

Up-Zoning using SB 10 in Humboldt County

What are the criteria for property to be eligible for up-zoning?

State law specifies the requirements for parcels to be eligible for up-zoning using SB 10, a newly created exemption from the California Environmental Quality Act (“CEQA”). SB 10 streamlines the rezoning process for multifamily development for qualifying sites. The County cannot modify or request exceptions to these requirements.

In order for a parcel to be eligible for SB 10 up-zoning, the parcel or parcels must meet the requirements of State law:

1. It must be an urban infill site. “Urban infill site” means a site that satisfies all of the following:
 - A. The site is a parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau. 2020 Census designated Urban Clusters in the unincorporated areas of Humboldt County are in greater Eureka and Fortuna, McKinleyville, Glendale and Scotia areas only;* and
 - B. At least 75% of the perimeter of the parcel adjoins parcels that are developed with urban uses. For SB 10, parcels that are only separated by a street or highway are considered to be adjoined; and
 - C. The parcel is now zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses.
2. The volunteered property is a separate legal parcel or parcels. If Planning staff is unable to determine if a property is a legal parcel, it will be referred to Current Planning for further review in accordance with State law, and the site may not be eligible for the Multifamily Rezone Project and up-zoning.
3. Rezoning a parcel using SB 10 cannot result in a reduction in density. This means the parcel’s resulting SB 10 density cannot be less or lower than the parcel’s existing density as allowed by the existing general plan designation or zoning.

* Currently the 2010 Census designated Urban Clusters are available on the County’s webGIS. The Department is in the process of adding the 2020 Census data. To help locate the Urban Cluster webGIS layer, we’ve prepared this [instruction sheet](#).



Up-Zoning using SB 10 in Humboldt County

What are the criteria for property to be eligible for up-zoning?

4. Volunteered property located in the State Responsibility Area (“SRA”) and having a “high” or “very high” fire hazard rating are not eligible unless sites have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
5. SB 10 prohibits piecemealing of projects. This means a parcel cannot be subdivided to be made smaller in order to avoid the 10 housing unit cap.
6. Due to the requirements of the Coastal Act, volunteered properties located in the Coastal Zone will be subject further review by County staff to determine eligibility for the Multifamily Rezone Project using SB 10.

Up-Zoning using SB 10 in Humboldt County

What to expect if you up-zone your property.

This document discloses to the best of our knowledge the anticipated land use regulations that would apply at the completion of the Multifamily Rezone Project should you volunteer your property for up-zoning using SB 10.

- Once volunteered parcels that meet the requirements are up-zoned, the entirety of the parcel will be rezoned to Residential Multifamily with a Qualified combining zone (“R-3-Q”). R-3 will be the Principal Zone and the Q is an overlay zone. The Q zone is discussed further below.
- Once SB 10 rezoning is completed, multifamily development for up to 10 dwelling units per parcel will be the principally permitted use, and housing development will be capped at 10 units per parcel. This 10 unit cap does not count ADUs and JADUs.
- Up to two ADUs and JADUs meeting Sections 65852.2 and 65852.22 of the Government Code and Humboldt County Code are to be permitted on each SB 10 parcel. These units are not counted towards the 10-housing unit cap.
- If there are combining zones that currently apply to the property, these combining zones will mostly likely remain after the parcel is up-zoned. Examples of combining zones that will be carried forward and retained are:
 - Greenway and Open Space (“GO”)
 - Noise Impact (“N”)
 - Streamside Management Areas and Wetlands “WR”
- Existing combining zones are likely to remain because they originate from a previously completed environmental analysis and are intended to reduce an impact to a sensitive resource. For a comprehensive list of combining zones, please see [Humboldt County Code Section 314-15](#).
- A new Qualified combining zone (“Q zone”) will be applied to up-zone properties at the conclusion of the Multifamily Rezone Project. As per [Humboldt County Code Section 314-32](#), the Q zone will be combined with the R-3 principal zone to indicate that dwelling groups and multiple dwellings are the principally permitted use. Other non-residential uses will not be allowed.

Up-Zoning using SB 10 in Humboldt County

What to expect if you up-zone your property.

- The Q zone may add, delete, or modify the R-3 development standards to implement the General Plan, including the 2019 Housing Element, or other State housing mandates. The terms of the Qualified combining will be specified in an ordinance that is adopted by the Board of Supervisors. Two examples of existing Q zones that apply to Lower Income inventory can be found here:
 - [Ordinance No. 2460](#), adopted by the Board of Supervisors August 30, 2011.
 - [Ordinance No. 2472](#), adopted by the Board of Supervisors February 14, 2012.
- The new Q zone will include a building height limit that is specified by the Board of Supervisors.
- State law requires the County to consult with local tribes before changing a property's land use designation. This consultation must occur early on in the rezoning process and will be undertaken by the County.
- If you elect to volunteer your property for the SB 10 up-zoning, the application packet will include a consent form authorizing a site visit by County, other government staff, and tribal representatives. Should a site visit be necessary, Planning staff will contact you at least 48 hours ahead to arrange a date and time. If you want to be present and attend the visit, we will accommodate your request, and property owner attendance is strongly encouraged.
- SB 10 units cannot be rented for less than 30 days.
- Other State laws and Humboldt County Code that allow by-right approval for increases in the number of housing units or exemptions from the California Environmental Quality Act ("CEQA") are superseded by SB 10. This means density bonuses, for example, will not allowed by-right and will be subject CEQA.

Other land use regulations that may also apply:

- Payment of an in-lieu parkland dedication fee of +/- \$250 per residential unit (McKinleyville and Eureka areas only).
- There may be a requirement for projects to develop at or near the 10-housing unit cap. Requests to build at less than may involve other permit requirements, and/or may not be allowed if what is proposed would preclude development at the designated density.
- Implementation of best practices during construction phase(s) to minimize dust, prevent erosion, and protect water resources.
- Set hours for active construction during construction phase(s) to minimize noise impacts for nearby inhabitants.