

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV

**F9b**

**Prepared February 16, 2011 (for March 11, 2011 hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Manager  
Susan Craig, Coastal Planner

**Subject: Santa Cruz County LCP Amendment Number 2-10 Part 2 (Emergency Homeless Shelters in Public Facilities Zoning District).** Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's March 11, 2011 meeting to take place at the Santa Cruz County Board of Supervisors' Chambers at 701 Ocean Street in Santa Cruz.

### Summary

Santa Cruz County has submitted the above-referenced Local Coastal Program (LCP) amendment request which is intended to add "emergency homeless shelters" as a principally permitted use in the PF (Public Facilities) zoning district. The PF zoning district primarily applies to parcels that are already developed with public facilities or are owned by public agencies, and most are already developed to some extent. Historically the PF zone was applied to parcels after they had been developed with hospitals, churches, schools, libraries, fire stations, and other similar public uses, and are concentrated in the developed urban areas of the County's coastal zone. Homeless shelters fit into this category of public-serving uses and adding emergency homeless shelters to the list of permitted uses would allow existing structures to be converted or partially converted for shelter use, and would also allow the construction of new facilities in the PF zoning district. The proposed Implementation Plan (IP) amendment is in response to State Law SB2 (SB2), which requires that jurisdictions must select a minimum of one zoning district that will permit emergency homeless shelters without the need for conditional use permits.

The proposed amendment provides parameters, consistent with SB2, that provide regulations regarding site standards and shelter programs, including lighting, parking, maximum number of beds, provision of onsite management, length of stay, security, and physical site standards. Any proposed emergency homeless shelter that does not meet the above regulations regarding site standards and shelter programs, as well as any proposal for a new emergency shelter located within 50 feet of a mapped scenic resource or within 50 feet of a slope exceeding 30%, would require a public hearing and would be considered a conditional use. Any application for a new homeless emergency shelter on land zoned PF that is located in the coastal zone would be subject to the LCP's coastal regulations, including the coastal permit process, and the environmental and resource policies/standards of the LCP, including with respect to required wetland and riparian habitat setbacks, visual resources, protection of agriculture, and blufftop setbacks. Thus, the proposed amendment does not raise issues of consistency with the County's certified Land Use Plan (LUP), which is the standard of review for the proposed IP changes. Staff recommends that the Commission find the proposed amendment consistent with and adequate to carry out the coastal



resource protection policies of the County’s LUP, and that the Commission approve the IP amendment as submitted. The necessary motion and resolution are found below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 3, 2011. The proposed amendment includes IP changes only, and the original 60-day action deadline was March 4, 2011. On February 11, 2011, the Commission extended the action deadline by one year to March 4, 2012. Thus, the Commission has until March 4, 2012 to take a final action on this LCP amendment.

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## I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. The Commission needs to make one motion in order to act on this recommendation.

### Approval of Implementation Plan Amendment as Submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the implementation plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**Motion.** I move that the Commission **reject** Major Amendment Number 2-10 Part 2 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County.

**Resolution to Certify the IP Amendment as Submitted.** The Commission hereby certifies Major Amendment Number 2-10 Part 2 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no



further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Implementation Plan Amendment may have on the environment.

## II. Findings and Declarations

The Commission finds and declares as follows:

### A. Proposed LCP Amendment

The proposed amendment would allow emergency homeless shelters<sup>1</sup> as a principally permitted use in the Public Facilities (PF) zoning district. The proposed amendment is in response to California State Law SB2, which requires all local jurisdictions to strengthen provisions for addressing the housing needs of the homeless, including the identification of one or more zoning districts where emergency homeless shelters are allowed as a principally permitted use without the need for a conditional use permit. The proposed amendment provides parameters, consistent with SB2, that provide regulations regarding site standards and shelter programs, including lighting, parking, maximum number of beds, provision of onsite management, length of stay, security, and physical site standards. The key SB2 requirement is that all development and management standards must be measurable and objective, providing no opportunity for discretion regarding individual projects. This is similar to the manner in which the County regulates single family homes in residential zoning districts – the use cannot be denied provided the project meets the County’s site standards. Any proposed emergency homeless shelter that does not meet the above regulations regarding site standards and shelter programs, as well as any proposal for a shelter located within 50 feet of a mapped scenic resource or a within 50 feet of a slope exceeding 30%, would require a conditional Level 5 approval.<sup>2,3</sup>

See Exhibit A for the proposed IP amendment language.

