alley, such rear yard may be not less than five feet (5')
Side	None, except that a side yard of an interior lot abutting on a Residential

313-2.2	CG: Commercial General
	(RS, R2, RM) zone or an Agricultural (AE) zone shall not be less than the front yard required in such Residential zone or Agricultural zone.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Maximum Ground Coverage	(None specified).
Maximum Structure Height	Forty-five feet (45')
Permitted Main Building Types	Ancillary Residential; Manufactured Home, <u>Multiple Unit, SRO Facility</u> Limited Mixed Residential - Nonresidential Nonresidential Detached; Multiple/Group

313-6.2	RM: Residential Multi-Family
Use Type Residential Use Types	Principal Permitted Use Multi Family Residential <u>Transitional Housing and Supportive Housing</u> Group Residential <u>Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use.</u>
Civic Use Types Use Type Residential Use Types	Minor Utilities Conditionally Permitted Use Single Family Residential Manufactured Home Parks; subject to the Manufactured Home Park Regulations
Civic Use Types	Essential Services Community Assembly Non-Assembly Cultural Public Recreation and Open Space 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	Bed and Breakfast Establishments; subject to the Bed and Breakfast Establishment Regulations Transient Habitation Private Recreation Neighborhood Commercial Office and Professional Service Private Institution
Commercial Timber Use Type Natural Resource Use Type	Timber Production Fish and Wildlife Management Watershed Management Wetland Restoration 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 RM zone.
Development Standards	
Minimum Lot Size	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times the lot width.
Maximum Density	The maximum density as specified on the adopted zoning maps. A minimum of one dwelling unit (1du) per lawfully created lot is permitted, even if the specified maximum dwelling unit density is

	exceeded, if it meets all other development standards. The maximum density shall be calculated as the total number of dwelling units divided by the total area within the lot and within one-half of any adjacent street.
--	---

...

313-47.1 EMERGENCY SHELTERS

47.1.1. Purpose. The provisions of this Section are intended to provide opportunities for the development of temporary and permanent emergency shelters for homeless persons in areas with public services, and to establish standards for these facilities.

47.1.2 Development Standards

47.1.2.1 Lighting. Adequate external lighting shall be provided. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

47.1.2.2 Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

Central cooking and dining room(s).

Recreation room.

Counseling center.

Child care facilities.

Other support services.

47.1.2.3 Security. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.

47.1.2.4 Outdoor Activity. For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.

47.1.2.5 Emergency Shelter Provider. The agency or organization operating the shelter shall comply with the following requirements:

47.1.2.5.1 Temporary shelter shall be available to residents for no more than six months.

47.1.2.5.2 Staff and services shall be provided to assist residents to obtain permanent shelter and income.

47.1.2.5.3 The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

47.1.2.6 Maximum Unit Density. Homeless shelters located in residential districts, when not developed in an individual dwelling unit format, shall not be subject to the density standard of the General Plan, but the number of beds shall be limited to 50. In no case shall occupancy of the facility exceed the limit set forth in the adopted Airport Land Use Plan.

47.1.2.7 Proximity to Other Emergency Shelters. Principally permitted emergency shelters shall not be located within 300 feet of each other.

47.1.2.8 Exceptions. Exceptions to each of the development standards 47.1.2.1 – 47.1.2.7 may be allowed with a Special Permit...

...

313-60.1 SINGLE ROOM OCCUPANCY STRUCTURES AND FACILITIES

60.1.1 Purpose. The purpose of these regulations is to provide opportunities for the development of permanent, affordable housing for small households and for people with special needs in Single Room Occupancy (SRO) Facilities in proximity to transit and services, and to establish standards for the small units within those facilities.

60.1.2 Applicability. These regulations shall apply in all zones in which the SRO Facilities use type is permitted, and where public water is available, including but not limited to proposed expansions at existing SRO Facilities, and to proposed new facilities.

60.1.3 Development Standards for SRO Facilities

60.1.3.1 Density. An SRO Facility which is a conversion of an existing hotel or motel is not required to meet density standards of the General Plan but shall comply with the occupancy standards of the adopted Airport Land Use Plan. All other SRO Facilities shall meet the density standards of the General Plan and the occupancy standards of the adopted Airport Land Use Plan.

60.1.3.2 Common Area. Four square feet per living unit shall be provided, with at least 200 square feet in area of interior common space, excluding janitorial storage, laundry facilities and common hallways.

60.1.3.3 Laundry Facilities. Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every twenty units or fractional number thereof, with at least one washer and dryer per floor.

60.1.3.4 Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO Facility.

60.1.3.5 Solid Waste. Solid waste storage shall be within enclosed structures or screened from view on all sides and located not less than 5' from any property line.

60.1.3.6 Common Building Site. The total area occupied by the SRO Facility shall be no more than 2 contiguous acres.

60.1.3.7 Management

60.1.3.7.1. Facility Management. An SRO Facility with 10 or more units shall provide on-site management. An SRO Facility with less than 10 units shall provide a management office on-site.

60.1.3.7.2. Management Plan. A management plan shall be submitted with the development application for an SRO Facility and shall be approved by the County. The management plan must address management and operation of the facility, rental procedures, safety and security of residents and building maintenance.

60.1.3.8 Parking. Off street parking shall be provided consistent with the parking regulations in §313-109.1 (Coastal) §314-109.1 (Inland). Secure bicycle parking shall be provided at the ratio of one (1) space per four (4) SRO units.

60.1.3.9 Existing Structures. An existing structure may be converted to an SRO Facility, consistent with the provisions of this Section.

60.1.3.10 Exceptions. Exceptions to the Standards of Subsections 61.1.3.1 through 61.1.3.7 of this section may be approved by the Planning Commission upon making a finding that an alternative standard is in substantial conformance with the prescriptive standard where compatible with surrounding land uses.

60.1.4 Development Standards for SRO Units

60.1.4.1 Unit Size. An SRO unit shall have a minimum size of 150 square feet and a maximum size of 400 square feet.

60.1.4.2 Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.

60.1.4.3 Kitchen. Except as provided herein, an SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

60.1.4.4 Closet. Each SRO unit shall have a separate closet.

60.1.4.5 Code Compliance. SRO units shall comply with all requirements of the California Building Code and required health and safety standards for water and sewer.

61.1.4.6 Accessibility. All SRO units shall comply with all applicable accessibility and adaptability requirements.

...

313-109.1 OFF-STREET PARKING

...

109.1.4 Parking Spaces Required. The number of off-street parking spaces required shall not be less than the following: (Former Section CZ#A314-26(D))

109.1.4.1.3 Hotel, Motel, Rooming House, Transitional Housing, Supportive Housing. One (1) parking space for each sleeping unit, plus two (2) manager parking spaces. (Former Section CZ#A314-26(D)(1)(c))

...

109.1.4.1.6 SRO Facilities. One (1) parking space per each two (2) SRO units.

...

313-137 DEFINITIONS (B)

Building Type, Residential: A group of building types that comprise the following:

...

F. Single Room Occupancy Units A living space within an Single Room Occupancy (SRO) Facility with a minimum floor area of 150 square feet and a maximum of 400 square feet with access to kitchen and bathroom facilities. Kitchen and bathroom facilities may be wholly or partially included in each living space, or may be fully shared.

313-154 DEFINITIONS (S)

...

Single Room Occupancy Facility: A residential building or structure, or group of buildings or structures that include one or more Single Room Occupancy units.

...

313-177 RESIDENTIAL USE TYPES

177.15 Transitional and Supportive Housing: The Transitional and Supportive Housing Use Type includes the residential occupancy of a duplex, or multiple main building or buildings by individuals or families on a non-transient basis for the purpose of providing a stable housing environment complemented by case management to assist the residents in achieving sobriety, independence and self-sufficiency with enhanced possibilities for future success.

Proposed Zoning Ordinance Amendments to Implement Single Room Occupancy Units, Emergency Shelters, and Supportive and Transitional Housing – Chapter 4 (Non-Coastal)

- 314-43–68: ALPHABETICAL LISTING OF USES AND ACTIVITIES
 - 314-43.1 ACCESSORY USES
 - 314-43.2 ALLOWED AGRICULTURAL ACTIVITIES NOT A NUISANCE (“RIGHT TO FARM ORDINANCE”)
 - 314-43.3 ANIMAL KEEPING.
 - 314-44.1 BED AND BREAKFAST ESTABLISHMENTS.
 - 314-45.1 COTTAGE INDUSTRY.
 - 314-47.1 EMERGENCY SHELTERS
 - 314-50.1 HOME OCCUPATIONS AND ADDRESSES OF CONVENIENCE
 - 314-55.1 MIXED USE DEVELOPMENT REGULATIONS
 - 314-58.1 PUBLIC USES
 - 314-~~60~~ 59.1 REMOVAL OF NATURAL MATERIALS
 - 314-60.1 SINGLE ROOM OCCUPANCY STRUCTURES AND FACILITIES
 - 314-61.1 STREAMSIDE MANAGEMENT AREA ORDINANCE
 - 314-62.1 TEMPORARY USES
 - 314-62.2 TIMBER PRODUCTION

...

314-2.1 C-1: NEIGHBORHOOD COMMERCIAL ZONE

The Neighborhood Commercial or C-1 Zone is intended to provide for neighborhood shopping centers which will provide convenient sales and service facilities to residential areas without detracting from the residential desirability of such areas. The following regulations shall apply in all Neighborhood Commercial or C-1 Zones. (Former Section INL#314-34; Ord. 1086, Sec. 7, 7/13/76; Amended by Ord. 2214, 6/6/00)

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.	
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)	

<u>Within Housing Opportunity Zones, multiple dwellings, and transitional and supportive housing subordinate to commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-1 Zone.</u>	
<u>Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use</u>	
Uses Permitted with a Special Permit	
<u>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, as well as transitional housing, and emergency shelters <u>outside areas mapped to specifically allow emergency shelters as a principally permitted use.</u> (Added by Ord. 2313A 12/16/2003, Amended by Ord. 2335 12/14/2004)</u>	
Single Room Occupancy Facilities	
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; 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.	
Other Regulations	
Minimum Lot Area	2,000 square feet.
Minimum Lot Width	Twenty-five feet (25').
Minimum Yard Setbacks*	
Front	None, except that where frontage is in a block which is partially in a Residential Zone (RS, R-1, R-2, R-3, R-4) the front yard shall be the same as that required in such Residential Zone.
Rear	Fifteen feet (15'), except that where a rear yard abuts on an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential Zone (RS, R-1, R-2, R-3, R-4) or Agricultural Zone (AE, AG) shall be not less than the front yard required in such Residential Zone or Agricultural Zone.
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Forty-five feet (45'). (Ord. 1086, Sec. 7, 7/13/76)

314-2.2 C-2: COMMUNITY COMMERCIAL ZONE

The Community Commercial or C-2 Zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. The following regulations shall apply in all Community Commercial or C-2 Zones.

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)	

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)	
<u>Within Housing Opportunity Zones multiple dwellings, and transitional and supportive housing subordinate to commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-2 Zone</u>	
<u>Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use.</u>	
Uses Permitted with a Special Permit	
<u>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,, as well as transitional housing, and emergency shelters <u>outside areas mapped to specifically allow emergency shelters as a principally permitted use.</u> (Added by Ord. 2313A, 12/16/2003, Amended by Ord 2235, 12/14/2004)</u>	
Single Room Occupancy Facilities	
Uses Permitted with a Use Permit	
Dwellings, 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 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.	
Other Regulations	
Minimum Lot Area	2,000 square feet.
Minimum Lot Width	Twenty-five feet (25').
Minimum Yard Setbacks*	
Front	None, except that where frontage is in a block which is partially in a Residential Zone (RS, R-1, R-2, R-3, R-4) the front yard shall be the same as that required in such Residential Zone.
Rear	Fifteen feet (15'), except that where a rear yard abuts on an alley, such rear yard may be not less than five feet (5').
Side	None, except that a side yard of an interior lot abutting on a Residential Zone (RS, R-1, R-2, R-3, R-4) or Agricultural Zone (AE, AG) shall be not less than the front yard required in such Residential Zone or Agricultural Zone.
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Seventy-five feet (75').

