

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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F3a

DATE: March 22, 2007

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Robert S. Merrill, District Manager
Tiffany S. Tauber, Coastal Planner

SUBJECT: **Humboldt County LCP Amendment No. HUM-MAJ-2-06 (Housing Element Resubmittal):** Concurrence with the Executive Director's determination that the action of the County of Humboldt accepting the Commission's certification of LCP Amendment No. HUM-MAJ-2-06 (Housing Element Resubmittal) and adopting implementing ordinance is legally adequate (For Commission review at the meeting of April 13, 2007 in Santa Barbara).

1. **BACKGROUND:**

The Coastal Commission originally considered a comprehensive update of the Housing Element portion of Humboldt County's General Plan as LCP Amendment No. HUM-MAJ-1-99-B on February 9, 2006. At that hearing, the Commission denied the amendment as submitted, and then approved it with modifications necessary to achieve conformance with the Coastal Act. Humboldt County agreed with the majority of the modifications to LCP Amendment No. HUM-MAJ-1-99-B previously approved by the Commission and adopted a resolution accepting all of the suggested modifications with two exceptions and with one minor addition to the amendment. These changes desired by the County were incorporated in a resubmittal of LCP Amendment No. HUM-MAJ-1-99-B, which was assigned a new application number (HUM-MAJ-02-06, Housing Element Resubmittal). The Commission acted on Humboldt County LCP Amendment No. HUM-MAJ-2-06 on November 15, 2006.

The County's Housing Element Resubmittal involved changes to the previously certified Implementation Program portion of the LCP Amendment as modified including: (1) deleting the originally proposed amendment to the Design Review provisions to maintain the Design Review provisions as originally certified prior to approval of LCP Amendment No. HUM-MAJ-99-1-B, (2) adding a cross-reference to the definition of "principal permitted use" next to the listed principal permitted use in each district, and (3)

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omitting the Commission's suggested modifications regarding the definition of "principal permitted use" and the list of principally permitted uses for purposes of appeal to the Coastal Commission in the Agriculture Exclusive zoning district.

The Commission rejected the amendment to the Implementation Program and then ultimately approved the amendment with three suggested modifications as recommended by staff. Suggested Modification No. 3 would clarify the maximum density bonus for Planned Unit Developments as 35% rather than 25% to ensure consistency with Government Code Section 65915. Suggested Modification No. 4 would (a) reimpose previous suggested modifications to Section 313-163.9 and 313-163.9.9 regarding the definition of "principal permitted use" and the list of principally permitted uses in the Agriculture Exclusive zoning district that were inadvertently omitted when the County took action to accept the suggested modifications adopted by the Commission on February 6, 2006, and (b) modify Section 313-163.9.11 to clarify the principal permitted use in the Timber Production zoning district (TPZ). Suggested Modification No. 5 would clarify the definition of Density Bonus consistent with state housing law.

Additionally, the Commission rejected the amendment to the LUP as submitted and then ultimately approved the amendment with two suggested modifications as recommended by staff. Suggested Modification No. 1 and Suggested Modification No. 2 would clarify the maximum density bonus for Planned Unit Developments as 35% rather than 25% to ensure consistency with state housing law.

2. EFFECTIVE CERTIFICATION:

On February 27, 2007, the Humboldt County Board of Supervisors held a public hearing and adopted Resolution No. 07-17 and Ordinance No. 2383 which acknowledge receipt of the Commission's resolution of certification, accepts and agrees to the Coastal Commission's modifications, agrees to issue permits in conformance with the modified LCP, and formally approves the necessary changes to the County's LUP and Implementation Program.

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that Humboldt County's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of Humboldt County LCP Amendment No. HUM-MAJ-2-06 (Housing Element Resubmittal) shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

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3. STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of Humboldt County to accept the Commission's certification of Humboldt County's LCP Amendment No. HUM-MAJ-2-06 (Housing Element Resubmittal) and adopt the necessary changes to the County's LUP and Coastal Zoning Ordinance are legally adequate, as noted in the attached letter, Exhibit No. 1 (to be sent after Commission concurrence).

(See Attached Exhibit 1)

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April 13, 2007

Kirk Girard, Planning Director
County of Humboldt
3015 H Street
Eureka, CA 95501

SUBJECT: Effective Certification of Humboldt County LCP Amendment No.
 HUM-MAJ-2-06 (Housing Element Resubmittal)

Dear Mr. Girard:

The Executive Director of the Coastal Commission has reviewed Humboldt County Ordinance No. 2383 and Resolution No. 07-17 for effective certification of Humboldt County's LCP Amendment No. HUM-MAJ-2-06 (Housing Element Resubmittal).

The County's resolution indicates that the County acknowledges receipt of and accepts the Commission's resolution for certification and that the County agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the County's resolution and ordinance fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the County's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of April 13, 2007 in Santa Barbara. Commission approval and the amendment process are now complete. If you have any questions, please contact Tiffany S. Tauber in our Eureka office at (707) 445-7833 or ttauber@coastal.ca.gov.

Sincerely,

ROBERT S. MERRILL
District Manager

EXHIBIT 1