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<sup>1</sup> California Health and Safety Code Section 50801(e) defines "Emergency shelter" as "housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay."

<sup>2</sup> Santa Cruz County has application, processing, and review requirements for any permit application, approval, or policy amendment. These requirements vary with the complexity of the project involved and the amount and type of public participation required. There are two basic types of permits and approvals: Administrative permits and approvals and public hearing permits and approvals. Approval levels 1 through 4 are administrative and projects that fall into use approval levels 1 through 4 are considered principally permitted. Use approval levels 5 through 7 require a public hearing. Projects that require a use approval of level 5 through level 7 are considered a conditional use and may be appealed to the Commission on that basis.

<sup>3</sup> Chapter 13.11 of the LCP requires design review of discretionary, i.e. non-principally-permitted, projects located near or within scenic resource areas. LUP Policy 6.3.1 prohibits structures on slopes exceeding 30%, but only applies to discretionary non-principally permitted uses. The County indicates that requiring a Level 5 review for proposed homeless shelters located in these sensitive areas will protect these resources, consistent with the LCP, while also ensuring that the homeless population is appropriately served and the requirements of SB2 are addressed.



## B. Consistency Analysis

### 1. Standard of Review

The proposed amendment affects the IP component of the Santa Cruz County LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

### 2. IP Amendment Consistency Analysis

#### A. Applicable Policies

The Santa Cruz County LUP contains numerous policies requiring that development protect coastal resources, including, but not limited to, visual resources, environmentally sensitive habitat and open space, agriculture, and water resources. In addition, the LUP includes objectives and policies that apply to land designated for Public Facility/Institutional Use and require that these uses be consistent with providing scenic, natural, and agricultural resource protection:

***LUP Objective 2.21 – Public Facility/Institutional Designation:*** To ensure adequate present and future availability of land of both public and quasi-public facility uses including schools and University facilities, fire stations, churches, hospitals, cemeteries, sanitary landfills, and water supply and treatment facilities.

***LUP Policy 2.21.1 – Public Facility/Institutional Land Use Designation:*** Utilize a Public Facility land use designation on the General Plan and LCP Land Use Maps to designate public and quasi-public facilities uses and integrally related public facility support facilities. Recognize an intensity of use for existing public and private institutions at existing levels of development: (a) Permit new development or increases in intensity of use for public institutions and private non-residential public facilities uses where consistent with infrastructure constraints, and scenic, natural and agricultural resource protection. (b) Permit new development or increases in intensity of use for private public facility residential uses, (1) in urban areas equivalent to medium density residential, and (2) in rural areas equivalent to the rural residential density range: 2-1/2 to 20 acres/dwelling unit (or equivalent), as determined by application of the Rural Density Matrix.

***LUP Policy 2.21.3 – Allowed Uses in Public Facility/Institutional Designations:*** Utilize Public Facility land use designations exclusively for the public or quasi-public facility activity at the site, and prohibit private uses more appropriately found under other General Plan and LCP Land Use Plan designations.

In addition, Land Use Policy 2.1.4 specifically requires that the siting of new development will not have significant adverse effects on coastal resources and states:

***Land Use Policy 2.1.4 – Siting of New Development:*** Locate new residential, commercial, or



*industrial development within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources.*

Also, Chapter 13.11 of the Santa Cruz County LCP requires design review of discretionary projects located near scenic resources. The LCP also prohibits the construction of structures on slopes in excess of 30 percent, as follows:

***Land Use Plan Policy 6.3.1 - Slope Restrictions:*** *Prohibit structures in discretionary projects on slopes in excess of 30 percent. A single-family dwelling on an existing lot of record may be excepted from the prohibition where siting on greater slopes would result in less land disturbance, or siting on lesser slopes is infeasible.*