314-2.3 C-3: INDUSTRIAL COMMERCIAL ZONE

The Industrial Commercial or C-3 Zone is intended to apply to areas where heavy commercial uses and compatible light industrial uses not serving day to day needs are the desirable predominant uses. The following regulations shall apply in all Industrial Commercial or C-3 zones. For further description of use types, see "Glossary of Use Types" in Section D: Use Types, at the end of this Chapter. (Former Section INL#314-38; Ord. 1801, Sec. 1, 6/30/87)

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

<u>Residential Use Types</u>	<u>Within Housing Opportunity Zones multiple dwellings, and transitional and supportive housing subordinate to commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-3 Zone. Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use</u>
Use Type	Uses Permitted with a Special Permit
Residential Use Types	<u>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, as well as transitional housing, and emergency shelters <u>outside areas mapped to specifically allow emergency shelters as a principally permitted use.</u> <u>Single Room Occupancy Facilities</u></u>
Use Type	Uses Permitted with a Use Permit
Civic Use Types	Community Assembly
Commercial Use Types	Heavy Commercial Neighborhood 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.
Other Regulations	
Minimum Lot Area	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Minimum Yard Setbacks*	
Front	Five feet (5').
Rear	Five feet (5').
Side	Five feet (5') or ten (10') feet on one side.
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Forty-five feet (45').

Other Regulations	
Special Regulations	All equipment and materials storage areas shall be security fenced to a height of not less than six feet (6'). (Added by Ord. 1801, Sec. 1, 6/30/87)
	In addition, all such areas shall be screened from view of any residential area, public roadway, or recreational use area. (Former Section INL#314-38(c)(5); Added by Ord. 1801, Sec. 1, 6/30/87)
	Such fencing and screening need not comply with yard setbacks, but shall comply with the Visibility Obstruction Regulations (Humboldt County Code, Section 341). (Former Section INL#314-38(c)(5); Added by Ord. 1801, Sec. 1, 6/30/87)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-38(a)(1-5); INL#314-38(b)(1-6); INL#314-38(c)(1-5))

314-2.4 CH: HIGHWAY SERVICE COMMERCIAL ZONE

The Highway Service Commercial or CH Zone is intended to provide necessary services and conveniences for the traveling public along main roads and highway frontages at proper intervals and locations in developments designed for safety, convenience and suitable appearance. The following regulations shall apply in all Highway Service Commercial or CH Zones. (Former Section INL#314-40; Ord. 1086, Sections 9 and 10, 7/13/76; Amended by Ord. 2214, 6/6/00)

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 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))	
<u>Within Housing Opportunity Zones multiple dwellings, and transitional and supportive housing subordinate to commercial establishments engaged in uses designated "Principally Permitted" or "Conditionally Permitted" in the C-H Zone</u>	
Uses Permitted with a Special Permit	
<u>Outside Housing Opportunity Zones</u> , 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 transitional housing, and emergency shelters <u>outside areas mapped to specifically allow emergency shelters as a principally permitted use</u> . (Added by Ord. 2313A, 12/16/2003, Amended by Ord. 2335, 12/14/04) Single Room Occupancy Facilities	
Uses Permitted with a Use Permit	
Small animal hospitals and kennels.	
Special occupancy parks. (Amended by Ord. 2166, Sec. 15, 4/7/98)	
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.	

314-2.4	CH: HIGHWAY SERVICE COMMERCIAL
Other Regulations	
Minimum Lot Area	5,000 square feet.
Minimum Lot Width	Fifty feet (50').
Minimum Yard Setbacks*	
Front	Fifteen feet (15').
Rear	None, except that where a rear yard abuts on a Residential Zone (RS, R-1, R-2, R-3, R-4) such rear yard shall not be less than twenty feet (20').
Side	None, except that, where a side yard abuts on a Residential Zone (RS, R-1, R-2, R-3, R-4), such side yard shall not be less than fifteen feet (15') provided further that such side yard, of a motel shall not be less than six feet (6').
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Forty-five feet (45').

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-40(a)(1-5); INL#314-40(b)(1-3); INL#314-40(c)(1-4))

314-3.2 ML: LIMITED INDUSTRIAL ZONE

The Limited Industrial or ML Zone is intended to apply to areas in which light manufacturing and heavy commercial uses of the non-nuisance type and large administrative facilities are the desirable predominant uses. The following regulations shall apply in all Limited Industrial or ML Zones. (Former Section INL#314-43; Ord. 1086, Sec. 11, 7/13/76; Amended by Ord. 2214, 6/6/00)

314-3.2	ML: LIMITED INDUSTRIAL
Principal Permitted Uses	
Small animal hospitals completely enclosed within a building. (From Section INL#314-37(b)(2); Ord. 1086, Sec. 8, 7/13/76)	
Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. (From Section INL#314-37(b)(3); Ord. 1086, Sec. 8, 7/13/76)	
Administrative, business and professional offices. (From Section INL#314-43(a)(2))	
Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories. (From Section INL#314-43(a)(3))	
<u>Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use</u>	
Uses Permitted with a Special Permit	
Single Room Occupancy Facilities	
Uses Permitted with a Use Permit	
Dwellings, manufactured homes, hotels, motels, emergency shelters <u>outside areas mapped to specifically allow emergency shelters as a principally permitted use</u> , and manufactured home parks. (Amended by Ord. 2335, 12/14/04)	
Animal hospitals and kennels.	
Animal feed and sales yards.	
Manufacture of furniture, finished paper and paper products.	

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the ML zone.	
Other Regulations	
Minimum Lot Area	One (1) acre.
Minimum Lot Width	(None specified.)
Minimum Yard Setbacks*	
Front	Fifty feet (50');
Rear	Fifty feet (50');
Side	Ten percent (10%) of average lot width but not less than twenty-five feet (25').
Maximum Ground Coverage	Twenty-five percent (25%).
Maximum Building Height	Seventy-five feet (75').
Special Regulations	All manufacturing and fabricating areas shall be enclosed in buildings; and
	All equipment and materials storage areas adjacent to Residential (RS, R-1, R-2, R-3, R-4) Zones shall be screened by walls, fences or adequate plantings to a height of not less than six feet (6'); and
	Said fencing and screening shall conform to all yard requirements.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-43(a)(1-3); INL#314-43(b); INL#314-43(c))

314-3.3 MH: HEAVY INDUSTRIAL ZONE

The Heavy Industrial or MH Zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas. The following regulations shall apply to all Heavy Industrial or MH Zones. (Former Section INL#314-46; Ord. 1086, Sec. 12, 7/13/76; Amended by Ord. 2214, 6/6/00)

314-3.3	MH: HEAVY INDUSTRIAL Principal Permitted Uses
Small animal hospitals completely enclosed within a building. (From Section INL#314-37(b)(2); Ord. 1086, Sec. 8, 7/13/76)	
Stores, agencies and services such as carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing, lithographing and major auto repair. (From Section INL#314-37(b)(3); Ord. 1086, Sec. 8, 7/13/76)	
Administrative, business and professional offices. (From Section INL#314-43(a)(2))	
Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, and research and development laboratories. (From Section INL#314-43(a)(3))	
Animal hospitals and kennels. (From Section INL#314-43(b)(2))	
Animal feed and sales yards. (From Section INL#314-43(b)(3))	
Manufacture of furniture, finished paper and paper products. (From Section INL#314-43(b)(4))	
Industrial manufacturing uses, except as provided in the following subsection, Uses Permitted with a Use Permit.	
Uses Permitted with a Special Permit	
Single Room Occupancy Facilities	

Uses Permitted with a Use Permit	
Dwellings, manufactured homes, hotels, motels, emergency shelters, manufactured home parks, and special occupancy parks. . (Amended by Ord. 2335, 12/14/04)	
All uses except: One-family dwellings; general agriculture; rooming and boarding of not more than two (2) persons; and manufactured homes. (Former Sections 314-2(c); 314-2(b)(1-4) and 314-46(b)(2))	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the MH zone.	
Other Regulations	
Minimum Lot Area	One (1) acre. (From Section INL#314-43(c))
Minimum Lot Width	(None specified.) (From Section INL#314-43(c))
Minimum Yard Setbacks*	
Front	Fifty feet (50'); (From Section INL#314-43(c))
Rear	Fifty feet (50'); (From Section INL#314-43(c))
Side	Ten percent (10%) of average lot width but not less than twenty- five feet (25'). (From Section INL#314-43(c))
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Seventy-five feet (75'). (From Section INL#314-43(c))

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-2.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-46(a)(1-3); Ord. 1086, Sec. 12, 7/13/76) (Former Section INL#314-46(b)(1-2); Ord. 894, Sec. 1, 12/19/72; Amended by Ord. 1086, Sec. 12, 7/13/76; Amended by Ord. 2166, Sec. 16, 4/7/98)

314-6.4 R-3: RESIDENTIAL MULTIPLE FAMILY ZONE

The Residential Multiple Family or R-3 Zone is intended to apply in areas of the County where it is reasonable to permit and protect low density apartment developments. The following regulations shall apply in all Residential Multiple Family or R-3 Zones. (Former Section INL#314-30; Ord. 519, Sec. 440, 5/11/65; Amended by Ord. 1848, Sec. 12, 9/13/88; Amended by Ord. 1876, Sec. 7, 9/26/89; Amended by Ord. 2166, Sec. 12, 4/7/98)

314-6.4	R-3: RESIDENTIAL MULTIPLE FAMILY
Principal Permitted Uses	
Two-family dwellings. (Amended by Ord. 2166, 4/7/98)	
Dwelling groups and multiple dwellings containing four or fewer units per building.. (Amended by Ord. 2313A, 12/16/03)	
Keeping of no more than two (2) household pets for each dwelling unit.	
<u>Emergency Shelters within areas mapped to specifically allow emergency shelters as a principally permitted use</u>	
<u>Transitional housing and supportive housing</u>	
Uses Permitted with a Special Permit	
<u>Single Room Occupancy Facilities</u>	
Uses Permitted with a Use Permit	
<u>Hotels, motels, manufactured home parks, rooming and boarding houses, and emergency shelters outside areas mapped to specifically allow emergency shelters as a principally permitted use transitional housing.</u> (Amended by Ord. 2335, 12/14/04)	
Private institutions.	
Professional offices.	

One family dwellings where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. (Added by Ord. 2166, Sec. 12, 4/7/98)	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-3 zone.	
Other Regulations	
Minimum Lot Area	5,000 square feet, but not less than 500 square feet for each dwelling unit.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times lot width.
Minimum Yard Setbacks*	
Front	Twenty (20) feet.
Rear	Ten (10) feet.
Interior Side	Five (5) feet.
Exterior Side	Same as front or one-half the front if all parts of the main building are more than twenty-five feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11.

314-6.4	R-3: RESIDENTIAL MULTIPLE FAMILY
Other Regulations, cont.	
Special yards for multiple dwellings on the same lot	The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10'). (Amended by Ord. 2214, 6/6/00) The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20'). The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12'). All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2) stories.
Maximum Ground Coverage	Sixty percent (60%).
Maximum Building Height	Forty-five feet (45').

