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W13b

Prepared September 24, 2026 for the October 7, 2026 Hearing

TO: Coastal Commissioners and Interested Persons

FROM: Shana Gray, Deputy Director, North Coast District and Statewide Planning
Melissa B. Kraemer, North Coast District Manager

**SUBJECT: Humboldt County LCP Amendment No. LCP-1-HUM-24-0054-2-Part D
(Commercial Residential; Fences; Mini-Storage)**

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommend that the Commission, upon completion of a public hearing, deny the Implementation Plan (IP) amendment as submitted, but certify the amendment if modified as suggested by staff with three suggested modifications. Pursuant to Coastal Act section 30513, to certify the proposed amendment to the IP portion of the County of Humboldt LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified Land Use Plan (LUP). Humboldt County has six LUPs, and the proposed IP amendments must be in conformity with and adequate to carry out the policies of each.

Humboldt County is proposing to amend the Implementation Plan (IP) portion of its certified LCP under two separately adopted ordinances. Ordinance No. 2746 (Commercial Residential, [Exhibit 4](#)) would allow residential development projects as a permitted use in Neighborhood Commercial (CN), General Commercial (CG), and Business Park (MB) zoning districts and set standards for such Commercial Residential development. The proposed amendment is similar to, but separate from, Senate Bill 6 (SB 6), the Middle Class Housing Act of 2022, which is codified in Government Code section 65852.24 and which sunsets at the end of 2032. This law provides for housing development projects to be deemed an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use, if specified conditions are met, including, but not limited to, requirements relating to density, site location, prevailing wages, and other criteria. While the proposed amendment adds a new IP chapter that sets various standards for Commercial Residential development that include many elements of SB 6 related to site eligibility, density, parking, and other standards, many SB 6 provisions are excluded from the proposed amendment (e.g.,

prevailing wages and sunset provisions). A separate unrelated amendment (Ordinance No. 2749, [Exhibit 5](#)) makes minor code updates related to fence heights and definitions and adds “Mini-Storage” as a new conditional use allowed in certain commercial and industrial zoning districts.

At its core, the proposed amendment as submitted supports increased housing in existing developed areas that will promote infill, reuse, and redevelopment of vacant commercial and business park sites. The specific lands where Commercial Residential housing types could be permitted extend throughout the County’s six LUP areas, including the very rural areas at the northern and southern ends of the County that each are surrounded by thousands of acres of public recreational lands. A Commercial Residential use is defined in the proposed regulations as a development that consists either of all dwellings or a mixture of dwellings and commercial uses (at a density of up to 30 units per acre, plus density bonus allowances as allowed under the LCP). The proposed standards for Commercial Residential development are intended to promote the development of vacant sites, and a provision is proposed specifying that conversion of existing commercial spaces into residential spaces shall not result in the eviction of existing businesses (with certain exceptions, as allowed under SB 6).

Most of the population in Humboldt County is clustered within an approximately 30-mile area from McKinleyville to Fortuna, yet the amendment as submitted would allow higher density housing in outlying/remote rural areas that would not serve to concentrate housing developments in existing developed areas where various services associated with urban centers are available, inconsistent with the policy directives of each LUP to concentrate development in existing developed areas able to adequately accommodate it or areas with adequate public services (each of the LUPs incorporate Coastal Act section 30250 as an enforceable policy). Due to inconsistency with this policy for three of the LUPs, the amendment must be rejected as submitted. **Suggested Modification 1** is recommended to limit where the Commercial Residential regulations apply (thus disallowing such development on sites in the North Coast, Trinidad, and South Coast LUP planning areas) and to remove a proposed exception that would allow such development to be served by onsite water and wastewater systems.

The remaining CN, CG, and MB lands outside of the North Coast, Trinidad, and South Coast areas potentially eligible for Commercial Residential development are located primarily in the Airport Business Park in McKinleyville, several areas around Humboldt Bay, and the unincorporated urban areas of Loleta and Fernbridge in the Eel River area. None of the potentially eligible lands in McKinleyville or Eel River areas are in areas of high geologic, flood, or fire hazards or in areas vulnerable to tsunamis (which may result from a local mega-earthquake and arrive on the shores of Humboldt Bay within minutes) or sea level rise. However, some of the lands in the Humboldt Bay area are highly vulnerable to flooding, tsunami inundation, and increased flood risks as sea level increases (indeed some of these lands, such as in the Fields Landing and south Eureka areas, experience regular flooding today from tidal flooding and elevated groundwater / drainage issues). As submitted, the proposed IP amendment includes no provisions for consideration of sea level rise or tsunami hazards, and without such provisions, the IP amendment as submitted does not conform with nor is it adequate to carry out the

policies of the Humboldt Bay Area LUP concerning the avoidance and minimization of risks of geologic and flooding hazards, including sea level rise and tsunami hazards. As such, the amendment must be rejected as submitted. However, the amendment could be certified as LUP-consistent with the incorporation of **Suggested Modification 2** and **Suggested Modification 3** to ensure that future Commercial Residential development is resilient to coastal hazards by prohibiting Commercial Residential development within areas mapped as vulnerable to sea level rise (while not changing the existing allowances for commercial or business park uses in these areas) and to ensure that Commercial Residential development within a mapped tsunami hazard area minimizes risks (e.g., ensuring proximity to tsunami refuge points). Suggested Modification 2 also would restrict Commercial Residential development from the Samoa area by clarifying an existing standard proposed by the County that Commercial Residential development is prohibited in areas proximate to industrial uses. Only if modified as suggested will the IP amendment conform with and be adequate to carry out the coastal resource protection policies of the County's certified LUPs, consistent with section 30513 of the Coastal Act. The motions to adopt the staff recommendation are on **page 5**.

DEADLINE FOR COMMISSION ACTION

The County of Humboldt initially transmitted Local Coastal Program (LCP) Amendment Application No. LCP-1-HUM-24-0054-2 to the Commission on November 5, 2024 as part of a multi-part package of housing-related LCP amendments that includes Part A (Supportive & Transitional Housing), Part B (Tiny House Villages), Part C (Emergency Shelters), and Part D (the subject application). Part D was filed as complete on July 23, 2026, and the 60-day time limit for the Commission to act on LCP-1-HUM-24-0054-2-Part D is October 16, 2026.

If the Commission fails to take final action at this October Commission meeting (e.g., if the item is continued), then staff recommend that as part of such non-final action the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommend a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Alternate Time Extension Motion: I move that the Commission extend the time limit to act on County of Humboldt Local Coastal Program Amendment Number LCP-1-HUM-24-0054-2-Part D to October 16, 2027, and I recommend a yes vote.