#### B. Analysis

The requirements of SB2 state that jurisdictions must select a minimum of one zoning district that will permit emergency homeless shelters without conditional use permits. The identified zoning district must provide sufficient capacity to provide the number of emergency homeless shelters needed by the County, or, at a minimum, one year-round emergency homeless shelter. Santa Cruz County selected the PF zoning district as the most appropriate zone for shelters for several reasons: 1) the need for homeless shelters is a public need and therefore the use is compatible with the zoning district; 2) PF-zoned sites are well distributed throughout the County and are concentrated inside the Urban Services Boundary<sup>4</sup>, with many located near major transportation centers, and; 3) the County has periodically received requests from churches and/or other religious organizations, which are most often located in the PF zoning district, wishing to extend their mission to providing services to the homeless population. An emergency shelter would be principally-permitted on any PF-zoned site under the proposed ordinance, provide the siting criteria required by the amendment could be met.

The proposed amendment does not require the development of any new homeless shelters; it simply provides the opportunity for a simplified development process in the PF zoning district. The PF zoning district primarily applies to parcels that are already developed with public facilities or are owned by public agencies, and most are already developed to some extent. PF zones are concentrated within the County's developed urban area. Historically the PF zone was applied to parcels after they had been developed with hospitals, churches, schools, libraries, fire stations, and other similar public uses. Homeless shelters fit into this category of public-serving uses and adding emergency homeless shelters to the list of permitted uses would allow existing structures to be converted or partially converted for shelter use, and would also allow the construction of new homeless shelter facilities.

The PF zoning district consists of 323 parcels. Of these, 80 parcels overlap a mapped scenic resource;

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<sup>4</sup> There are some PF-zoned properties in rural areas, e.g. cemeteries and a landfill, but it is extremely unlikely that the County would choose to place an emergency homeless shelter in these locations.



slopes exceeding 30% affect another 173 of PF-zoned parcels. The proposed amendment does not exclude these parcels from eligibility to construct a homeless shelter; it simply requires a Level 5 review (which would be appealable to the Commission) for any emergency homeless shelter proposed on these parcels. This review requirement is intended to provide consistency with LCP Chapter 13.11 regarding protection of scenic resources and LUP Policy 6.3.1 regarding prohibiting development on steep slopes (see footnote 3 above) for any proposed new shelter located inside of or within 50 feet of a mapped scenic resource area or within 50 feet of a 30% slope. In any case, any application for a new homeless emergency shelter on land zoned PF in the coastal zone would be subject to all of the LCP's coastal regulations, including the coastal permit process, and the environmental and resource policies and standards of the LCP, including with respect to required wetland and riparian habitat setbacks, visual resources, protection of agriculture, and blufftop setbacks. Also, LCP Section 13.20.122 acknowledges (as required by the Coastal Act) that County approval of any proposed emergency homeless shelter located in the Commission's appeal zone (e.g., between the sea and the first through public road paralleling the sea, within 300 feet of the top of the seaward face of any coastal bluff, etc.) would be appealable to the Commission.

In conclusion, any proposed development of a homeless shelter on PF-zoned land in the coastal zone will be required to meet the standards of the County's resource protection provisions (Chapter 16 of the IP) and all coastal zone regulations (Chapter 13.20 of the LCP), including the LCP's scenic resource protection provisions and slope development restrictions. It is not anticipated that emergency shelter development in PF zones in the developed urban areas of the County will lead to significant coastal resource impacts that the existing LCP framework cannot resolve. For the reasons discussed above, the proposed IP amendment can be found consistent with and adequate to carry out the certified LUP.

### C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County, acting as lead CEQA agency, adopted a Negative Declaration for the proposed IP amendment and in doing so found that the amendment would not have significant adverse environmental impacts. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which



would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



**ORDINANCE AMENDING SUBDIVISION (b) OF SECTION 13.10.362, SUBDIVISION (b) OF SECTION 13.10.552, AND SECTION 13.10.700-E, AND ADDING SUBSECTIONS (3) AND (4) TO SUBDIVISION (b) OF SECTION 13.10.363 OF THE SANTA CRUZ COUNTY CODE RELATING TO THE PUBLIC FACILITIES ZONE DISTRICT**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