Maximum Density	The maximum density as specified by the General Plan. The maximum density for the parcel shall be calculated as the maximum density permitted by the General Plan land use designation (i.e. number of dwelling units per acre) divided by the total area within the lot and within one-half of any adjacent street(s). (Added by Ord. 2313A, 12/16/03)
Design Considerations (Advisory only)	<p>The following items shall guide the design of projects involving more than four units:</p> <ul style="list-style-type: none"> - Avoid letting garages, driveways and parking lots dominate the streetscape. - Design to minimize conflicts between vehicles and pedestrians. - Design public open areas to the same level of quality as any other "space" in the development. - Provide direct access to open space from the dwelling units that the open space is intended to serve. - Provide visual access to shared open spaces from individual units, preferably from the kitchen, living room or dining room. - Avoid lighting which shines directly into dwelling units on- and off-site. - Private outdoor space, including patios, porches, decks, balconies and yards should be of adequate size and within easy access of each dwelling unit. - Good landscaping is critical to the quality of any multifamily project. (Added by Ord. 2313A, 12/16/03)

(Former Section INL#314-30(a)(1-3); INL#314-30(b)(1-4); INL#314-30(c)(1-7; Amended by Ord. 2166, 4/7/98)

314-6.5 R-4: APARTMENT PROFESSIONAL ZONE

The Apartment Professional or R-4 Zone is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses. The following regulations shall apply in all Apartment Professional or R-4 Zones. (Former Section INL#314-31; Ord. 519, Sec. 440, 5/11/65; Amended by Ord. 1848, Sec. 13, 9/13/88; Amended by Ord. 1876, Sec. 8, 9/26/89; Amended by Ord. 2166, Sec. 13, 4/7/98)

314-6.5	R-4: APARTMENT PROFESSIONAL
Principal Permitted Uses	
Two-family dwellings and multiple dwellings and dwelling groups. (Amended by Ord. 2166, Sec. 13, 4/7/98)	
Transitional and supportive housing.	
Professional and business offices.	
Commercial instruction.	
Boarding and rooming houses.	
Keeping of no more than two (2) household pets for each dwelling unit.	
Manufactured home parks.	
Uses Permitted with a Special Permit	
Single Room Occupancy Facilities.	

Uses Permitted with a Use Permit
Hotels motels, transitional housing , and emergency shelters. (Amended by Ord. 2335, 12/14/04)
Private institutions.
Social Halls and fraternal and social organizations.
Noncommercial recreation facilities.
Mortuaries.
Small animal hospitals completely enclosed within a building.
One family dwellings where it can be shown that the property could be developed in the future with multifamily dwellings. The Hearing Officer may require submittal of a development plan which shows how the multifamily dwelling units could be sited on the property in conformance with County requirements. (Added by Ord. 2166, Sec. 13, 4/7/98)
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the R-4 zone.

314-6.5 R-4: APARTMENT PROFESSIONAL	
Other Regulations	
Minimum Lot Area	5,000 square feet, but not less than 500 square feet for each dwelling unit.
Minimum Lot Width	Fifty feet (50').
Maximum Lot Depth	Three (3) times lot width.
Minimum Yard Setbacks*	
Front	Twenty (20) feet.
Rear	Ten (10) feet.
Interior Side	Five (5) feet.
Exterior Side	Same as front or one-half (1/2) the front if all parts of the main building are more than twenty-five (25) feet from the rear lot line, and the exterior side yard does not abut a collector or higher order street. (In questionable cases, the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley.
Flag Lots	For Flag Lots, the Director, in consultation with the Public Works Department, shall establish the minimum yard that is required for a vehicular turn around on the lot.
Special yards for multiple dwellings on the same lot	The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10'). (Amended by Ord. 2214, 6/6/00) The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20'). The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12'). All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2) stories.
Maximum Ground Coverage	Sixty percent (60%).
Maximum Building Height	Forty-five feet (45').

Maximum Density	The maximum density as specified by the General Plan. The maximum density for the parcel shall be calculated as the maximum density permitted by the General Plan land use designation (i.e. number of dwelling units per acre) divided by the total area within the lot and within one-half of any adjacent street(s). (Added by Ord. 2313A, 12/16/03)
Design Considerations (Advisory Only)	The following items shall guide the design of projects involving more than four units: <ul style="list-style-type: none"> - Avoid letting garages, driveways and parking lots dominate the streetscape. - Design to minimize conflicts between vehicles and pedestrians. - Design public open areas to the same level of quality as any other "space" in the development. - Provide direct access to open space from the dwelling units that the open space is intended to serve. - Provide visual access to shared open spaces from individual units, preferably from the kitchen, living room or dining room. - Avoid lighting which shines directly into dwelling units on- and off-site. - Private outdoor space, including patios, porches, decks, balconies and yards should be of adequate size and within easy access of each dwelling unit. - Good landscaping is critical to the quality of any multifamily project. (Added by Ord. 2313A, 12/16/03)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-31(a)(1-6); INL#314-31(b)(1-7); INL#314-31(c))

314-7.3 FR: FORESTRY RECREATION ZONE

The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. The following regulations shall apply in all Forestry Recreation or FR Zones. (Former Section INL#314-7; Ord. 1086, Sec. 4, 7/13/76; Amended by Ord. 2166, Sec. 10, 4/7/98)

314-7.3	FR: FORESTRY RECREATION
Principal Permitted Uses	
One-family dwellings and farm dwellings.	
General agriculture, nurseries and greenhouses, and roadside stands.	
Public and private noncommercial recreational uses, including golf courses and public stables.	
Social halls, fraternal and social organizations, and clubs.	
Manufactured homes.	
Uses Permitted with a Special Permit	
Single Room Occupancy Facilities.	
Uses Permitted with a Use Permit	
Hotels, motels, special occupancy parks and manufactured home parks. (Amended by Ord. 2166, Sec. 10, 4/7/98)	
Two-family and multiple dwellings.	
Transitional and Supportive Housing.	
Restaurants, food markets and automobile service stations, and commercial recreational facilities.	
Agricultural and timber products processing plants.	
Private institutions and cemeteries.	
Hog farms, turkey farms, frog farms and fur farms.	

Animal hospitals and kennels.	
Wrecking and salvage yards.	
Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the FR zone.	
Other Regulations	
Minimum Lot Area	One (1) acre.
Minimum Lot Width	Two hundred feet (200').
Maximum Lot Depth	(None specified.)
Minimum Yard Setbacks*	
Front	Twenty feet (20').
Rear	Twenty feet (20').
Side	Ten feet (10').
Maximum Ground Coverage	(None specified.)
Maximum Building Height	Thirty-five feet (35'). (Ord. 1086, Sec. 4, 7/13/76)

*Note: Setbacks may be modified by other provisions of this Code or State law. For example, see Section 314-22.1, "Alquist-Priolo Fault Hazard" and the "Fire Safe" Regulations at Title III, Division 11. (Former Section INL#314-7(a)(1-5); INL#314-7(b)(1-8); INL#314-7(c)(1-4); Amended by Ord. 2166, Sec. 10, 4/7/98)

314-47.1 EMERGENCY SHELTERS

47.1.1. Purpose. The provisions of this Section are intended to provide opportunities for the development of temporary and permanent emergency shelters for homeless persons in areas with public services, and to establish standards for these facilities.

47.1.2 Development Standards

47.1.2.1 Lighting. Adequate external lighting shall be provided. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

47.1.2.2 Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

Central cooking and dining room(s).

Recreation room.

Counseling center.

Child care facilities.

Other support services.

47.1.2.3 Security. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.

47.1.2.4 Outdoor Activity. For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.

47.1.2.5 Emergency Shelter Provider. The agency or organization operating the shelter shall comply with the following requirements:

47.1.2.5.1 Temporary shelter shall be available to residents for no more than six months.

47.1.2.5.2 Staff and services shall be provided to assist residents to obtain permanent shelter and income.

47.1.2.5.3 The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

47.1.2.6 **Maximum Unit Density.** Homeless shelters located in residential districts, when not developed in an individual dwelling unit format, shall not be subject to the density standard of the General Plan, but the number of beds shall be limited to 50. In no case shall occupancy of the facility exceed the limit set forth in the adopted Airport Land Use Plan.

47.1.2.7 **Proximity to Other Emergency Shelters.** Principally permitted emergency shelters shall not be located within 300 feet of each other.

47.1.2.8 **Exceptions.** Exceptions to each of the development standards 47.1.2.1 – 47.1.2.7 may be allowed with a Special Permit...

314-60.1 SINGLE ROOM OCCUPANCY STRUCTURES AND FACILITIES

60.1.1 **Purpose.** The purpose of these regulations is to provide opportunities for the development of permanent, affordable housing for small households and for people with special needs in Single Room Occupancy (SRO) Facilities in proximity to transit and services, and to establish standards for the small units within those facilities.

60.1.2 **Applicability.** These regulations shall apply in all zones in which the SRO Facilities use type is permitted, and where public water is available, including but not limited to proposed expansions at existing SRO Facilities, and to proposed new facilities.

60.1.3 Development Standards for SRO Facilities

60.1.3.1 **Density.** An SRO Facility which is a conversion of an existing hotel or motel is not required to meet density standards of the General Plan but shall comply with the occupancy standards of the adopted Airport Land Use Plan. All other SRO Facilities shall meet the density standards of the General Plan and the occupancy standards of the adopted Airport Land Use Plan.

60.1.3.2 **Common Area.** Four square feet per living unit shall be provided, with at least 200 square feet in area of interior common space, excluding janitorial storage, laundry facilities and common hallways.

60.1.3.3 **Laundry Facilities.** Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every twenty units or fractional number thereof, with at least one washer and dryer per floor.

60.1.3.4 Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO Facility.

60.1.3.5 Common Building Site. The total area occupied by the SRO Facility shall be no more than 2 contiguous acres.

60.1.3.6 Management

60.1.3.6.1. Facility Management. An SRO Facility with 10 or more units shall provide on-site management. An SRO Facility with less than 10 units shall provide a management office on-site.

60.1.3.6.2. Management Plan. A management plan shall be submitted with the development application for an SRO Facility and shall be approved by the County. The management plan must address management and operation of the facility, rental procedures, safety and security of residents and building maintenance.

60.1.3.7 Parking. Off street parking shall be provided consistent with the parking regulations in §314-109.1 (Inland). Secure bicycle parking shall be provided at the ratio of one (1) space per four (4) SRO units.

60.1.3.8 Existing Structures. An existing structure may be converted to an SRO Facility, consistent with the provisions of this Section.

60.1.3.9 Exceptions. Exceptions to the Standards of Subsections 60.1.3.1 through 60.1.3.7 of this section may be approved by the Planning Commission upon making a finding that an alternative standard is in substantial conformance with the prescriptive standard where compatible with surrounding land uses.

60.1.4 Development Standards for SRO Units

60.1.4.1 Unit Size An SRO unit shall have a minimum size of 150 square feet and a maximum size of 400 square feet.

60.1.4.2 Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.

60.1.4.3 Kitchen. Except as provided herein, an SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

60.1.4.4 Closet. Each SRO unit shall have a separate closet.

60.1.4.5 Code Compliance. SRO units shall comply with all requirements of the California Building Code and required health and safety standards for water and sewer.

60.1.4.6 Accessibility. All SRO units shall comply with all applicable accessibility and adaptability requirements.

314-109.1 OFF-STREET PARKING...

109.1.3 Parking Spaces Required. The number of off-street parking spaces required shall not be less than specified in this Section: (Former Section INL#316-13.3; Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.3 Hotel, Motel, Boarding and Rooming Houses, and Transitional Housing and Supportive Housing. One (1) parking space for each sleeping unit plus two (2) manager parking spaces. (Former Section INL#316-13.3(a)(3); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88, Amended by Ord. 2335, 12/14/04)

109.1.3.1.4 Senior Housing Complex. One (1) parking space for every two (2) dwelling units. A parking space requirement study may be conducted to identify the special parking needs for such projects. Parking facilities shall include handicapped parking spaces no less than specified herein. (Former Section INL#316-13.3(a)(4); Ord. 1668, Sec. 5, 1/15/85; Amended by Ord. 1692, Sec. 2, 6/11/85; Amended by Ord. 1842, Sec. 13, 8/16/88)

109.1.3.1.5 Emergency Shelters. One (1) space for each ten (10) beds plus one (1) space for each employee at peak shift. (Added by Ord. 2335, 12/14/04)

109.1.3.1.6 SRO Facilities. One (1) parking space per each two (2) SRO units.

314-154 DEFINITIONS (S)

Single Room Occupancy Facility: A residential building or structure, or group of buildings or structures that contain one or more Single Room Occupancy units.

Single Room Occupancy Units: A living space within an SRO Facility with a minimum floor area of 150 square feet and a maximum of 400 square feet with access to kitchen and bathroom facilities. Kitchen and bathroom facilities may be wholly or partially included in each living space, or may be fully shared.

IMPLEMENTATION CATEGORY ITEM #8: Retain Legal Non-Conforming Housing.