ADDITIONAL INFORMATION

For further information, please contact Melissa Kraemer at the Commission's North Coast District Office in Arcata at Melissa.Kraemer@coastal.ca.gov. If you wish to provide written comments, please do so via regular mail (directed to the North Coast District Office) or email (by emailing NorthCoast@coastal.ca.gov). Commission staff will distribute to the Commissioners any copies of written materials received from interested parties by 5:00 pm on the Friday before the scheduled Commission meeting.

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[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – Maps of 6 LUP Plan Areas](#)

[Exhibit 2 – Resolution 25-165 – Commercial Residential Amendments](#)

[Exhibit 3 – Resolution 25-166 – Misc. Zoning Code Updates](#)

[Exhibit 4 – Adopted Ordinance No. 2746 \(Commercial Residential\)](#)

[Exhibit 5 – Adopted Ordinance No. 2749 \(Misc. Zoning Code Updates\)](#)

[Exhibit 6 – Eligible Lands for Commercial Residential](#)

I. Motion and Resolution

Staff recommend that the Commission, after public hearing, first reject the IP amendment as submitted and then approve the amendment if modified as suggested in the staff report. The Commission needs to make two motions in order to act on this recommendation.

A. Denial of the IP Amendment as Submitted

Staff recommend a **YES** vote. Passage of this motion will result in rejection of the implementation program amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion A: *I move that the Commission reject Implementation Program Amendment No. LCP-1-HUM-24-0054-2-Part D as submitted by the County of Humboldt.*

Resolution A: The Commission hereby denies certification of Implementation Program Amendment No. LCP-1-HUM-24-0054-2-Part D as submitted by the County of Humboldt on grounds that the implementation program amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. Certification of the implementation program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

B. Certify IP Amendment with Suggested Modifications

Staff recommend a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion B: *I move that the Commission certify Implementation Program Amendment No. LCP-1-HUM-24-0054-2-Part D as submitted by the County of Humboldt if modified in accordance with the suggested changes set forth in the staff report.*

Resolution B: The Commission hereby certifies the IP Amendment No. LCP-1-HUM-24-0054-2-Part D for the County of Humboldt if modified as suggested on grounds that the implementation program, as amended, conforms with and is adequate to carry out the provisions of the certified land use plan. Certification of the implementation program amendment will comply with the California Environmental Quality Act, because 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation program amendment on

the environment, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed Implementation Plan (IP) amendment, which are necessary to make the requisite findings that the IP as amended conforms with and is adequate to carry out the coastal resource protection policies of the County of Humboldt's six certified Land Use Plans (LUPs). If the County accepts the suggested modifications within six months of Commission action (i.e., by April 7, 2027), by formal resolution of the Humboldt County Board of Supervisors, the modified amendment will become effective upon the Executive Director's reporting to the Commission the determination that this acceptance has been properly accomplished.

Existing language of the certified IP is shown in straight type. Language proposed to be added by the County in this IP amendment is shown as underlined text. Language proposed to be deleted by the County in this amendment is shown as ~~striketrough~~ text. Language recommended by the Commission to be inserted is shown in **bold double underline**. Language recommended by Commission staff to be deleted is shown in **~~bold double strikethrough~~**.

- 1) **Suggested Modification 1:** Modify the "Applicability" section (313-56.5.2) to limit where the Commercial Residential development regulations apply, restricting applicability to only those lands that are (a) in urbanized areas within, contiguous with, or in close proximity to, existing developed areas with adequate public services that could accommodate new Commercial Residential development, and (b) served by public water and sewer service:

56.5.2. Applicability. These regulations shall apply in Neighborhood Commercial (CN), Commercial General (CG), and Business Park (MB) **lands in the McKinleyville Area Plan, Humboldt Bay Area Plan, and Eel River Area Plan, and only** where the property is served by public water and sewer service including from a Community Services District. ~~In these Zones not served by public water and sewer a Special Permit is required.~~

- 2) **Suggested Modification 2:** Clarify the "Site Eligibility" section (313-56.5.3.1) to (a) cross reference the broader eligibility restrictions identified in Section 56.5.2 ("Applicability"), (b) clarify the restrictions prohibiting the siting residential development near industrial areas, and (c) disallow development in areas mapped as vulnerable to flooding based on the current USGS Coastal Storm Modeling System (CoSMoS) Hazard Map depicting 4.9 ft of sea level rise and 100-year storm frequency:

56.5.3. Development Standards for Commercial Residential.

56.5.3.1 Site Eligibility. In addition to the eligibility restrictions of Section 56.5.2, Commercial Residential cannot be located in the following locations: (a) on a site or adjoining a site where more than one-third of the square footage is dedicated to industrial use, including, but not limited to, lands within the Samoa Town Master Plan Overlay Area, which includes or directly adjoins sites designated for industrial use on certified Land Use Maps; and/or (b) within an area mapped as vulnerable to flooding with approximately 5.5 feet of sea level rise, based on best available science.

...

- 3) **Suggested Modification 3:** Add a development standard (added subsection 313-56.5.3.6) to require Commercial Residential development to disclose tsunami hazards:

56.5.3. Development Standards for Commercial Residential.

...

56.5.3.6. Tsunami Hazards. Within a mapped Tsunami Hazard Area identifying areas vulnerable to tsunami risk associated with a local Cascadia Subduction Zone major earthquake, no new residential development shall be authorized unless there is a tsunami refuge point accessible with a walking pace of 0.89 meters per second and a ten-minute tsunami arrival time. Additionally, new Commercial Residential shall be required, as a condition of coastal development permit approval, to record a development plan on the property identifying the property as within a tsunami hazard area and showing a map of the nearest tsunami refuge point.

III. Procedural Issues

A. Standard of Review

Coastal Act section 30513 provides in part:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying

the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken.

The Commission may suggest modifications...

The standard of review for the proposed amendment to the County's certified Implementation Plan (IP) (Chapters 1, 2, and 3 of Title III Division 1, Coastal Zoning Regulations), pursuant to Section 30513 of the Coastal Act, is whether the proposed amendment is in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP) portion of the County's certified LCP. As described in Finding IV-B, Humboldt County has six certified LUPs.

B. Public Participation

Section 30503 of the Coastal Act requires public input in preparation, approval, certification, and amendment of any LCP. The Humboldt County Planning Commission held public hearings on the proposed amendments on April 18 (public workshop), July 18, and August 15, 2024. The amendments ultimately were drafted as two separate ordinances that together were presented to and considered by the County Board of Supervisors at a combined hearing held on October 1, 2024, when the Board adopted the two ordinances. The County Board later, on November 4, 2025, took a related action on the amendments to correct procedural errors associated with its earlier action on the two ordinances ([Exhibits 2 and 3](#)). All local hearings were noticed to the public consistent with sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. Procedural Requirements

Pursuant to section 13544(b)(2) of title 14 of the California Code of Regulations, if the Commission certifies the LCP amendment as submitted, no further County action will be necessary for the LCP amendment to immediately take effect. Should the Commission certify the LCP amendment subject to modifications, final approval by the County and a determination by the Executive Director of compliance with section 13544 of the Commission's regulations will be required for the amendment to take effect. Should the Commission deny the LCP amendment as submitted without suggested modifications, no further action is required by either the Commission or the County, and the proposed LCP amendment will not become effective.