Subdivision (b) of Section 13.10.362 of the Santa Cruz County Code is hereby amended by adding the use "Emergency Shelters" following "Energy systems, community," to read as follows:

<b>USE</b>	<b>Approval Level</b>
<u>Emergency Shelters, as defined in 13.10.700-E</u>	<u>P/5</u>

**SECTION II**

Subdivision (b) of Section 13.10.552 of the Santa Cruz County Code is hereby amended by adding the use "Emergency Shelters" following the use "Elementary School and junior high school" to read as follows:

<b>USE</b>	<b>REQUIREMENTS</b>	
<u>Emergency Shelters</u>	<b>Auto Parking Spaces</b>	<b>Bicycle Parking Spaces</b>
	<u>0.15 per bed, plus 1 per employee</u>	<u>0.2 per employee</u>

**SECTION III**

Santa Cruz County Code subsection 13.10.700-E, is hereby amended to add the following:

Emergency Shelter shall mean housing with minimal supportive services for homeless persons that is limited to nighttime occupancy by clients.



## SECTION IV

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Subdivision (b) of section 13.10.363 of the Santa Cruz County Code is hereby amended, by adding Subsection (b)(3), to read as follows:

(3) Emergency Shelters shall be permitted without additional discretionary review, subject to the following conditions:

(i) The maximum number of clients that may be served on a nightly basis shall be that number which can be accommodated in the facility while meeting the requirements of the California Fire Code, and in no case shall this number exceed 75.

(ii) No individual or household may be denied emergency shelter because of an inability to pay for accommodation.

(iii) Parking shall be provided at a rate of 1 space per 7 beds, plus 1 space for each awake overnight staff person.

(A) A lower parking requirement may be approved under the provisions of 13.10.553

(iv) The client intake area must provide a minimum of 2 square feet of space per client based on the number of clients expected on a nightly basis. Intake areas shall be oriented toward the interior of the site whenever possible, so as to minimize spill over of waiting clients to neighboring properties or the public street, and may include a combination of both indoor and outdoor space.

(v) On-site management shall be provided during all hours of operation as described below, and all operators must ensure that an operations manual that includes, at a minimum, the following components is available to staff at all times:

(A) Awake overnight supervision procedures and practices

(a) A minimum of one awake overnight staff person for every 45 clients shall remain on site during operation hours. If shelters serve fewer than 45 clients on a given night, a minimum of 1 awake, overnight staff person shall be required. Additionally, all supervision staff shall be trained in first aid and CPR.

(B) Emergency evacuation procedures

(C) Client intake procedures

(D) Process for providing referrals to other agencies or organizations serving the client population including drug treatment, mental health, hygiene and healthcare services not otherwise provided on site.

(E) Facility maintenance and site management

(vi) Interior and exterior lighting shall provide for the safety of staff and clients, while minimizing impacts on neighboring properties:

(A) All exterior lighting shall include cut-offs that prevent light from extending beyond the boundaries of the property

(B) Interior lighting shall include exit-path lighting in sleeping and living areas, and full lighting of all bathroom and washroom areas

(vii) Emergency shelter facilities shall maintain a safe and secure environment, ensuring the safety of all staff and clients, as well as a secure location for valuables, such

as a locker for each client or a locked room for storing valuables and medication during sleeping hours, including a location for medications that must be refrigerated.

(viii) New Emergency Shelters with proposed building envelopes within fifty (50) feet of a mapped scenic resource or a slope exceeding 30% will require a Level V Use Approval. Existing structures converted to use as Emergency Shelters will not be subject to this requirement.

(ix) Exceptions to the above standards for Emergency Shelters may be considered as part of a Level V Use Approval.

SECTION VI

This Ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage outside the Coastal Zone and upon certification by the California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED this 7<sup>th</sup> day of December, 2010, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS	Pirie, Coonerty, Leopold, Stone & Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

**TONY CAMPOS**

Chairperson, Board of Supervisors

ATTEST:

**TESS FITZGERALD**

Clerk of the Board

APPROVED AS TO FORM:

*[Signature]*  
County Counsel

Copies to: Planning  
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 15<sup>th</sup> DAY OF December 2010  
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

BY *[Signature]* DEPUTY