Applicable Policies, Standards and Programs in the 2009 Housing Element

H-P8. Retain Legal Non-Conforming Housing. The County shall support the retention of legal non-conforming housing through modifications to the land use codes.

H-S10. Retain Legal Non-Conforming Housing. General Plan density standards shall be waived for existing legal non-conforming housing in new subdivisions.

Proposed Subdivision Ordinance Amendments to Implement Support for Retaining Non-Conforming Housing

325-12. BUILDING SETBACKS.

The Advisory Agency may establish building setbacks in excess of those required by the Planning Division. Such setbacks shall be shown on the Parcel Map or Final Map. (Ord. 1146 § 59.5, 7/19/77)

325-13. WAIVER OF GENERAL PLAN DENSITY FOR LEGAL NON-CONFORMING UNITS

At the written request of the developer, existing legal non-conforming housing shall not contribute to the overall general plan density of proposed new subdivisions.

Existing legal non-conforming housing shall not contribute to the overall general plan density of proposed new subdivisions provided that the non-conforming units are located on a remainder parcel, and any new parcels created conform to the density standard under the General Plan.

IMPLEMENTATION CATEGORY ITEM #9: Consistent Density for the Residential Multifamily Plan Designation

Applicable Policies, Standards and Programs in the 2010 Housing Element

H-S6. Consistent Density for the Residential Multifamily Plan Designation. The County shall establish a uniform maximum density of 30 units per acre for all Residential Multi-family (RM) Plan designated parcels in the County.

Proposed Eureka Community Plan Amendments to Implement Consistent Density for the Residential Multifamily Plan Designation

2620 Policies

1. Residential Density and Lot Sizes:
 - (a) The Eureka Community Plan density for all Residential Single Family (RL) designations shall be from 1 to 6 dwelling units per acre.
 - (b) The Eureka Community Plan density for all Residential Multiple Family (RM) designations shall be from 7 to ~~16~~ 30 dwelling units per acre.
 - (c) The minimum lot sizes for all Residential zoning districts (R-1, R-2, R-3,R-4,) with the exception of the Residential Suburban (RS) zone, shall be 6,000 square feet, unless otherwise specified on the zoning maps...

2733 Residential, Multiple Family (RM)

1. Character: The multiple family residential designation is intended to be applied in urban areas of the County, where topography, access, utilities and public services make the area suitable for multiple family home development. Density is to be determined by community character.
2. Primary and Compatible Uses: Multiple family housing, professional and business offices, educational and religious activities, mobile home parks, boarding and rooming houses, social halls, fraternal and social organizations, non-commercial recreational facilities.
3. Density Range: 7-~~16~~ 30 du/acre.

Proposed Land Use Map Amendments to Implement Consistent Density for the Residential Multifamily Plan Designation

Modify the land use maps for the Eureka Community Plan to specify a maximum density of 30 units per acre for the RM designation.

IMPLEMENTATION CATEGORY ITEM #10: Strategies for Securing and Distributing Funds in the HTF Account

The first step in preparing the HTF ordinance is to set the policy direction. There are three areas to consider:

- Administration of Fund
- Programs Within the Fund
- Revenue Streams to Fund

Administration of Fund

The first step is to determine what type of HTF model should be used. The most common model when a project is started by a government and there is HOME/CDBG capacity is a government model. This means that the administration of the fund is directly accountable to the Board of Supervisors. Alternatively, some jurisdictions have a non-profit housing group administering the fund.

Initially, based on the projected size of the fund staff is recommending a Government Model. Under this model, the County would establish overall policy. A fund would be opened and held at the Treasurer's office, with funds in and out of it going through the Auditor's office. The procedures for working with the applicants, selecting projects, monitoring them for compliance, and reporting would be housed in the CDS-ED Division, as they are the most familiar with HOME/CDBG funds.

Other hybrid models are used when the government is contributing funds to a commission or a non-profit. The commission model works when the fund has enough money to support a larger bureaucracy and the non-profit model is used when there is not in-house capacity or interest.

Programs within the Fund

There are four overarching policies that must be set prior to drawing up specific guidelines. These include: 1) target recipients, 2) eligible applicants, 3) types of projects, and 4) mix of grants/loans.

1) **TARGET RECIPIENTS:** The first policy is to determine what the target population is. Implementation Measure H-IM6 defines the HTF as being for the development of "low, very-low, and extremely-low" units.

Other trust fund administrators use more targeted focus such as identifying a target group like the elderly, disabled, farm workers, etc., or distributing funds on a geographic basis.

2) **ELIGIBLE APPLICANTS:** The next policy decision is who would be eligible to apply. This could vary by grants and loans and will likely. It could be only non-profits, and government, quasi-governmental agencies or it could be anyone providing the housing.

3) **TYPES OF PROJECTS:** The third policy decision is to determine what types of housing projects and programs will be considered. There are an unlimited number of projects that could be considered but due to the size of the fund it is recommended that this be narrowed to a small band of projects that are helping the most imperative Housing Element priorities. It is recommended that the funds remain open to all eligible projects that meet the other criteria.

- Housing Production
 - New Construction
 - Rehabilitation
- Land or Building Acquisition
- Homeownership Assistance
- Homeless Shelters
- Community Land Trusts
- Preservation of at risk housing
- Non-Profit Predevelopment Loans

The above list could be narrowed down for a more targeted development support strategy. This may be considered in the future if the fund grows.

4) **MIX OF GRANTS/LOAN:** The last, and perhaps the most important to preserve the fund, is to set policy guidelines on how the funds will be awarded in terms of the following:

- Loans (subordinated, low-interest)

- Matching Grants (requiring leverage at 3/1)
- Administration of fund (loan documents/grant agreements/monitoring)

With a start up HTF this type of policy guarantees ongoing growth of the fund, through future repayments, and a cap on administration.

Revenue Sources of the Fund

To establish a HTF two types of revenue need to be identified: 1) initial capital goal (seed money) and, 2) an annual goal, with identified on-going revenue sources. The Board of Supervisors identified eight potential sources of revenue in H-IM6. Below are more detailed descriptions of these sources.

1. State & Federal Grants. This is not an easy source to find. There is one potential State Source that was made available with Proposition 1-C funds. It has a rural set-aside and a three-year window to apply (that window ends in June 2012. The amount available is \$1,000,000. This source requires: 1) \$1,000,000 match, 2) dedicated revenue source, 3) complete guidelines.

At this point with a \$500,000 goal, the county the County will not be eligible for these funds. If future grants become available for this activity and the County meets threshold requirements the County will apply.

2. Local Financial Institutions. This funding source is not used in the Government Model, but is used in a non-profit model. In the future if the Board wishes to transfer funds to a non-profit this option would be explored.
3. Local Jurisdictions. At this juncture the complexity, and preliminary lack of interest from other jurisdictions, makes this multi-jurisdictional model infeasible. In the future if the AHTF is established this could be reconsidered.
4. Redevelopment Agencies. The County has a Redevelopment Agency, but it is inactive as it does not have an adopted plan. To adopt a new Redevelopment Plan will take about \$250,000 and nine months. At that point, the funds could not be placed in the fund, but they could be used as "match" to the fund.
5. Affordable Housing In Lieu of Fees. These are also called Inclusionary Zoning In Lieu of Fees (H-IM3). This is the most commonly used Housing trust fund revenue source. The average California fee is \$4.81/square foot. These funds will only be available if an Inclusionary Zoning Program is implemented.
6. Sale of Surplus County Property. This is not really a "dedicated revenue source" because it is not predictable. But it is a great source to assist with the initial set-up and perhaps for future influx of cash.

It should be noted if properties are sold to a developer for affordable housing, the funds may not be paid back for 30-55 years, if there are State/Federal funds in the deal. The County would sell at market value to a private developer and then to place those funds into the established HTF.

7. Economic Development Division Set-Aside. This Set-Aside was set up to assist the division by using it as match for other grants. This fund is currently a little over \$1,000,000. It is not recommended that this be an ongoing fund as it would deplete the fund without the specific purpose for which it was established. It could be used as a "match grant" to help secure funds, if there was a grant available to help seed the HTF.
8. County General Fund.

1) INITIAL CAPITAL GOAL: The Board of Supervisors set a goal of \$500,000 of initial capital funds. The first step is to determine where those funds would come from. This is not considered "on-going"

but it could be used for start up, and perhaps on future sales, it could give a boost to the fund. Potential sources:

Alternatively, the goal could be \$1,000,000. This would allow the County to compete for the State of California Housing Trust Fund matching funds. The additional \$500,000 would be difficult to secure with our existing resources and given today's market.

2) ON-GOING REVENUE INCOME: The next step is to identify an annual goal and where to get the dedicated on-going funding.

ATTACHMENT 5
Draft Planning Commission Minutes

HUMBOLDT COUNTY PLANNING COMMISSION

Board of Supervisors' Chamber
County Courthouse, Eureka

October 27, 2011

DRAFT MINUTES

CALL TO ORDER

Chairman Gearheart called the meeting to order at 6:00 pm

SALUTE TO FLAG

ROLL CALL

Commissioners: Kreb (excused)
 Disiere
 Faust
 Chairman Gearheart
 Edmonds
 Masten (excused)
 Nelson

Staff present: Kirk Girard, CDS Director; Davina Smith, Deputy County Counsel; Michael Richardson, Senior Planner; Elizabeth Burks, Senior Planner; Norma Lorenzo, Clerk.

APPROVAL OF THE MINUTES none

AGENDA MODIFICATIONS none

PUBLIC COMMENTS

Bob Higgons, Humboldt Association of Realtors (HAR); presentation on second units. Explained history of the association's work with the County to develop pre-approved plans for second units. Updates have been completed to coincide with changes in state building codes since 2007. To date, none of the plans have been used; HAR will no longer continue the updates and the plans will become inactive. HAR continues to advocate for second unit standards to be applied both inside and outside the housing opportunity zones; consider the same application for market rate housing as for subsidized low income housing. Consider adopting in addition to the staff proposals:

- revisions to solar shading standards
- all proposed second unit standards be expanded outside housing opportunity zones

PUBLIC HEARINGS

General Plan, Local Coastal Plan, Zoning and Subdivision Ordinance amendments implementing the 2010 Housing Element Update. Implementation of the Housing Element is necessary to comply with State law regarding Housing Elements, and to meet documented housing needs. There are ten (10) categories of implementation measures under consideration:

11. Housing Opportunity Zones (HOZ)
Specifically mapped areas; development incentives; areas that have community water and sewer available; more allowances for mixed uses; reduced parking requirements; relaxed standards for incentives; some level of residential use in commercial zoned; shared parking allowances. Density bonuses up to 100%; reduced minimum parcel size as small as 1500-sq ft.
12. Relaxed Second Dwelling Unit Standards
For units 800sf or smaller: no additional parking required; waiver of common driveway requirement and 30-ft contiguity to main structure. Up to 50% lot coverage; relaxed road improvement standards; reduced set-back requirements to accommodate second unit. Waive density for parcels 10-acres for smaller change from 5-acre or smaller.

13. Incentives for Affordable and Special Needs Housing
Low, very low, or extremely low income and special needs. Lot size modifications; fast-track processing through all county departments; some level of deferred improvements coordinated with PW Land Use; reduced solar shading requirements. Up to 100% density bonus for houses within housing opportunity zones.
14. Protecting Multifamily Uses in the Affordable Multifamily Land Inventory
Add Q zone to properties on list; would need a use permit for anything other than affordable housing
15. Single Room Occupancy Units
Residential high density areas; motel conversions; could include many commercial zones. Would require special permit in all cases. Requirement for common areas, laundry facilities, onsite manager; kitchen and bathroom in each unit. Small units, very small rents.
16. Emergency Shelters
Required to have principally permitted zoning for emergency shelters. No more than 50 beds; stay no longer than 60 months; actively looking for job
17. Supportive and Transitional Housing
To be situated in multi-family zoned; bound by state law; principally permitted use.
18. Retain Legal Non-Conforming Housing
Waiving the GP density standards
19. Consistent Density for the Residential Multifamily Plan Designation
Only affects the Eureka Community Plan; brings it up to 30-70 units per acre to be consistent with all other community plans.
20. Establishing a Housing Trust Fund
Initial goal of \$500,000 to start the fund; administered by BOS; sale of county property; most of the fund would be loaned out rather than granted out.