D. Deadline for Commission Action

Humboldt County transmitted LCP-1-HUM-24-0054-2 to the Commission's North Coast District office on November 5, 2024 as part of a multi-part package of housing-related LCP amendments that includes Part A (Supportive & Transitional Housing), Part B (Tiny House Villages), Part C (Emergency Shelters), and Part D (the subject application). Part

D was filed as complete on July 23, 2026, and the 60-day time limit for the Commission to act on LCP-1-HUM-24-0054-2-Part D is October 16, 2026.

IV. Findings

The following findings support the Commission's (1) rejection of the proposed Commercial Residential Implementation Plan Amendment (Ordinance No. 2746) as submitted and approval if modified as suggested, and (2) approval of the proposed Fences/Mini Storage/Misc. amendment (Ordinance No. 2749) as submitted. The Commission hereby finds and declares as follows:

A. Amendment Description

The subject application includes amendments to the County's Implementation Plan (specifically to Chapter 3 of Division 1 of Title III of the Humboldt County Code) that, as mentioned above, were adopted under two separate ordinances that together were presented to and considered by the County Board of Supervisors at a combined hearing for the ordinances held on October 1, 2024. The scope of each ordinance is described below.

1. Commercial Residential Amendments

The purpose of Ordinance No. 2746 ([Exhibit 4](#)) is to allow residential development projects as a permitted use in Neighborhood Commercial (CN), General Commercial (CG), and Business Park (MB) zoning districts and to set standards for such Commercial Residential development.

The proposed amendment is similar to, but separate from, Senate Bill 6 (SB 6), the Middle Class Housing Act of 2022, which is codified in Government Code section 65852.24 and which sunsets at the end of 2032. This law provides for housing development projects to be deemed an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use, if specified conditions are met, including, but not limited to, requirements relating to density, site location, prevailing wages, and other criteria. The proposed amendment adds a new IP chapter (section 313-56.5) that sets various standards for Commercial Residential development that include many elements of SB 6 related to site eligibility, density, parking, and other standards. However, many elements of the proposed LCP amendment are independent of SB 6, and thus several of the law's provisions are excluded from the proposed amendment (e.g., prevailing wages and sunset provisions).

The amendment also updates zoning tables for CN (313-2.1), CG (313-2.2), and MB (313-3.1) to add "Commercial Residential" as a permitted use in each zoning district; adds Commercial Residential to the list of residential use types included in section 313-163.1.8; and describes the use in section 313-138 (Definitions) as *"a development that either consists of dwellings or a mixture of dwellings and commercial uses in accordance with Section 313-56.5."*

2. Fences, Mini-Storage, and Definition Updates

The purpose of Ordinance No. 2749 ([Exhibit 5](#)) is to make miscellaneous IP updates related to fence heights and to definitions, and to add “Mini-Storage” as a new conditional use allowed in certain commercial and industrial zoning districts.

Specifically, the amendment (a) adds new IP section 313-74.1 related to “Fences” that allows solid fences in residential single family (RS) and mixed residential zones (R2) to be a maximum of 3 feet in height for any portion of a fence located within the front yard setback and up to seven (7) feet in height for any open-style fence located within the front yard setback (open fences must be at least 70 percent open to the passage of light and air; chain link and other woven wire fencing smaller than 6 gauge shall not be used in the front yard setback); (b) amends section 313-99.1.1.1 to add an exception allowing fence heights to exceed prescribed height limits (which currently only applies to structures and buildings); (c) amends the Definitions within sections 313-141-154 to amend the definitions of “Family” (to provide more flexibility in the definition) and “Structure” (to conform with the updated height limits for fences) and to add a definition for “Mini-Storage” (“One or more buildings used for the storage of goods and materials within self-contained compartments by various users...”); (d) amends the list of Commercial Use Types of section 313-163.1.3 to add Mini-Storage; and (e) amends the zoning tables for CG (313-2.2), MB (313-3.1), and Light Industrial (ML, 313-3.2) zoning districts to add Mini-Storage as a conditionally permitted use in each.

B. Environmental Setting / Standard of Review

Pursuant to Coastal Act section 30513, to certify the proposed amendment to the IP portion of the County of Humboldt LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP. Humboldt County has six certified LUP “Area Plans,” each certified by the Commission in the early 1980’s. From north to south, these are the North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Humboldt Bay Area Plan, Eel River Area Plan, and South Coast Area Plan. The IP as amended must be in conformity with and adequate to carry out the policies of each. Maps of the six LUP planning areas are included as [Exhibit 1](#).

North Coast Area Plan (NCAP)

The NCAP area extends from the northern County line approximately 23 miles south to Patricks Point and up to two miles inland ([Exhibit 1](#), page 2). The area also includes nine miles of coastal lagoons (Freshwater Lagoon, Stone Lagoon, and Big Lagoon) and regionally unique wetland habitats (Big Lagoon Bog). Redwood National Park and several State and County parks are within and adjacent to the area. There are two areas of deferred certification (ADCs) within the North Coast area – Big Lagoon Shoreline Lots and Stagecoach Hill. The Big Lagoon Shoreline Lots ADC includes about 30 acres and 34 assessor’s parcels west of Ocean View Drive and Roundhouse Creek Road, south of Big Lagoon. The Stagecoach Hill ADC includes about 685 acres and 31 assessor’s parcels east of Big Lagoon and Highway 101. The Commission is responsible for the review and processing of coastal development permits in the ADCs; the certified LCP may be used as guidance.

Within the NCAP, the area where Commercial Residential development could potentially occur under the proposed amendment as submitted is on seven parcels of CG land that fronts Highway 101 in the Orick area.

Trinidad Area Plan (TAP)

The TAP area extends along approximately six miles of coastline from Sue-meg State Park to Little River State Beach and includes rural lands around the City of Trinidad and the unincorporated community of Westhaven (Exhibit 1, page 3). Several state and County beaches and parks in the TAP area are popular visitor destination points. Most developed properties in the area are on individual wells and onsite wastewater treatment systems, though some water service is provided to certain areas (e.g., portions of Westhaven) by the City of Trinidad or small community services districts reliant on water supply extracted from perennial creeks and streams. There is one area of deferred certification (ADC) within the Trinidad Area Plan planning area – Trinidad Area Shoreline Lots ADC. The ADC includes about 534 acres and 133 assessor's parcels consisting of (a) five shoreline parcels south of the City of Trinidad along the 6th Avenue Trail in Westhaven and (b) all of those privately owned lots, other than those owned by the Trinidad Coastal Land Trust, west of Scenic Drive and Patrick's Point Drive (where these two roads are the first public roads nearest the sea) and north of the City of Trinidad to Patricks Point.

