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Prepared October 25, 2012 (for November 15, 2012 hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Deputy Director
Susan Craig, Supervising Coastal Planner

Subject: City of Capitola Amendment Number 1-12 Part 2 (Emergency Shelters)

SUMMARY OF STAFF RECOMMENDATION

The City of Capitola has submitted the above-referenced Local Coastal Program (LCP) amendment request which is intended to add “emergency shelters” as a principally permitted use in the IP (Industrial Park) zoning district. In Capitola, the IP zoning district primarily applies to parcels that are either vacant or already developed to some extent with administrative facilities, manufacturing operations, and service yards. Adding emergency 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 emergency shelter facilities on vacant or underused IP-zoned parcels. There are currently no parcels within the City of Capitola’s coastal zone that are zoned IP. Thus, the proposed amendment will not affect any parcels within the coastal zone and Commission staff is recommending that the Commission approve the amendment as submitted. The motion and resolution are found on page 2 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on October 18, 2012. The proposed amendment affects the IP only, and the 60-day action deadline is December 17, 2012. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until December 17, 2012 to take a final action on this LCP amendment.

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EXHIBITS

Exhibit A: Proposed IP Amendment

I. MOTION AND RESOLUTION

Motion:

I move that the Commission reject Implementation Plan Amendment Number CAP-1-12 Part 2 as submitted by the City of Capitola.

Staff recommends a **NO** vote on the foregoing motion. 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 Commissioners present.

Resolution:

The Commission hereby certifies Implementation Plan Amendment Number CAP-1-12 Part 2 as submitted by the City of Capitola 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

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

The proposed amendment would allow emergency shelters¹ as a principally permitted use in the Industrial Park (IP) 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 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 City regulates single-family homes in residential zoning districts – the use cannot be denied provided the project meets the City’s residential site standards. Please see Exhibit A for the proposed amendment text.

¹ 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."

B. CONSISTENCY ANALYSIS

Standard of Review

The proposed amendment affects the Implementation Plan component of the City of Capitola LCP. The standard of review for Implementation Plan amendments is that they must be consistent with and adequate to carry out the policies of the certified Land Use Plan (LUP).

IP Amendment Consistency Analysis

The requirements of SB2 state that jurisdictions must select a minimum of one zoning district that will permit emergency shelters without conditional use permits. The identified zoning district must provide sufficient capacity to provide the number of emergency shelters needed by the City or, at a minimum, one year-round emergency shelter. The City of Capitola selected the IP zoning district as the most appropriate zone for shelters because the IP zoning district includes a total of 6.37 acres in eight parcels along Kennedy Drive, four of which (approximately 2.17 acres) are vacant or underused. Thus, there is sufficient land in the IP zoning district available for at least one emergency shelter to accommodate the City's identified homeless need. An emergency shelter would be principally-permitted on any IP-zoned site under the proposed ordinance and would need to comply with all development standards in the IP zoning district.

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 IP zoning district. The IP zoning district primarily applies to parcels that are vacant or are already developed to some extent with administrative facilities, manufacturing operations, and service yards. Adding emergency 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 emergency shelter facilities on vacant or underused IP-zoned parcels.

Although the IP zoning district standards are part of the certified LCP, none of the parcels in the City of Capitola's coastal zone are currently zoned IP. Also, there are no policies in the LCP's LUP that pertain to industrial development, at least partly because there are no parcels in the City's coastal zone that are designated for industrial use. If the City ever wished to designate and zone any parcels in the coastal zone for industrial use, the City would need to amend the LCP land use and zoning maps to provide for the re-designation and re-zoning, and would also need to amend the LUP to add policies to ensure industrial development in the coastal zone is consistent with the Coastal Act. These policies would define the standards that would apply to IP-zoned parcels in the coastal zone, including policies related to emergency shelters. As it stands now, and because all industrially designated and zoned properties are located outside of the coastal zone, the proposed amendment can be found consistent with the LUP because the proposed amendment will not conflict with or contradict any certified LUP policies. Thus, staff recommends that the Commission approve the IP amendment as submitted.

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. 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

CAP-1-12 Part 2 (Emergency Shelters)

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 City adopted a Negative Declaration (as part of its Housing Element Update) for the amendment under CEQA and in doing so found that the amendment would not have significant adverse environmental impacts. This report has discussed the relevant coastal resource issues with the proposal and has found that the amendment would not have any significant impact on coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference. 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).