These implementation measures will affect the kinds, locations and intensities of land uses and new development within the unincorporated areas of Humboldt County including the Coastal Zone.

The project includes an addendum to the certified Supplemental Environmental Impact Report (SEIR) prepared for the Housing Element.

Senior Planner, Michael Richardson, introduced gave brief outline of staff work and status of Housing Element Rezoning Ordinances.

Beth Burks, Senior Planner presented staff report and reported on community workshops held in Redway, McKinleyville, and Eureka. Public comments expressed frustration with information and maps. Redway – should look at expanding standards and relaxing requirements. McKinleyville – concerns over mixture of commercial and residential, especially in the town center. Eureka – concerns for loss of commercial space and relaxation of parking standards.

Definitions from SB2 on different types of housing required:

- **Emergency Shelters** – temporary shelter
- **Transitional Housing** – not permanent housing; help seeking permanent housing;
- **Supportive Housing** – can be permanent; mixed with social services
- **Single Room Occupancy** – can be supportive housing but literally very small living space; motel conversions; 150-400sf units; kitchen and bathrooms at least on every floor if not in each unit.
- **Special Needs Housing** – large households; women head of household; nomadic;

Michael Richardson provided summary of changes to the staff report to reflect the correct language:

1. page 2 of staff report – Change reference in paragraph titled Environmental Review, should be 15265
2. Page 41-42 of staff report – paragraph at bottom Housing Opportunity Zone Exceptions should refer to each dwelling unit of 1000-sf in size and not 800-sf second units. Replace 800-sf with 1000-sf on both pages.

3. Page 144 of staff report – communication from David Grabil, Attorney. Provided a model Density Bonus Ordinance to correct deficiencies. Staff used state model but agrees and recommends that the model provided be incorporated instead of the original model. Need to merge some of the language to capture all of the areas addressed.
4. Page 60 of staff report – inadvertently left out the allowances for increased lot coverage and reduction in set-back standards. Recommends the correct language be inserted in second paragraph.
5. Revise language of reduced standards to apply to units 800-sf or less rather than the language that's in the draft presented ("less than 800-sf").
6. Page 100 of staff report – Humboldt Bay area plan RH designation inadvertently left out allowance for principally permitted emergency shelters, transitional housing, and supportive housing. Should there ever be sites planned with RH designation we would want these housing types to be allowed.
7. Emergency Shelters – shall not be located within ½ mile of each other. Contrary to state law. Substitute 300-ft instead of ½ mile.
8. left out "with up to" in the density bonus ordinances – this language needs to be inserted
9. Page 59 of staff report - Limit density waivers to areas where they do not have 50% coverage of Ag soils in McKinleyville Plan area. Add the language "and 50% of the lot or more is not covered by prime Ag soils".
10. Jan Turner suggests – substitute state language for supportive and transitional housing. Also, use the definitions that come from Health and Safety code rather than the language currently being used. These are not part of the staff recommendation.

Chairman Gearheart opened the public comment period:

- Richard Tolleson, Eureka; need clarification on item 3 page 16 – are you proposing 200-sf be added to the current 800-sf to make a total of 1000-sf.
- Bruce Lebel, World Shelters, Arcata; Zoning and standards for emergency shelters; provided handout to Commission. Providers of emergency shelters now have the same rights as homeowners for principally permitted civil rights.
- Dave Varshock, Humboldt Association of Realtors (HAR) – concerns over housing trust fund Page 3 item 10. Affordable housing in-lieu of fees paid by developers. Inclusionary zoning is not being included in this ordinance. Inappropriate to include this fee without knowing the details. Recommends it be deleted.
- Debbie Provolt, HAR – concerns over residential use in commercial spaces. Suggested different language to achieve no net loss of commercial or industrial space.
- Nancy Pritchard – Staff report reminds her of Forster-Gill, specifically the Housing Opportunity Zone maps. Developers should be renovating buildings in order to achieve affordable housing. Map 7 should be tossed out. Eureka City zone changes from 7 to 30 units. Service districts have stated unconditionally they cannot support the growth. It can't happen in McKinleyville and it can't happen in Cutten.
- Kay Backer, HELP – provided letter for Commission to review. Housing Element needs to be amended. Page 3 reference to 900 units is inaccurate. Find Our Lots could find only 531; 90% of the rezoned sites are inaccurate.
- Tina Christiansen – Stop and make staff come back and with a presentable plan that is going to work; suggests getting outside legal opinions.
- John Shelter, North Coast Resource Center; working with single homeless population – we need other types of shelters; City of Arcata designates SB2 lots. Concerned about security.
- Jan Turner, Housing for All – the reason for moving this forward is to get the Housing Element approved by the state. Really important for the county to come into compliance with state law. Expressed concerns about some items: Q zones – homeless shelters allowed in certain zones but Q zones might exclude emergency shelters; inconsistency in language in R3 zones. Security is covered in the management plan.

Dottie Russell – Housing Opportunity Zones should be in rural areas as well. At HHC meeting and important to meet the needs of the people where they are instead of where you would like them to be.

Kermit Thobalen, Housing for All – low income people are the ones hurt by not having a certified housing element. Page 109 paragraph: would like the negative term deleted.

Stephanie Johnson – social services professional. Commented on the need for special populations need for ADA housing that works.

Graham Russell – Supports Housing Opportunity Zones by expanded to rural areas of the county; relaxed restrictions in rural areas.

Bill Spencer, Housing for All – mixing commercial and residential spaces will help keep the cities alive at night. Need more handicap facilities; grant funding.

Jim Bisiar – no comments; presented 14 copies for November 3, 2011 meeting.

Chairman Gearheart brought the item back to the Commission for deliberation. Commissioners expressed questions or concerns over the following items:

Housing Opportunity Zones

Commissioner Nelson – not enthused about converting commercial zones to residential zones; concerned the county is going to go into the water and sewer business. Will the County fund sewer and water as an incentive?

Commissioner Disiere – agrees. There are a lot of mixed use projects, old town as an example. Doesn't make sense to take commercial ground floor and change it to residential. Concerned about reduced lot size, particularly 1500-sf lot. Would like to see incentives extended outside of HOZ. Could still avoid TPZ and Ag lands.

Commissioner Faust – Concerned about the 1500-sf lots and the affect that might have on resource protection. There should be a limitation on the size of second units; 800-sf is a reasonable limit to make; no reason to apply affordable second units standard that don't apply to all second units.

Chairman Gearheart – not particularly interested in limiting the size of second units. Would assume that environmental concerns are being addressed when dealing with 1500-sf lots.

Commissioner Edmonds – would like to see HOZ extended to rural areas.

Relaxed Second Unit Standards

Commissioner Nelson – do second units get a separate APN number?

Commissioner Disiere – should be extended to rural areas

Chairman Gearhart – agrees

Commissioner Edmonds – agrees

Commissioner Faust – exactly why you need a limitation on the size of the second unit or you can have two luxury homes on the same lot. Not sensible land use. Maybe in some places like Miranda, we may want to consider HOZ. Opposed to converting prime Ag lands to affordable housing. Doesn't make sense to take prime Ag land and convert it to second units. Think we can achieve affordable housing needs without using Ag lands.

Chairman Gearheart – directed staff to provide map with zoning of the Ag lands in McKinleyville area that are being considered

Incentives for Affordable and Special Needs Housing

Commissioner Nelson – can we make all permits fast-tracked?

Commissioner Edmonds – are there guidelines that require a certain number of units be ADA compliant?

Director Girard – yes, grant funded projects require that a percentage of development provides handicapped units. Current ADA standards say all units must be accessible by people with disabilities.

Michael Richardson – multi-family developments of 4 or more units require that 1 of the units be handicapped.

Commissioner Faust – agrees with Commissioner Nelson with regards to the fast-track permit process. Would like more information – who gets pushed back? Is opposed to reduced solar shading requirements; solar access is going to be critically important and we need to honor that.
Commissioner Disiere – agrees with fast-track comments. Would support reduced solar shading. It's part of in-fill and part of density.

Protecting Multifamily Uses in the Affordable Multifamily Land Inventory

Chairman Gearheart – would like more information about why the Q zone
Commissioner Nelson – county owns Lucas Street property which is one of the seven parcels that would be sold as start of the housing trust fund. Q zone designation – do others understand it? Are we changing the density from 16 units to 30 units?
Commissioner Disiere – why are we not changing to R3? Needs more clarification on Q zone vs. R3

Single Room Occupancy Units

Commissioner Nelson – should not be in commercial zones
Chairman Gearheart – not interested in changing laundry facility
Commissioner Disiere – agrees

Emergency Shelters

Commissioner Nelson – unfunded mandate from state legislature. Doesn't make sense to build more when we can't fund the ones we have.
Commissioner Disiere – Redway and other rural areas need emergency shelters.

Supportive and Transitional Housing

Chairman Gearheart – how does it work?
Commissioner Edmonds – past experience shows that once the neighborhood hesitancy is addressed they are successful

Retain Legal Non-Conforming Housing

Consistent Density for the Residential Multifamily Plan Designation

Commissioner Nelson – is this just a bookkeeping item to update the Eureka Community Plan
Commissioner Faust – how does this apply to affordable housing? Is there any evidence in Humboldt County to support the supposition?
Michael Richardson – by increasing the density in Eureka Community Plan (7-30 units) we hope to get more affordable units.

Establishing a Housing Trust Fund

Commissioner Edmonds – in-lieu fees paid by developer, is there a standard established for when they can avoid the in-lieu fees?
Michael Richardson – the Commission wasn't ready to take on the detail when presented in 2008. It's an open topic in our jurisdiction; most jurisdictions are set at 5% to 15%.
Commissioner Disiere – would like to see the details for the funding proposal. Objects to any provision that require developer's charges.
Commissioner Nelson – time to talk about impact fees again, and how that ties into the trust fund. Second units should pay their fair share for services.

By order of the Chair, General Plan, Local Coastal Plan, Zoning and Subdivision Ordinance changes under review were continued to December 8, 2011.

ATTACHMENT 6

Public Comments from Workshops

In order to share the proposed implementation measures with the public and receive feedback, staff met with a representative from the Humboldt Association of Realtors, an ad-hoc advisory group from McKinleyville which included County Supervisor Sundberg, and hosted three public workshops in Redway, Eureka and McKinleyville.

During the meeting with the Humboldt Association of Realtors, staff for the most part agreed with their recommendations for relaxing second unit development standards in the Housing Opportunity Zones; there continues to be disagreement with relaxing second unit development standards outside Housing Opportunity Zones. That organization is preparing correspondence that is expected to be delivered to the Commission at or prior to the October 27, 2011 meeting.

The notes from the McKinleyville meeting and each workshop are attached here in their entirety.

Based on the feedback received, staff has made changes to the proposed implementation measures for second units and residential uses in commercial zones.

PROPOSED HOUSING ELEMENT IMPLEMENTATION MEASURES
McKinleyville Advisory Group Meeting
October 3, 2011 – McKinleyville

(Notes prepared by Jen Kalt, group member)

Wed. Oct. 12, the County will hold an informational meeting in McKinleyville to give community members an opportunity to learn about the next set of ordinances to implement the Housing Element policies that were approved by the Board in April 2010.

Present were Ryan Sundberg, Kirk Girard, Michael Richardson, Ben Shepherd, Ron Coffman, Tim Hooven, and Jen Kalt.

The goal was to inform McKinleyville those of us who are involved in planning issues who can spread the word to others before the hearings so that there is a better understanding of the subject matter being considered. Also, the County is developing factsheets on each ordinance that will be available soon.

The ordinances under consideration at the Planning Commission's Oct. 27 hearing are on emergency shelters, supportive and transitional housing, and relaxed standards for secondary dwelling units to increase the stock of affordable housing for low-income households.