Within the TAP, the area where Commercial Residential development could potentially occur under the proposed amendment as submitted is on about six parcels of CG land just north of the City of Trinidad along Patricks Point Drive.

McKinleyville Area Plan (MAP)

The MAP area includes a five-mile-long stretch of coastal lands from the Little River to the Mad River and up to four miles inland (around the Mad River) (Exhibit 1, page 4). The unincorporated community of McKinleyville is located partially within the coastal zone atop an uplifted marine terrace separated from the ocean by a series of coastal dunes and bluffs. Much of the MAP area has urban services (water and sewer) and has largely been built out.

Within the MAP, the areas where Commercial Residential development could potentially occur under the proposed amendment as submitted are (1) the various parcels within the Airport Business Park (MB land) east of Highway 101 off of Boeing Ave., and (2) on an approximately half-acre CG parcel at the corner of School Road and Fischer Ave.

Humboldt Bay Area Plan (HBAP)

The HBAP area includes approximately 20 miles of coastline extending from the Mad River to the north end of Table Bluff, plus over 100 additional miles of estuarine shoreline along Humboldt Bay and its tidally influenced tributaries (Exhibit 1, page 5). The HBAP area includes the north and south spits of Humboldt Bay, the farmed bottomlands around Arcata and Eureka, and various unincorporated urban areas (e.g., Samoa, Manila, Myrtletown, King Salmon, Fields Landing, and Humboldt Hill). Much of the HBAP area is served with urban services (sewer and/or water), and the LUP

boundaries about the cities of Eureka and Arcata. The Humboldt Bay Harbor, Recreation, and Conservation District manages the Port of Humboldt Bay.

There are several areas within the HBAP where Commercial Residential development could potentially occur under the proposed amendment as submitted, including on CG lands in the Manila, Samoa, south Eureka (Humboldt Hill area), Myrtle town, Indianola, and Fields Landing areas and MB lands in Samoa.

Eel River Area Plan (ERAP)

The ERAP area includes lands that extend from Table Bluff, which lies just south of Humboldt Bay, approximately 11.5 miles southward to the rural ranchlands around and southwest of the cities of Ferndale and Fortuna (Exhibit 1, page 6). The ERAP area is mostly rural, except for the unincorporated community of Loleta (population approximately 780) north of the Eel River, which has community wastewater and water services. The ERAP area includes the entire Eel River Delta that extends inland over 10 miles to the confluence of the Van Duzen River with the main-stem Eel River.

Within the ERAP, there are two areas where Commercial Residential development could potentially occur under the proposed amendment as submitted, including CG areas within Loleta and Fernbridge.

South Coast Area Plan (SCAP)

The SCAP area is the largest geographically of the County's six LUPs, extending over 45 miles from the rural ranches around Guthrie Creek (southwest of Ferndale) to the southern County line (Exhibit 1, page 7). The federally owned and managed King Range National Conservation Area bisects the planning area into two sections – the “north” SCAP area, including the coastal lands that extend from Guthrie Creek south to the Mattole River estuary, and the Shelter Cove area near the south end of the King Range. The SCAP area is completely rural except for Shelter Cove, which includes a ~2,640-acre, 4,700-lot residential subdivision (partially developed) served by Resort Improvement District #1 with community sewer, water, fire protection, and other services.

Within the SCAP, there are various CG lands within Shelter Cove, where under the proposed amendment as submitted, Commercial Residential development potentially could occur.

C. Consistency Analysis

Summary of LUP Policies

Each of the six LUPs, for the most part, codifies verbatim the various Coastal Act policies protecting priority uses [Coastal Act sections 30213, 30222, 30223, 30260, and 30234 (the latter included in the HBAP & SCAP only) and 30255 (included in the NCAP, TAP, MAP, and HBAP), public access and recreation (Coastal Act sections 30210-30224 (the latter included in the NCAP, MAP, and HBAP only), marine resources, water quality, and wetlands (sections 30230, 30231, & 30233), riverine resources and

environmentally sensitive habitat areas (sections 30236 & 30240), agricultural and timber resources (sections 30241-30243), cultural resources (section 30244), and visual resources and community character (sections 30251 & 30253(e)). The LUPs also generally require residential development to be concentrated primarily in urbanized areas where such uses can be accommodated with adequate public services (section 30250).

The LUPs in some cases are more detailed, specific, and protective of coastal resources than the Coastal Act policy requirements. For example, development setbacks from wetlands and riparian areas are specified in each LUP for both urban areas and rural areas (e.g., a minimum protective buffer of 250 feet is required along certain riparian areas, such as along the Eel River under the Eel River Area LUP), and some of the LUPs designate “Coastal Scenic Areas” on certified LUP maps (e.g., in the North Coast, Trinidad, McKinleyville, and Humboldt Bay LUPs) where new development must be subordinate to the character of the setting.

Regarding hazards, the LUPs codify section 30253(a) and (b) and section 30235 of the Coastal Act requiring minimization of hazard risks and avoidance of shoreline armoring. Additionally, the LUPs each include policies that address development in tsunami hazard areas, since many of the low-lying areas of the County are at risk of tsunami inundation from waves generated by infrequent but extremely large-magnitude earthquakes that originate from the Cascadia Subduction Zone (CSZ) offshore (that extends north from Humboldt County upcoast to Canada). New development within “the 100-year tsunami run-up elevation” is limited to the following:

Tsunamis—New development below the level of the 100-year tsunami run-up elevation described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26 by the Corps of Engineers) shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, and pipelines, and dredge spoils disposal.

Within the Humboldt Bay Area Plan LUP area, additional policy requirements and allowances apply. HBAP Policy 3.17-B(3) states in applicable part:

...New subdivisions or development projects which could result in one or more additional dwelling units within a potential tsunami run-up area shall require submission of a tsunami vulnerability report which provides a site-specific prediction of tsunami run-up elevation resultant from a local Cascadia subduction zone major earthquake...

The policy also specifies various conditions that must be met related to tsunami readiness.

However, the above-cited policy of the six LUPs that references the “100-year tsunami run-up elevation” identifies tsunami hazard areas (and restricts development within such areas) utilizing an outdated method that no longer is considered the best available

science for understanding or describing tsunami hazard areas. Instead, the Tsunami Hazard Area maps published circa 2021 by the California Geological Survey¹ are updated and more widely used to assist local governments in identifying tsunami hazard areas for emergency planning uses rather than for identifying areas in which development should be restricted.

Finally, with respect to housing, the LUPs each include policies and text generally aimed at carrying out the affordable housing goals of the County's Housing Element, and each allows increases in residential densities above planned densities for affordable housing projects, provided such projects are found LCP-consistent. Each LUP includes the following policies and description of allowed density increases (emphasis added):

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 consistent with the goals, policies, standards, and programs of the Humboldt County Housing Element...

...

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) ... 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... 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...

The existing certified Residential Density Bonus chapter of the IP (CZR sec. 313-111) implements the above-cited affordable housing goals of the six LUPs by specifying standards for implementing density bonuses and/or incentives, development requirements for target units, procedures for approval of affordable housing development projects, and requirements for density bonus housing agreements to ensure that target affordable units remain affordable over time. The chapter was

¹ Maps are accessible from the Department of Conservation website:
<https://www.conservation.ca.gov/cgs/tsunami/maps/humboldt>.

recently updated² to update standards for affordable housing projects, including allowing density bonuses and incentives for additional types of households and greater density bonus allowances for very low and low-income units, all of which is intended to create additional opportunities for affordable housing consistent with State Density Bonus Law (Government Code sections 65915-65918). The existing certified IP regulations expressly state that any housing development and/or proposed incentive or concession being considered must be consistent with all other applicable certified local coastal program policies and development standards. The County shall only grant a density increase and/or an incentive or concession if the County determines that there will be no adverse effect on coastal resources. The IP includes a definition of “coastal resources” as “*any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act..., including, but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.*”

1. Commercial Residential Updates

a. Locating & Planning New Development

Concentrating Development & Ensuring Adequacy of Services

Local governments and the Commission are tasked with encouraging affordable housing that serves diverse communities while ensuring that coastal resources and public access are protected. The intent of the proposed amendment is to implement policies from the County’s current Housing Element (dated 2019) that the County is required by state law to implement.³ This proposed LCP amendment addresses the following Housing Element policies (among others):

H-P17. Promote Infill, Reuse and Redevelopment. The County shall promote infill, re-use and redevelopment of vacant and under-developed land within Urban Development Areas and Housing Opportunity Zones as a strategy to create affordable housing, provide an economic stimulus and re-vitalize community investment.

While this LCP amendment does not limit its applicability solely to the development of affordable housing, at its core, the proposed amendment as submitted supports increased housing in existing developed areas that will promote infill, reuse, and redevelopment of vacant commercial and business park sites. A Commercial Residential use is defined in the proposed regulations as a development that consists

² The Commission certified with suggested modifications updates to the density bonus chapter of the IP in June 2026. The County is in the process of scheduling the suggested modifications for local adoption by the Board of Supervisors.

³ The County’s 6th-cycle Housing Element (2019) is accessible from the County’s website (the County’s next housing element is due in 2027): <https://humboldt.gov/DocumentCenter/View/79162/Chapter-8--2019-Housing-Element-Final-PDF?bidId=>.

either of all dwellings or a mixture of dwellings and commercial uses (at a density of up to 30 units per acre, plus density bonus allowances as allowed under the LCP, summarized above). Thirty units per acre is generally aligned with the highest end of the density range of medium-density residential development as planned under the LUPs. The proposed standards for Commercial Residential development apply to lands planned and zoned for Neighborhood Commercial (CN), General Commercial (CG), and Business Park Industrial (MB) uses, which are the zoning districts where office, retail, and other uses are allowed. The standards are intended to promote the development of vacant sites, and a provision is proposed specifying that conversion of existing commercial spaces into residential spaces shall not result in the eviction of existing businesses (with certain exceptions, as allowed under Senate Bill 6).

As described in Finding IV-B above, the specific lands where Commercial Residential housing types could be permitted under the proposed amendment extend throughout the six LUP areas, from the small, unincorporated community of Orick within the North Coast Area Plan LUP area near Redwood National Park to the small, unincorporated community of Shelter Cove within the South Coast Area Plan LUP area near the King Range National Recreation Area. The distance between Orick and Shelter Cove is 130 miles and a 2.5-hour drive. However, most of the population in Humboldt County is clustered in an approximately 30-mile area between McKinleyville (which is ~25 miles south of Orick) and Fortuna (which is ~70 miles north of Shelter Cove). This core urbanized area where most of the County's development is concentrated extends across three LUP areas: the McKinleyville Area Plan LUP, Humboldt Bay Area Plan LUP, and Eel River Area Plan LUP.

Though both Orick and Shelter Cove are communities that are served with wastewater and water services by community services districts, siting more housing (including higher density housing) in these far-flung rural parts of the County that each are surrounded by thousands of acres of public recreational lands would not serve to concentrate housing developments in existing developed areas where the various services associated with urban centers are available. Additionally, in the Trinidad area (within the Trinidad Area Plan LUP), there are no municipal wastewater services, meaning that parcel development depends on the ability of a site to support an onsite wastewater treatment and disposal system capable of adequately managing wastewater in a manner that protects water quality. Such systems typically are not intended to support higher density residential developments. To that end, it's inappropriate that the proposed amendment as submitted includes an exception to the public water/wastewater services requirement for Commercial Residential projects, which would allow such projects to be supported by onsite water and septic systems, provided a Special (discretionary) Permit is obtained. Furthermore, in each of these three rural LUP areas (North Coast, Trinidad, and South Coast), there are few lands to begin with that are planned and zoned for CN, CG, and MB uses (in fact, there are no CN or MB lands in these areas and only a few parcels of CG lands). Thus, reserving the few existing commercial lands in these areas for their intended commercial purpose, rather than allowing such lands to be fully converted to housing, is important in helping to maintain the intended planning framework of these areas to allow lower density rural housing supported by localized commercial services. Importantly, these commercial services

(which allow retail services such as grocery stores and restaurants) are also critical in supporting visitors and coastal recreation, especially considering that there are many public access opportunities and coastal-dependent uses in these areas of the County.

Therefore, the proposed amendment as submitted is inconsistent with the North Coast, Trinidad, and South Coast LUPs' policy directives to concentrate development in existing developed areas able to accommodate it. However, if **Suggested Modification 1** is incorporated into the proposed amendment language, the amendment would conform with and be adequate to carry out the County's remaining three certified LUPs and their Coastal Act section 30250 policy directives. Suggested Modification 1 would modify the "Applicability" section (313-56.5.2) to limit where the Commercial Residential development regulations apply, restricting applicability to only those lands that are in urbanized areas (i.e., in the McKinleyville, Humboldt Bay, and Eel River LUP areas), and served by public water and sewer service rather than individual onsite systems (eliminating the allowance for reliance on onsite systems with a Special Permit).