Emergency shelters. A new ordinance is required to comply with state law SB2, which requires jurisdictions to allow emergency shelters as principally permitted uses in specific zones, along with a limited set of standards that can be required (e.g. length of stay, security, on-site management, and number of beds--50 is the maximum recommended by Health & Human Services as a size that would be feasible to fund). The zones that the Planning Commission and Board identified are Limited Industrial, Community Commercial, Industrial Commercial, Commercial General, Residential Multiple Family, and Residential Medium Density, with the exception of the parcels rezoned to Multiple Family in September (the Q Zone Overlay restricts principally permitted uses to MF). The zones that were eliminated after public input were Business Park and Apartment Professional.

After much discussion about what this could mean for McKinleyville, proportionality to the number of homeless by community, etc., it became clear that only a county- or city-supported project would be in a position to secure funding; it is not feasible for a private entity to fund and operate a facility such as the Multiple Assistance Center. Current there are only 2 such shelters in the County, 1 in Eureka and 1 in Arcata. McKinleyville would likely be in line after Eureka, Arcata, Fortuna, and Garberville as far as priority for a new shelter. It was noted that Housing For All is concerned and willing to take legal action if necessary to ensure that the ordinance is developed in compliance with state law.

Supportive and Transitional Housing is rental housing for target populations such as veterans, domestic violence survivors, transient teens. It will be allowed as principally permitted in the Apartment Professional, Residential Multiple Family, and Residential Medium Density Zones. This was not thought to be likely to generate controversy in McKinleyville. Also not allowed in the recently rezoned MF-Q Zone parcels.

Relaxed Development Standards for Secondary Dwelling Units smaller than 800 sq. ft. in "Housing Opportunity Zones." The Board directed the Planning Commission to

recommend more relaxed standards than they original did, specifically to eliminate the requirement of shared driveways for principally permitted second units and the required finding that the second unit is subordinate to the primary unit on lots where the general plan density is met. Relaxed standards already recommended by the PC including no new parking requirements, no new road improvements except CALFIRE rules in State Responsibility Areas, and increased lot coverage limits. Additionally, there is a proposal being developed to waive the density standards for 5 acre minimums in the rural areas of the McKCommunity Plan, such as Dow's Prairie. Specific language is not final yet, but this may be opposed by the Farm Bureau, which has concerns about increasing the property value of prime ag lands such that it would be effectively converted to residential use. This is not expected to help the County meet low-income housing needs but has been requested by some landowners.

PROPOSED HOUSING ELEMENT IMPLEMENTATION MEASURES
Public Workshop – Meeting Notes
October 11, 2011 – Redway

EMERGENCY SERVICES

The Meadows Business Park and Subdivision is listed as a potential location for emergency services. This does not seem to be a desirable location due to the commercial use and distance from the town center. This location is isolated with no services.

All other locations listed seem reasonable.

Emergency services should be kept in town near services that those occupants would require.

When were the Emergency Shelter Zones approved?

Where are maps for Phillippsville? Make available online.

HOUSING OPPORTUNITY ZONES

Why are areas of Phillippsville being rezoned multifamily if no community sewer or water exists? (NOTE: Definition/differences between Housing Opportunity Zones and Multifamily Rezones were discussed at the meeting)

Is there an opportunity to include Miranda in the Housing Opportunity Zone? Put maps online.

Double-check map links.

Review opportunities for more Housing Opportunity Zones – do not limit to only places with community water & sewer. Septic systems and adequate water supply would be just as effective as community sewer and water. If the requirement for community sewer and water were dropped, many other areas could benefit from the relaxed standards, such as Myers Flat, Phillippsville, Miranda, etc. There are housing needs in those communities as well.

Low income housing needed in rural areas & similar incentives should be offered.

Talk to people who will benefit from the Housing Opportunity Zone to gauge their needs.

SECOND UNIT STANDARDS

Provide opportunities for multifamily housing within existing single family residences – two kitchens, etc. Something similar to a mother-in-law unit, but perhaps not separated.

HOUSING TRUST FUND

Identify and quantify the current amount of County surplus property

What types of projects could apply to the fund? Who could apply to the fund? How much assistance would be given? Could individuals make use of the fund for small projects- second units, housing rehab?

Is there an opportunity to include State Surplus property?

Interest-bearing bonds may be a financial mechanism.

Set up an advisory group to assist the Board of Supervisors to determine how the funds should be utilized.

Be careful not to surplus county property that could be used to provide affordable housing. Study before the property is surplus.

AFFORDABLE AND SPECIAL NEEDS HOUSING

Provide numbers re: how do Humboldt County Citizens fit into the very-low, low, etc. income groups.

There is a need for rental property with very low rents (\$300 – \$400 that include utilities).

PROTECTING MULTIFAMILY USES

No comments.

RETAIN LEGAL NON-CONFORMING UNITS

Would this allow for subdivision on TPZ lands? (If there is more than one unit?)

SUPPORTIVE AND TRANSITIONAL HOUSING

Add senior citizens to this group of potential occupants.

Where do people go in an emergency? (Perhaps provide contact information to Humboldt County OES)

SINGLE ROOM UNITS

What would rents be?

Other

Federal money available to improve septic systems? – explore opportunities

Opportunities to use alternative solutions – septic systems, composting toilets, grey water, etc. This would help reduce impact of providing housing in rural areas w/o community water & sewer but could open more housing opportunities in areas w/o the infrastructure.

More representation at the State and Federal level for lawmakers to understand the needs of rural Humboldt County.

Infrastructure improvements to help commercial development if multifamily units are going to be allowed in those areas – we don't want to compromise our commercial uses – we want them to thrive too. Businesses should be offered incentives that are willing to include affordable housing.

Embrace those that want to give funding/space, etc.

Need for more social services and programs in southern Humboldt with offices in the area – including Planning and Building.

Where do senior citizens live? There is a lack of senior housing, especially in Southern Humboldt.

No permits for water tanks – cannot get permitted if structure is illegal

No permits for solar systems/solar panels – cannot get permitted if structure is illegal

Better communication with communities. For example, public workshops come in and public comment is taken. These comments are then rolled into what is presented to the Planning Commission. At the Commission Hearing and changes are made. People would like to have a chance to review the proposed changes prior to any approval by the Planning Commission.

Land Use Map Revisions – What will we see on the 27th? How are these maps different than what was originally presented?

Alternative septic systems, grey water use should be allowed in development

Numbers should be presented – what would costs for low income housing look like? What are income levels? Can there be rent control in Humboldt County?

Furnish developers with specific cost information when a project is proposed – i.e. not only provide the building department fee schedule, but approximate costs of the additional materials (i.e. soils reports, etc) that will be necessary to complete a development.

Community members and government officials should be working together to contact representatives at the State level and attempt to build flexibility into State laws.

Amnesty for unpermitted structures.

Rezoning on TPZ may be necessary – current conflicting uses (i.e. housing in TPZ making it actually rural residential, rural residential doesn't allow agriculture when people live rurally they want/need agriculture use, etc.)

Shaded parcels – how to legalize without limited uses

GPU Process is confusing and make review of where we've been, where we are and where we're going would be good to make sense of all this – provide dates

PROPOSED HOUSING ELEMENT IMPLEMENTATION MEASURES
Public Workshop – Meeting Notes
October 12, 2011 – McKinleyville

Consistent Density Range

There was no public comment regarding Consistent Density Range.

Emergency Shelters

Multiple community members questioned the amount of land zoned available for Emergency Shelter development and suggested that the amount of available land be reduced. It was suggested that the county identifies what currently exists on the lots zoned for Emergency Shelters and reduce those numbers by notifying current parcel owners and providing information about how they may “opt out”.

Community feels that homeless issues vary by municipality and that Arcata, for example, is a more appropriate place to develop Emergency Shelters.

Emergency Shelter zoning is inconsistent with the McKinleyville Plan land use designations.

The concentration of available land in the town center area is inconsistent with the goals of the McKinleyville community, which are to support the development of a vibrant town center, reducing the possibility that McKinleyville is seen as a bedroom community for other cities or towns.

Support was voiced for the plan to disperse available Emergency Shelter sites throughout the county.

Community would like county to consider opportunities for the development of Emergency Shelters in outlying areas, even in areas currently zoned single family residential.

McKinleyville residents expressed frustration with the county’s “haphazard approach to planning”.

Housing Opportunity Zones and Second Dwelling Units

Community member noted that the 2.5 foot setback in the current implementation plan is less than the building code’s minimum of 3 feet and suggests that the implementation plan needs to be consistent with the building code.

Community would like county to consider ways to encourage the development of second dwelling units outside the Housing Opportunity Zones.

Community would like clarification regarding the relaxation of sidewalk and street improvement standards, particularly with regard to the coordination of these requirements with Public Works. If Public Works is not going to sign off on these relaxed standards, how can county include this in the implementation plan?

Question: Is expedited permitting part of the Housing Opportunity Zones?

Member of the community noted that in the Bay Area, there are “nice neighborhoods” that exist without sidewalks. A second member noted that in Southern California, one exclusive neighborhood deliberately eliminated sidewalks and trails in an effort to maintain value.

Housing Trust Fund

Community suggested that this implementation measure is against the law and noted that County Counsel is aware of that.

Suggestion made that county eliminate in lieu fees until inclusionary zoning is adopted.

Affordable and Special Needs Housing

Community would like clarification around the parameters/details regarding the modified development standards.

Comment made that building heights are not an issue in this county and so uncertain how this measure removes barriers to the development of affordable housing.

Community suggested that higher ground coverage and an easing of parking requirements would be better incentives.

Concern voiced that modified development standards eliminates the noticing requirements. Community is concerned that there will be no notification of affected neighbors/residents which is of particular importance when considering the height element.

Protecting Multi-Family Uses

No comments.

Retain Legal Nonconforming Housing

Community would like to know why this is restricted only to subdivisions and suggests that this implementation measure be expanded into land zoned multi-family, for example.

Supportive and Transitional Housing

A great deal of concern was articulated that operating standards cannot be applied to supportive and transitional housing developments. It was pointed out that transitional housing is unregulated and current transitional housing facilities often create neighborhood nuisances, draining law enforcement resources and negatively impacting neighborhoods.

It was noted that licensing is required for other types of supportive housing, however none is required for transitional housing, leaving the door open for ongoing problems for the community.

It was suggested that Supportive and Transitional Housing be separated into two separate subjects for clarification purposes in the implementation measures document.

There was a suggestion made that the county investigate a trend that seems to be emerging nationwide which partners transitional housing development with social services agencies in an effort to provide some oversight and increase the likelihood that transitional housing can lead to more permanent and stable housing.

Single Room Units

No comments.

Other

Residents concerned that county's reliance on the internet-based website is an inefficient information delivery vehicle. It was noted that maps are unavailable for download because local internet service providers do not have the capacity to accommodate the mapping program's large file size. One community member suggested that she is only able to access mapping information if she is using Internet Explorer or Firefox.

PROPOSED HOUSING ELEMENT IMPLEMENTATION MEASURES
Public Workshop – Meeting Notes
October 13, 2011 – Eureka

Consistent Density Range

There was no public comment regarding Consistent Density Range.

Emergency Shelters

Reconsider placing Emergency Shelters in areas zoned for Industrial Use.

Not every area in the county needs an Emergency Shelter. They should be located where the city and county can collaborate and work together – specific to focused support services.

Consider limiting Emergency Shelters to C-2, C-3 and ML zoning.

Expand in areas where there are already successful examples of supportive housing – the MAC center, for example.

Management is key to successful transitional housing and Emergency Shelters.

In terms of the language in the implementation measures for Emergency Shelters – a six month time frame does not fit with the term “emergency” in Emergency Shelters.

Suggestion was made that HHC and John Shelter be asked to review this provision of the implementation measures.

Housing Opportunity Zones and Second Dwelling Units

Strongly suggested that there be no net loss of commercial space within the county. This group would not support the second sentence regarding the possibility of residential on the first floor in mixed-use areas.

Would like there to be required performance standards when considering mixed uses.

Alternatively, it was also felt that performance standards would inhibit commercial use and it was felt that commercial space is important for job creation in the county. Specifically, there was concern articulated about things like bars operating well past bed-time beneath residential, for example...

Would like commercial to stay separate from residential zoning.

Would like to maintain status quo and retain special permit requirements for residential in commercial areas.