Industrial Hazards / Avoiding Conflicts with Residential Uses

As proposed in the Site Eligibility section (56.5.3.1) of the proposed amendment, clarification of certain proposed language is needed. Specifically, clarification is needed to the proposed language "dedicated to industrial use" as it relates specifically to CG- and MB-zoned lands in the Humboldt Bay Area. As currently proposed, section 56.5.3.1 states that Commercial Residential development cannot be (emphasis added) "*on a site or adjoining a site where more than one-third of the square footage is dedicated to industrial use.*" This language is taken directly from Government Code section 65852.24, which specifies that "dedicated to industrial use" means a site where at least one of the following is applicable: the square footage is currently being used as an industrial use; the most recently permitted use of the square footage is an industrial use; and/or the (adjoining) site is designated for industrial use under the general plan (in this case, the Humboldt Bay Area Plan).

Out of all the various CG- and MB-zoned lands in the Humboldt Bay Area, those in the Town of Samoa's eastern and southern boundaries adjoin land designated for coastal-dependent industrial uses under the certified LUP. Samoa, which currently consists of about 100 homes and an 80-unit affordable housing complex, has been undergoing a master subdivision and redevelopment process over the past several years that is still in process. There are numerous LUP policies, referred to as the Samoa Town Master Plan (STMP) LUP policies, that specify detailed phasing requirements and restrictions related to commercial and business park development and other development within the STMP Overlay Area as designated on the certified LUP map. As submitted, the County's proposal to add allowances for residential development on commercial and business park lands in Samoa does not conform with nor is adequate to carry out the STMP LUP phasing requirements and other detailed development restrictions of the LUP. As such, the IP amendment as submitted must be denied.

However, the added language shown in **Suggested Modification 2** to the Site Eligibility section expressly stating Commercial Residential development cannot be located within

the STMP area would ensure the amendment conforms with and is adequate to carry out the various STMP-LUP policies. In any case, because a substantial portion of the STMP LUP Overlay Area includes or directly adjoins sites “dedicated to industrial use” on the certified LUP map (including timber industrial uses and future heavy lift marine industrial uses planned to support offshore wind projects), the suggested modification largely clarifies an existing standard proposed by the County that Commercial Residential development within the STMP area is prohibited due to proximate industrial uses (some of the CG lands in Samoa also are mapped as vulnerable to flooding with 5.5 feet of sea level rise).

b. Consistency with Hazard Policies

The CN, CG, and MB lands outside of the North Coast, Trinidad, and South Coast areas potentially eligible for Commercial Residential development are located primarily in the Airport Business Park in the McKinleyville Area LUP planning area, several areas around Humboldt Bay within the Humboldt Bay Area Plan LUP planning area, and the unincorporated urban area of Loleta and the Fernbridge area within the Eel River Area Plan LUP planning area ([Exhibit 6](#)). None of these potentially eligible lands in McKinleyville or Loleta are in an area of high geologic, flood, or fire hazard or in an area vulnerable to tsunamis or sea level rise. However, some of the lands in the Humboldt Bay area are highly vulnerable to flooding, tsunami inundation, and increased flood risks as sea levels increases.

Sea Level Rise

As discussed above, the Humboldt Bay Area Plan includes Coastal Act sections 30253(a) and (b) and 30235 as enforceable policies. These policies require minimizing risks to life and property in hazardous areas and ensuring that development is appropriately sited and designed to avoid such risks where feasible. Given the fact that potentially eligible lands (CG and MB; there are no CN lands in the area) are located in several areas within the Humboldt Bay area, including Samoa, Manila, Fields Landing, Myrtletown, Humboldt Hill, and others, several options are available to locate Commercial Residential development outside of areas vulnerable to flooding and sea level rise. Over time, elevated sea levels will have a significant influence on the frequency and intensity of coastal flooding and erosion. Accordingly, the Commission routinely considers sea level rise in new and updated LCPs to assure that full consistency with section 30253 can be attained in the review and approval of new development in areas near shorelines, bays, and tidal sloughs.

The proposed IP amendment as submitted includes no provisions for the consideration of sea level rise or ensuring that future Commercial Residential development is resilient to flooding in the review of such projects at shoreline proximate sites where instability and exposure to flooding risks could be intensified at future higher sea levels. Without such provisions, the IP amendment as submitted does not conform with nor is it adequate to carry out the LUP hazard policies discussed above (including section 30253). As such, it must be denied. **Suggested Modification 2**, however, would amend the language of the Site Eligibility section (proposed section 313-56.5.3.1) to locate

Commercial Residential development outside of hazardous areas by prohibiting Commercial Residential development in areas vulnerable to 5.5 feet of sea level rise, based on best available science.⁴ Many of the areas vulnerable to 5.5 feet of sea level rise already are experiencing tidal flooding and in need of adaptation planning (e.g., Fields Landing). General commercial or business park uses on CG and MB lands in all areas, including vulnerable site, as currently allowed under the certified LCP (e.g., retail sales and retail services), will remain available options for development (subject to meeting existing LCP conformity requirements).

There are several options available in the Humboldt Bay area to locate Commercial Residential development outside of areas vulnerable to flooding and sea level rise, including, but not limited to, Manila, Indianola, Myrtle town, and some areas around the base of Humboldt Hill. With the inclusion of the Suggested Modification 2, the LCP as amended would ensure that new Commercial Residential projects will be sited outside of hazardous areas in the County's coastal zone area, thereby minimizing risks to life and property in areas of high geologic and flooding hazard consistent with section 30253 of the Coastal Act.

The Commission typically recommends that LCP planning consider locally relevant sea level rise scenarios that account for, at a minimum, the full range of sea level rise projected over a planning horizon of concern based on the best available and relevant scientific projections.⁵ In the case of Commercial Residential development, once constructed, the development would likely remain in place for 75 to 100 years as is typical of residential development projects. Because the consequences of such development being flooded or subjected to erosion hazards can be severe, and the capacity to adapt such development to such hazards without reliance on new or enhanced shoreline protection devices is low, it has been the Commission's practice to recommend consideration of the Intermediate-High scenario for this type of project to understand which potentially eligible lands may be vulnerable to future inundation, flooding, or erosion.⁶ The Intermediate-High scenario for the Humboldt Bay region is projected at 5.5 feet for the year 2100 and 8 feet for the year 2130 (~75-100 years from

⁴ This mapped area must be determined based on best available science and tools including, but not limited to, USGS CoSMoS, the NOAA Sea Level Rise Viewer, or local sea level rise vulnerability assessments.

⁵ The statewide sea level rise scenarios from the State Sea Level Rise Guidance currently provides the best available and relevant scientific projections of sea level rise amounts at various NOAA tide gauge locations (including Humboldt Bay), for each decade from 2020 to 2150, incorporating the local estimates of vertical land motion: <https://opc.ca.gov/wp-content/uploads/2024/05/California-Sea-Level-Rise-Guidance-2024-508.pdf>. The Commission's updated 2024 Sea Level Rise policy guidance document presents the OPC's 2024 sea level rise tide gauge scenarios with a recommendation that the Intermediate, Intermediate-High, and High scenarios be used in various LCP planning and development contexts: (https://documents.coastal.ca.gov/assets/slr/guidance/2024/AppF_2024AdoptedSLRPolicyGuidanceUpdate.pdf).