Would like the county to consider office/residential mixed-use options.

Would like county to consider Mom-and-Pop Grocery/residential mixed-use options.

It was suggested that reduced minimum parcel size in the HOZ is ineffective without additional relaxation of requirements, such as a relaxation of set-back requirements.

Reduce set-back requirements and lot coverage requirements on 1,500 sf lots.

Relax 2nd unit standards should be applied county-wide, not just in HOZ.

Relax solar shading standards.

Wrong to take away secondary unit rights due to fire road requirements.

Housing Trust Fund

Tie language in this implementation measure to IZ ordinance, specifically the in-lieu fees section, or remove from implementation measures.

Affordable and Special Needs Housing

No Comment

Protecting Multi-Family Uses

No Comment

Retain Legal Nonconforming Housing

No Comment

Supportive and Transitional Housing

No Comment

Single Room Units

Need to add a space to store items for residents.

Need to provide some way to secure things like bicycles, strollers, etc.

Need a triage and management process.

Other

Concern was raised about current planners' knowledge of the existing GPU framework. There is a perception that the planners are filtering questions through the "proposed" GPU rather than the currently existing plan.

Question was raised as to why county is moving forward on implementation measures when the Housing Element is not yet certified. – Concern is possible challenge on multi-family zoning meeting state requirements.

PARKING LOT

Federal \$\$ available to improve septic systems – explore opportunities

Opportunities to use alternative solutions – septic systems, composting toilets, grey water, etc. This would help reduce impact of providing housing in rural areas w/o community water & sewer but could open more housing opportunities in areas w/o the infrastructure.

More representation at the State and Federal level for lawmakers to understand the needs of rural Humboldt County.

Infrastructure improvements to help commercial development if multifamily units are going to be allowed in those areas – we don't want to compromise our commercial uses – we want them to thrive too. Businesses should be offered incentives that are willing to include affordable housing.

Embrace those that want to give funding/space, etc.

Need for more social services and programs in southern Humboldt with offices in the area – including Planning and Building.

Where do senior citizen live? There is a lack of senior housing, especially in Southern Humboldt.

No permits for water tanks – cannot get permitted if structure is illegal

No permits for solar systems/solar panels – cannot get permitted if structure is illegal

Better communication with communities. For example, public workshops come in and public comment is taken. These comments are then rolled into what is presented to the Planning Commission. At the Commission Hearing and changes are made. People would like to have a chance to review the proposed changes prior to any approval by the Planning Commission.

Land Use Map Revisions – What will we see on the 27th? How are these maps different than what was originally presented?

Alternative septic systems, grey water use should be allowed in development

Numbers should be presented – what would costs for low income housing look like? What are income levels? Can there be rent control in Humboldt County?

Furnish developers with specific cost information when a project is proposed – i.e. not only provide the building department fee schedule, but approximate costs of the additional materials (i.e. soils reports, etc) that will be necessary to complete a development.

Community members and government officials should be working together to contact representatives at the State level and attempt to build flexibility into State laws.

Amnesty for unpermitted structures.

Rezoning on TPZ may be necessary – current conflicting uses (i.e. housing in TPZ making it actually rural residential, rural residential doesn't allow agriculture when people live rurally they want/need agriculture use, etc.)

Shaded parcels – how to legalize without limited uses

GPU Process is confusing and make review of where we've been, where we are and where we're going would be good to make sense of all this – provide dates

Attachment 7

Comments on the Comments on the Density Bonus Ordinance from David Grabil

"...I haven't had a chance to go through it in detail, but after a quick scan, here's some comments:

Government Code 65915 requires local governments to adopt an ordinance setting up procedures for developers to request and receive concessions and incentives and a density bonus for qualified projects. The local ordinance needs to be consistent with 65915. Some of the provisions in the draft you sent are problematic.

112.1.3 (Implementation) provides that the County will grant "either a density bonus or a density bonus with an additional incentive, or equivalent financial incentive...To an applicant or developer of a Housing Development within mapped Housing Opportunity Zones and in projects with enforceable agreements..." This seems to say it's within the County's discretion to decide which of these three will be afforded to a developer of a qualifying project. 65915 gives the choice to the developer, not the local government.

65915 provides for density bonuses up to 35%, along with up to three "concessions and incentives". Your draft seems to cap the bonus at 25% unless the project is 100% affordable to lower income. [\(112.1.5.3.4\) 65915](#)(n) provides that the jurisdiction can go over the 35% if that's allowed by the local ordinance, but you can't cap the bonus at less than 35% if the proposed project meets the affordability requirements in the state law.

11 2.1.4 says "circumstances may arise in which the public interest would be served by allowing some or all of the target units... at an alternative development site." That's a very vague standard. 65915(i) says the affordable units can be provided "on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels." That statutory language helps avoid situations where a developer proposes to donate undesirable land some distance away from the project in order to gain the benefits of the density bonus ordinance. 65915(g) allows a developer to donate land to the County in exchange for a density bonus and incentives/concessions, but sets out specific rules and procedures for that donation.

112.1.5.3.1 sets out "Additional Incentives" that the County can provide, but you don't make it clear that it's the developer's call on which ones will be granted. 65915 is clear that it is the developer's choice as to what kinds of incentives/concessions would be most helpful. The County is obligated to allow the concession or incentive except for one of the three reasons listed in 65915(d)(1) (i.e. not required to provide for affordable housing costs; would have a specific adverse impact...upon public health and safety or the physical environment or on property listed in the CA Register of Historical Resources) AND for which there's no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development on affordable to low and moderate income households)

In addition to the "up to 3" concessions/incentives which a developer is more or less absolutely entitled to receive, 65915(e)(1) provides that the jurisdiction may not "apply any development standard that will have the effect of physically precluding the construction of a [qualifying] development.... The developer "may submit... a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of [the project] with the densities and with the concessions/incentives permitted

under this section." The County's ordinance needs to include some language incorporating this "waiver" provision. FYI, unlike concessions/incentives which are more or less "by right," the developer has to establish that a requested waiver is necessary in order to proceed with the development.

112.1.5.3.1.5 allows reduced parking spaces as a concession/incentive. But 65915(p) requires the jurisdiction to provide reduced parking ratios on request of the developer *in addition* to the maximum of 3 concessions/incentives allowed under the statute.

112.1.5.3.6 says the County will provide "direct financial aid" to a qualifying development as a concessions/incentive on request, but is vague about how much or what for. 65915 specifically provides that financial assistance cannot be requested as a concessions/incentive. Wouldn't the County rather reserve whatever limited financial aid resources for projects that are 100% affordable?

And I don't see anything in the draft ordinance about how a developer goes about requesting a density bonus + concessions/incentives. When should an application be submitted, and when will the County make a decision? 65915(j) says granting a bonus or concession/incentive shouldn't "require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval."

There are other conflicts and ambiguities that I'd be more than willing to discuss with you. As an attachment, I'm enclosing a draft ordinance which is essentially identical to the one adopted last year by the City of Santa Rosa, which (in turn) was based on the ordinance adopted four or five years ago by Sonoma County. It tracks state law closely, and covers the points raised above (and others). If you have questions about it, you can speak with the City's chief long-range planner Lisa Kranz (707 543 3259), or the County's deputy planning director Jane Riley (707 565 7388)

Thank you.

David Grabil
Law Office of David Grabil
1930 Alderbrook Lane
Santa Rosa, CA 95405
(707) 528 6839 - voice
(707) 780 1585 - fax
dGrabil@gmail.com"

[DRAFT]

**DENSITY BONUS AND OTHER DEVELOPER
INCENTIVES**

Sections:

20-31.010	Purpose
20-31.020	Definitions
20-31.030	Applications for Density Bonus
20-31.040	Processing of Density Bonus Applications

20-31.050	Eligibility Criteria for Density Bonus and Incentives or Concessions
20-31.060	Project Specific Density Bonus
20-31.070	Density Bonus for Development of Child Care Facility
20-31.080	Available Incentives and Concessions
20-31.090	General Provisions for Density Bonuses and Incentives/Concessions
20-31.100	Required Density Bonus Agreement and Terms of Agreement

20-31.010 Purpose

This Density Bonus Ordinance is intended to provide incentives for the production of affordable housing, senior housing and the development of child care facilities. In enacting this Chapter, it is the intent of the County of Humboldt to implement the goals, objectives, and policies of the County General Plan and further to implement and be subject to California Government Code Section 65915. In the event that any provision in this chapter conflicts with state law, state law shall control.

23-31.020 Definitions

The following terms used in the section shall be defined as follows:

- A. Affordable Housing/Affordable Housing Unit: A housing unit which is available for sale to Moderate Income Households or for rent to Low and/or Very Low Income Households, as those terms are defined in this section.
- B. Affordable Rent: Monthly rent charged to Low and Very Low Income Households for housing units as calculated in accordance with section 50053 of the Health and Safety Code.
- C. Child Care Facility: A facility that provides non-medical care and supervision of minor children for periods of less than 24 hours and is licensed by the California State Department of Social Services, further subject to the definition in California Government Code Section 65915(h)(4).
- D. Density Bonus: A density increase for residential units over the otherwise allowed residential density under the applicable zoning and land use designation on the date an application is deemed complete.
- E. Density Bonus Housing Agreement. A legally binding agreement between a developer and the County [Housing Authority or Planning Department] to ensure that continued affordability of the Affordable Housing Units required by this chapter persists and the units are maintained in accordance with this chapter.
- F. Density Bonus Units. Those additional residential units granted pursuant to the provisions of this chapter.

- G. Housing Authority. An appointed body of the County of Humboldt authorized to engage in or assist in the development or operation of affordable housing.
- H. Housing Development. A development project for five or more residential units. Within this chapter, it shall also include a subdivision or common interest development, a project which rehabilitates and converts a commercial building to a residential use and a condominium conversion of an existing multi-family building.
- I. Incentives or Concessions. Regulatory concessions which include, but are not limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost reductions that are offered in addition to a Density Bonus.
- J. Initial Subsidy. The fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (e.g. X (*fair market value of the home to be purchased*) - Y (*the price the moderate income family paid for the home*) + Z (*amount of any down payment assistance*) = Initial Subsidy).
- K. Low Income Household. A household whose income does not exceed 80 percent of the area median income for Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.
- L. Moderate Income Household. A household whose gross income does not exceed 120 percent of the area median income for Humboldt County as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.
- M. Proportionate Share of Appreciation. The ratio of the local government's Initial Subsidy as defined above to the fair market value of the home at the time of initial sale. (e.g. X (*initial subsidy*) / Y (*fair market value*) = Proportionate Share of Appreciation).
- N. Senior Citizen Housing Development. A residential development developed, substantially rehabilitated or renovated, and having at least 35 dwelling units for senior citizens in compliance with the requirements of Section 51.3 and 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
- O. Very Low Income Household. A household whose income does not exceed

50 percent of the area median income for Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

20-31.030 Application for Density Bonus and Incentives or Concessions.

At the time the applicant of a proposed Housing Development, seeking a density bonus and concessions or incentives under this chapter, files a formal application for approval of the proposed development with the Department of Community Development the following information shall be submitted with the fees and required application:

- A. Identification of the location, acreage, and the maximum number of base units allowed under the zoning and the land use designated under the General Plan without the Density Bonus.
- B. Identification of the total number of units proposed, specifically identifying the Density Bonus units and the Affordable Units which will demonstrate eligibility under this chapter.
- C. Identification of the requested concessions or incentives or a list of any alternative concessions or incentives which would provide, in the developer's opinion, an equivalent financial value to the concession or incentive requested. This requirement does not impair the applicant from substituting a new incentive or concession from what is initially proposed, but substitution may cause project delays and require revision of environmental documents, and may necessitate additional processing fees as determined by the Director of Community Development.
- D. A clear statement of how the requested concessions or incentives are necessary to make the proposed Housing Development economically feasible, and result in identifiable, financially sufficient and actual cost reductions. The information should be sufficiently detailed to enable County staff to examine the conclusions reached by the developer.
- E. Other pertinent information as the Planning Director may require to enable the County to adequately analyze the identifiable, financially sufficient and actual cost reductions of the proposed Housing Development with respect to the requested additional concession or incentive and other concessions or incentives which may be made available.