⁶ For example, see the Commission's adopted Sea Level Rise Policy Guidance (updated 2024): <https://www.coastal.ca.gov/climate/slr/guidance.html>.

today, assuming new Commercial Residential projects would be built in the next year). The Commission also typically recommends that consideration be given to elevated water levels that can exacerbate the impacts of the increased sea level, such as from anticipated recurring events like King tides and 100-year storms.⁷ Using interactive mapping⁸ for LCP planning considerations and development review allows identification of areas vulnerable to flooding, coastal erosion, and rising groundwater hazards where Commercial Residential projects could feasibly be restricted to minimize risks to life and property in such potentially hazardous areas consistent with LUP requirements. Although no single mapping tool is a perfect predictor of which specific areas will actually be subjected to future flood and erosion risks (e.g., mapping models are inherently inaccurate to some degree, there is uncertainty in sea level rise amounts, especially in later timeframes, the CoSMoS map currently only depicts up to 4.9 feet of sea level rise, the NOAA viewer excludes storm events, etc.), given the limited specific locations of CG and MB lands in the Humboldt Bay area, in this case use of any of the current, science-based, peer-reviewed mapping tools calibrated for local conditions and depicting anywhere from ~5 to 10 feet of sea level rise will conservatively depict the same subset of CG- and MB-zoned lands in the Fields Landing, Samoa, and the south Eureka areas where Commercial Residential development likely will be vulnerable to flood risks by the year 2100 under the Intermediate, Intermediate-High, or High scenarios (and some of these areas already are experiencing flooding issues today).

Thus, as discussed above, Suggested Modification 2 would ensure that future Commercial Residential development is resilient to flooding and sea level rise by prohibiting such development within an area mapped as vulnerable to flooding based on best available science (e.g., those mapping tools described above and in below footnotes) depicting approximately 5.5 feet of sea level rise.⁹ The effect of this suggested modification would be to make ineligible for Commercial Residential development some of the CG-zoned lands in the Fields Landing, Samoa, and the south Eureka areas (lands which already are experiencing tidal flooding and/or elevation groundwater issues), though such lands still could be developed with commercial and business park uses, as currently allowed, while maintaining eligibility for potential lands in the Myrtle town, Manila, Indianola, and Humboldt Hill areas that potentially could

⁷ The USGS Coastal Storm Modeling System (CoSMoS) Hazard Map is a source of geospatial data that depicts storm-induced coastal flooding and erosion for both current and future scenarios using the best available science. Currently accessible from the USGS website and the Our Coast Our Future website: <https://www.sciencebase.gov/catalog/item/62eaf441d34eacf53971d2ef> and <https://ourcoastourfuture.org/>.

⁸ In addition to CoSMoS (<https://ourcoastourfuture.org/>), NOAA's Sea Level Rise Viewer (<https://coast.noaa.gov/slr/>) provides a "bathtub model" view of sea level rise scenarios, factoring in local conditions but without storm scenarios incorporated, as opposed to the CoSMoS viewer, which does incorporate them.

⁹ Areas vulnerable to this amount of sea level rise (5.5 feet) currently are being considered by the County in its draft Humboldt Bay Area Plan update for designation as a Sea Level Rise Management Area (SLRMA) where certain requirements would apply.

support Commercial Residential development subject to the development meeting the coastal development permit requirements of the certified LCP.¹⁰

Tsunami Hazards

As discussed above, the Humboldt Coast is located within the area known as the Cascadia Subduction Zone (CSZ). The CSZ can generate mega-earthquakes of 9.0 magnitude or greater, and the coast is subject to tsunamis generated locally by CSZ mega-earthquakes, which could arrive onshore in minutes after an earthquake, as well as tsunamis generated by more distant sources. A tsunami wave generated regionally could arrive on shore in a matter of minutes, and the only warning to evacuate to higher ground would be the experience of a strong earthquake. Thus, community planning and education of hazardous areas, evacuation routes, and vertical points of refuge are critical. More distant earthquakes may produce tsunami waves that allow for hours of warning time and evacuation. For these circumstances, emergency siren systems and evacuation efforts can be highly effective to prevent loss of life. However, development in these locations remains subject to the impacts of such forces.

The tsunami hazard policies of the Humboldt Bay Area Plan, as discussed above, reference the “100-year tsunami run-up elevation” and restrict development within such areas. These policies are outdated and no longer considered the best available science for understanding or describing tsunami hazard areas. Instead, updated Tsunami Hazard Area maps published by the California Geological Survey are currently used as a key source to assist local governments in identifying tsunami hazard areas for emergency planning uses. Current emphasis is on community planning and education of hazardous areas, evacuation routes, and vertical points of refuge rather than generally restricting development in tsunami hazard areas. The County is in the process of updating the Humboldt Bay Area Plan with updated tsunami policies that follow this approach.

The proposed amendment as submitted includes no standards related to Commercial Residential development in tsunami hazard areas, inconsistent with the directives of Policy 3.17 of the Humboldt Bay Area Plan to minimize risks to residential development in tsunami hazard areas. Thus, the IP amendment as submitted does not conform with nor is it adequate to carry out the LUP hazard policies discussed above, including section 30253. As such, it must be denied. However, **Suggested Modification 3** would restrict new residential development in areas where there is no nearby tsunami refuge point that can be reached at a slow to moderate walking speed within 10 minutes, which is the standard estimated on-foot travel time recommended for refuge point proximity by emergency planning managers after ground shaking stops and till the first tsunami waves are expected to arrive onshore following a CSZ mega-quake. The modification would also require Commercial Residential development within a mapped tsunami hazard area to disclose tsunami hazards by recording a development plan on the property identifying the property as within a tsunami hazard area and showing a map of

¹⁰ None of the remaining eligible lands appear vulnerable to over 9 feet of SLR in the NOAA SLR Viewer.

the nearest tsunami refuge point(s).¹¹ These requirements are currently proposed requirements of the updated Humboldt Bay Area Plan update, and with these added requirements, Commercial Residential development would minimize risks in tsunami hazard areas consistent with the existing certified LUP.