20-31.040 Processing of Density Bonus Application.

- A. Once deemed complete, the density bonus application shall be processed and determinations made concurrent with the underlying Housing Development application.
- B. Review Authority. A request for density bonus will be reviewed by the same

review authority as the Housing Development's other entitlements specifically noted below. The reviewing authority shall grant the density bonus and requested incentive(s) or concession(s) unless the findings in 20-31.080 (B) can be made.

1. Design Review. When a proposed Housing Development needs only Design Review, then the Design Review Board will consider and act on the density bonus request when the preliminary design review application is considered.

2. Planning Commission/Board of Supervisors. If the project requires entitlements or an environmental clearance to be considered by the Planning Commission and/or the Board of Supervisors, then these decision bodies will consider and act on the density bonus request concurrent with the applicable project entitlement/environmental clearance.

C. A Housing Development including at least 20 percent of total units affordable to very low or low income households or a combination of the two, with affordable rents maintained through an agreement with the Housing Authority or another governmental agency, shall be entitled to priority processing. Priority processing shall mean a timeline for review of the Housing Development and all associated applications as mutually agreed to by the County and the developer.

D. Application for Density Bonus Housing Agreement. Once the proposed Housing Development has received its approval for Density Bonus, as described above, the developer shall file an application, including the payment of any processing fees with the [Housing Authority / Planning Department] for approval and finalization of the Density Bonus Agreement in compliance with the requirements set forth in 20-31.100.

20-31.050 Eligibility Criteria for Density Bonus

A. The County of Humboldt shall consider a density bonus and provide incentives or concessions as described in 20-31.080, when a developer of a Housing Development seeks and agrees to construct a Housing Development that will contain at least one of the following:

1. Ten percent of the total units of a Housing Development strictly for Low Income Households as defined herein;
2. Five percent of the total units of a Housing Development strictly for Very Low Income Households as defined herein;
3. A Senior Citizen Housing Development, as defined herein.

4. Ten percent of the total dwelling units in a condominium or planned unit development for persons and families of Moderate Income Households as defined herein, provided that all units in the development are offered to the public for purchase.

20-31.060 Project Specific Density Bonus

The County of Humboldt will allow a Housing Development a density bonus and concessions or incentives meeting all the applicable eligibility requirements of this chapter according to the following density bonus options. In the event that the minimum requirements for granting density bonus units or number of applicable concessions or incentives as set forth in California Government Code 65915 is amended or modified after the adoption of this chapter by the County, then the lowest minimum requirements shall apply.

A. Density Bonus for Very Low Income Households: If a housing developer elects to construct units for Very Low Income Households, the development shall be entitled to the following Density Bonus calculation:

Provision of Very Low Income Units		
Percentage of Very Low Income Units Affordable	Density Bonus Available*	Number of Incentives or Concessions
5%	20%	1
6%	22.5%	1
7%	25%	1
8%	27.5%	1
9%	30%	1
10%	32.5%	2
11%	35%	2
15%	35%	3

* the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus

B. Density Bonus for Low Income Households: If a housing developer elects to construct units for Low Income Households, the Housing Development shall be entitled to the following Density Bonus calculation:

Provision of Low Income Units		
Percentage of Low Income Units Affordable	Density Bonus Available*	Number of Incentives or Concessions
10%	20%	1
11%	21.5%	1
12%	23%	1

13%	24.5%	1
14%	26%	1
15%	27.5%	1
17%	30.5%	1
18%	32%	1
19%	33.5%	1
20%	35%	2
30%	35%	3

** the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus*

C. Senior Housing: If a housing developer elects to construct a Senior Citizen Housing Development, the density bonus shall be 20 percent of the total number of allowed housing units without the Density Bonus.

D. Moderate Income Units in Condominiums and Planned Developments: If a housing developer elects to construct units for Moderate Income Households, the development shall be entitled to the following Density Bonus calculation:

Moderate Income Units		
Percentage of Moderate Income Units Affordable	Density Bonus Available*	Number of Incentives or Concessions
10%	5%	1
11%	6%	1
12%	7%	1
13%	8%	1
14%	9%	1

15%	10%	1
16%	11%	1
17%	12%	1
18%	13%	1
19%	14%	1
20%	15%	2
21%	16%	2
23%	18%	2
24%	19%	2
25%	20%	2
26%	21%	2
27%	22%	2
28%	23%	2
30%	25%	3
31%	26%	3
32%	27%	3
33%	28%	3
34%	29%	3
35%	30%	3
36%	31%	3
37%	32%	3
38%	33%	3
39%	34%	3
40%	35%	3

** the allowed increase is the percentage over the total number of units that would be allowed without a Density Bonus*

E. Density Bonus for Land Donation: When an applicant for a tentative map, parcel map, or other residential development approval donates at least one acre of land or enough land to develop 40 units, then the applicant shall be entitled to a fifteen percent increase above the otherwise maximum allowable residential density for the entire Housing Development as follows:

Land Donation	
Percentage of Very Low Income Units	Percentage Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%

17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
29%	34%
30%	35%

1. Nothing in this subsection shall be construed to enlarge or diminish the authority of the County to require a developer to donate land as a condition of development.

2. The Density Bonus for land dedication shall be in addition to any Density Bonus earned pursuant to 20-31.060 and up to a maximum combined increase of 35 percent.

3. An applicant with a land donation shall be eligible for the increased Density Bonus if all of the following conditions are met:

a. The applicant donates and transfers the land to the County no later than the date of approval of the County of the final subdivision map, parcel map, or Housing Development application for the proposed Housing Development seeking the Density Bonus.

b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to Very Low Income Households in an amount not less than 10 percent of the number of residential units of the proposed Housing Development seeking the Density Bonus.

c. The land proposed to be donated to the County:

- (i) has the appropriate General Plan designation and is appropriately zoned for development at the density described in paragraph (3) of subsection (c) of section 65583.2; and
- (ii) is or will be served by adequate public facilities and infrastructures; and
- (iii) is donated no later than the date of approval of the final subdivision map, parcel map or Housing Development application seeking a Density Bonus and has all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income housing units on the transferred land; and
- (iv) is transferred to the County or a housing developer approved by the County; and
- (v) shall be within the boundary of the proposed development or within one-quarter mile of the boundary of the proposed development; and
- (vi) must have a proposed source of funding for the very low income units prior to the approval of the final subdivision map, parcel map or Housing Development application seeking the Density Bonus.

d. The transferred land and the Affordable Housing Units shall be subject to a deed restriction, which shall be recorded on the property upon dedication, ensuring continued affordability of units for at least 30 years from the date of occupancy.

F. Condominium Conversions. Density Bonus for Condominium Conversion, shall be considered and approved in accordance with section 65915.5 of the California Government Code for specifications.

20-31.070 Density Bonus for Development of Child Care Facility

A. A Housing Development meeting the requirements of Section 20-31.050 and 20-31.060 above and including a child care facility that will be located on the premises of, as part of, or adjacent to, such a Housing Development shall receive either of the following:

- 1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
- 2. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

B. When a Housing Development is providing a Child Care Facility consistent with this ordinance, then the conditions of approval shall require that:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable; and
2. Of the children who attend the childcare facility, the children of Very Low Income Households, Lower Income Households, or persons or families of Moderate Income shall equal a percentage that is equal to or greater than the percentage of affordable units that are required pursuant to Section 20-31.050.

C. The County shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

20-31.080 Available Incentives and Concessions.

In addition to the applicable density bonus described above, an applicant may request incentives or concessions in connection with its application for a density bonus in accordance with the density bonus calculation set forth in 20-31.060.

A. An incentive or concession may mean:

1. A reduction in the site development standards or a modification of zoning code requirements including but not limited to:
 - a. Reduced minimum lot size or dimension
 - b. Reduced minimum setbacks
2. Approval of mixed-use development in conjunction with the proposed Housing Development if the non-residential land uses will reduce the cost of the proposed Housing Development, and the non-residential land uses are compatible with the proposed Housing Development and surrounding development;
3. Other regulatory incentives or concessions proposed by the applicant or that the County determines will result in identifiable, financially sufficient, and actual cost reductions.

B. The County shall grant incentive(s) or concession(s) requested by the applicant unless the County can make a written finding, based upon the substantial evidence, of any of the following:

1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rents.

2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or any real property that is listed in the California Register of Historical Resources and for which the County determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate- income households.

3. The incentive or concession would be contrary to state or federal law.

20-31.090 General Provisions for Density Bonuses and Incentives/Concessions

A. An affordable unit provided in order to be eligible under this Chapter shall also be considered an allocated unit under the County's Housing Allocation Plan.

B. All density bonus calculations resulting in fractional units shall be rounded up to the next whole number.

C. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

D. Upon request by the applicant, the County shall not require the proposed Housing Development eligible for a Density Bonus pursuant to this chapter to provide a parking ratio, including handicapped and guest parking, that exceeds the following:

1. Zero to one bedrooms: one onsite parking space
2. Two to three bedrooms: two onsite parking spaces
3. Four and more bedrooms: two and one-half parking spaces.

If the total number of parking spaces required for the proposed Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.

E. The County shall not apply any development standard that would have the effect of precluding the construction of a proposed Housing Development meeting the requirements of Section 20.31.060 at the densities or with the incentives permitted by this Chapter. An applicant may submit with its application to the County a proposal for the waiver or reduction of development standards. A waiver or reduction of development standards, the application of which would physically preclude the development, shall not reduce nor increase the number of incentives or concessions being requested. Nothing in this subsection, however, shall be interpreted to require

the County to waive or reduce development standards if the waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the County determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the affordable units economically feasible.

F. Location of Affordable Units. The location of the affordable units within the Housing Development may be at the discretion of the developer. However, the affordable units shall:

1. Be constructed at the same time as the market units are constructed.
2. Be reasonably dispersed throughout the development and/or phases if applicable.
3. Be a similar unit type/size to the overall Housing Development; and
4. Be reasonably compatible with the design or use of the remaining units in terms of appearance, materials and quality finish.

20-31.100 Required Density Bonus Agreement and Terms of Agreement.

A. A Density Bonus Housing Agreement must be executed prior to recording any final map for the underlying property or prior to the issuance of any building permit for the Housing Development, whichever comes first. The Density Bonus Housing Agreement shall be binding on all future owners and successors of interests of the Housing Development.

B. The Density Bonus Housing Agreement shall:

1. Identify the type, size and location of each Affordable Housing Unit required hereunder;
2. Identify the term of the agreement, which would define the term of affordability of the required units;
3. Require that the Affordable Housing Units be constructed and completed by the developer as specified in this Chapter and in accordance with state law;
4. Require that each Affordable Housing Unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement.

5. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the Affordable Housing Units shall be leased and shall contain such other terms and provisions, the Housing Authority may require. The agreement, in its form and manner of execution, shall be in a form able to be recorded with the Humboldt County Recorder.

6. The Density Bonus Housing Agreement shall be reviewed and approved by the [Planning Director / Executive Director of the County's Housing Authority and the affordability of the required units shall be monitored for compliance by the Housing Authority staff. The Housing Authority is hereby expressly authorized to act as the County's agent to enter into the Density Bonus Housing Agreement for the purpose of enforcing the terms of the agreement consistent with this chapter.

C. Required Terms for the Continued Availability of Affordable Units

1. Low and Very Low Income Households. A housing developer providing Low and Very Low income units in accordance with this chapter must continue to restrict those units to Low or Very Low Income households for a minimum of 30 years or longer term under another regulatory agreement from the date of initial occupancy.

2. Moderate Income Households. In the case of a Housing Development providing Moderate Income units, the initial occupant of the unit must be a person or family of Moderate Income.

a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The local government shall recapture any Initial Subsidy and its Proportionate Share of Appreciation; which shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into the Housing Authority Trust Account to be used in accordance with subsection (e) of section 33334.2 of the Health and Safety Code."

Attachment 8

Electronic version of the Supplemental Environmental Impact Report (SEIR)
for the 2009 Housing Element Update (SCH #2009022077)

(Attached to the October 27, 2011 staff report)