In sum, the Commission finds that unless modified as suggested, the proposed IP amendment is inconsistent with the LUP (specifically its Coastal Act section 30253 equivalent policy in section 3.17 of the LUP and related tsunami policies intended to minimize risks in tsunami hazard areas). However, if modified as suggested above, the proposed amendment would conform with and be adequate to carry out the LUP policies concerning the avoidance and minimization of risks of geologic and flooding hazards, including sea level rise and tsunami hazards.

c. Consistency with Priority Use Policies

While the CN, CG, and MB designations are not the primary land use categories to implement priority uses under the Coastal Act and the certified LUPs (e.g., visitor serving uses, coastal-dependent uses, and commercial recreation uses), they do allow uses that support or complement services for coastal visitors. Therefore, it is important that not all CN, CG, and MB designations in the relevant Area Plans be wholly converted to residential uses, which would eliminate neighborhood and general commercial areas need by residents and visitors. In this case, if modified as suggested through Modifications 1-3, the potential for residential development on commercial lands is limited to specific sites in the county that will not adversely affect priority uses or visitor-serving functions. In addition, priority uses are largely carried out on lands designated and zoned as Commercial Recreation (CR), Coastal-Dependent Industrial (MC), Agricultural Exclusive (AE), and Commercial Timberland (TC). Because the lands eligible to accommodate Commercial Residential development are relatively limited within each of the LUP plan areas (e.g., there is only a single CG-zoned property in the McKinleyville LUP area), or there are ample surrounding commercial lands unaffected by the IP amendment as submitted (e.g., commercial lands within the cities of Arcata and Eureka, which are directly adjacent to the affected lands in the Humboldt Bay Area Plan LUP area), the amendment and its allowances will not impact water-oriented activities, ocean-front land reserved for recreational uses, timberland uses, agricultural uses, aquaculture, or other coastal dependent uses.

The proposed amendment as submitted will not impact lower-cost visitor serving lodging facilities. As proposed, short-term rentals (STR) are not allowed within Commercial Residential development projects. Although STRs are not allowed within Commercial Residential development projects, the County's STR regulations allow STRs elsewhere in the County where residential uses are allowed (subject to a cap of between 2% and 5% of housing stock in the planning area, varying by plan area). Additionally, visitor-

¹¹ The suggested policy language is consistent with a draft policy that the County is proposing in the current draft of the Humboldt Bay Area Plan update, which is scheduled to be adopted by the end of 2026.

serving overnight accommodations such as hotels, motels, and RV Parks are principally permitted on Commercial Recreation lands, which are not affected by this amendment and which will remain available for these uses.

d. Consistency with Public Access Policies

With respect to public access, as proposed, a Commercial Residential project may be eligible for a reduction of the required parking standard by up to fifty (50) percent of the spaces for the residential use, and off-street parking facilities for one mixed use may provide parking facilities for other proposed uses within the same development site (when the demand for the parking spaces does not result in conflicts, as demonstrated with the application submittal). Additional parking exceptions may apply for Commercial Residential projects located “within one-half mile walking distance of public transit with a clear path of travel and connection with appropriate pedestrian and bicycle facilities.” Even with these parking exceptions, however, coastal access points are unlikely to be impacted, consistent with the certified LUPs and the public access policies of the Coastal Act. As shown on [Exhibit 6](#), most CN, CG, and MB lands of the County are not located directly near coastal access points. Thus, the proposed amendment as submitted will encourage additional housing within the coastal zone while minimizing adverse impacts to public access.

e. Consistency with Other Coastal Resource Protection Policies

As previously discussed, the areas where Commercial Residential housing types will be permitted (limited to the MAP, HBAP, and ERAP per Suggested Modification 1) are in existing developed areas where urban services are available to serve the development. To the extent any of these lands may contain sensitive coastal resources, such as ESHA or tribal cultural resources, all the certified LCP’s coastal resource protection policies and standards would be applied to any housing project accommodated by this amendment.

All Commercial Residential housing projects will be subject to the coastal development permit requirements of the existing certified LCP, which this amendment does not change. Except for parking, all housing types will be required to comply with all current development standards of the zone in which they are located, including all LCP policies and standards related to protection of visual resources, environmentally sensitive habitats, and archaeological and tribal cultural resources. None of the eligible lands where Commercial Residential development would occur are located within LUP-designated Coastal Scenic Areas (CSAs). However, some are immediately adjacent to such designated areas, and some projects may be visible from designated Coastal View Areas (CVAs) under the LUPs.¹² Because all projects will require CDP review and will

¹² Each of the LUPs have certain areas designated as Coastal Scenic Areas (CSAs) and/or certain areas designated as Coastal View Areas (CVAs). CSAs are areas where new development must be subordinate to the character of the designated area and to the scenic use and enjoyment of public recreational lands in such areas. CVAs are so designated to ensure that no development blocks public

be required to conform to all applicable development standards in the underlying zones, Commercial Residential projects must be found consistent with the scale and character of the surrounding development.

Because any proposed Commercial Residential project would have to be built in a manner consistent with the LCP and be protective of coastal resources and public access, the Commission finds that the proposed amendment (as suggested to be modified as discussed above) conforms with and is adequate to carry out the coastal resource protection policies of the certified LUPs.

2. Fences, Mini-Storage, and Definition Updates

The miscellaneous IP changes included under Ordinance No. 2749 ([Exhibit 5](#)) are minor updates or minor additions to the code that will result in no significant impact to coastal resources of any kind. The IP amendments related to fences simply provide for minor increases in height necessary for conformance with current California Building Code allowances. The update to the definition of “Family” is needed to remove restrictive language as required by Housing Element Policy H-IM63. The update to add mini-storage as a conditional use in the CG, MB, and ML zoning districts will not impact Coastal Act priority-use lands designated under the LUPs, and any proposed mini-storage project will be subject to the CDP requirements of the existing certified LCP (and, as a conditional use in the County, such projects would be appealable to the Commission). Therefore, the Commission finds that the proposed amendment (Ordinance No. 2749) as submitted conforms with and is adequate to carry out the coastal resource protection policies of the County’s six certified LUPs.

V. California Environmental Quality Act

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of an LCP. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in approving an LCP amendment to find that approval of the proposed LCP as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse

coastal views from the CVA. Various standards apply to development in CSAs and to development visible from CVAs as specified in each LUP.

impact which the activity may have on the environment [14 CCR §§13542(a), 13540(f), and 13555(b)].

The County's LCP amendment consists of an IP amendment. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as if set forth in full herein. As discussed throughout the staff report and hereby incorporated by reference, the IP amendment does not conform with and is not adequate to carry out the policies of the certified LUPs. The Commission, therefore, has suggested modifications to bring the IP amendment into full conformance with the County's LUPs.

The Commission finds that approval of the IP amendment if modified as suggested will not result in significant adverse environmental impacts within the meaning of CEQA. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact, either individual or cumulatively, which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

Appendix A
Substantive File Documents

Humboldt County certified local coastal program (LCP)

North Coast Area Plan

Trinidad Area Plan

McKinleyville Area Plan

Humboldt Bay Area Plan

Eel River Area Plan

South Coast Area Plan

Coastal Zoning Regulations

Humboldt County Housing Element. 2019.

<https://humboldt.gov/DocumentCenter/View/79162/Chapter-8---2019-Housing-Element-Final-PDF?bidId=>