Chapter 17.36

IP INDUSTRIAL PARK DISTRICT

Sections:

17.36.010	Applicability.
17.36.020	Purpose.
17.36.030	Architectural and site approval.
17.36.040	Principal permitted uses.
17.36.050	Accessory uses.
17.36.060	Conditional uses.
17.36.070	Development standards.
17.36.080	Height regulations.
17.36.090	Lot coverage.
17.36.100	Yards.
17.36.110	Parking.
17.36.120	Loading areas.
17.36.130	Other required conditions.

17.36.010 Applicability. The regulations set forth in this chapter apply in all IP districts. (Ord. 388 §12.01, 1975).

17.36.020 Purpose. The purpose of IP districts is to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities, research institutions and specialized manufacturing organizations.

17.36.030 Architectural and site approval. Architectural and site approval shall be secured for the establishment and conduct of any use in IP districts as provided in Chapter 17.63.

17.36.040 Principal permitted uses. The following are principal permitted uses in an IP district:

- A. Administrative, executive and financial offices;
- B. Experimental, film or testing laboratories;
- C. Manufacture, assembly or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials;
- D. Manufacture of food products, pharmaceuticals and the like, but not including the production of fish or meat products, sauerkraut, vinegar or the like, or the rendering or refining of fats and oils;
- E. Manufacture of electric and electronic instruments and devices such as television sets, radios, and television, radio and phonographic equipment;

F. Any other research or light manufacturing use which the planning commission finds not to be inconsistent with the purpose of this chapter and which will not impair the present or potential use of adjacent properties;

G. Agriculture, horticulture, gardening but not including the raising of rabbits, dogs, fowl or other animals for commercial purposes, or the sale of any products on the premises. (Ord. 388 §12.04, 1975).

H. One Emergency Shelter with a maximum of 13 beds. Emergency shelters will comply with the following development standards:

1. Lighting: Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
2. Physical Characteristics: Compliance with applicable state and local housing, building, and fire code requirements.
3. Security: Facility shall have on-site security during hours of operation. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
4. Laundry Facilities: The development shall provide laundry facilities or services adequate for the number of residents.
5. Common Facilities: Facility shall contain amenities appropriate to the population to be served to include the following:
 - a) Central cooking and dining room
 - b) Recreation room
 - c) Counseling services
 - d) Child care facilities
 - e) Other support services
6. Outdoor Activity: For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
7. Refuse: Emergency shelters shall provide a refuse storage area that is in accordance with City requirements for accessory refuse structures. The storage area shall accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Planning Director. The refuse enclosure shall be accessible to refuse collection vehicles.
8. Emergency Shelter Provider: The agency or organization operating the shelter shall comply with the following requirements:
 - a) Temporary shelter shall be available to residents for no more than six months.
 - b) Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - c) The provider shall have a written management plan including, as applicable, provisions for staff training, good neighbor policies, security, transportation, client supervision, food services, screening of residents to insure compatibility with services provided at the

facility, and for training, counseling, and treatment programs for residents. Such plan shall be submitted to and approved by the planning, inspections, and permitting department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrated compliance with the physical standards. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. The city council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.

9. Limited Terms of Stay: The maximum term of staying at an emergency shelter is six months in a consecutive 12-month period.

10. Transportation Plan: A transportation plan is required.

11. Parking: The emergency shelter shall provide on-site parking at a rate of one space per staff member plus one space per six occupants allowed at the maximum capacity.

12. Bicycle Parking: The shelter shall provide secure bicycle parking at a rate of one space per occupant.”

13. Development Standards: A Emergency shelter must comply with all development standards in the Industrial Park zone district.

17.36.050 Accessory uses. The following are accessory uses permitted in an IP district:

- A. Signs complying with the applicable regulations set forth in the sign ordinance;
- B. Accessory uses and buildings customarily appurtenant to a permitted use.

17.36.060 Conditional uses. The following are conditional uses in an IP district, subject in each case to the securing of a use permit, as provided in Chapter 17.60.

- A. Public and quasi-public uses of an educational or recreational nature;
- B. Public utility building and service yards;
- C. Retail commercial and service uses such as restaurants and service stations necessary to serve and appropriate to the IP district;
- D. Residential uses (single-family and multiple family);
- E. Warehouses and distribution depot facilities which the planning commission finds not to be inconsistent with the purpose of this chapter and which will not impair the present or potential use of adjacent properties.
- F. Any activity which includes any significant alteration of an historic feature;
- G. Reverse vending machines for beverage containers and small collection facilities of five hundred square feet or less, are subject to the requirements of subsections D and E of Section 17.60.030.

17.36.070 Development standards. The development standards set out in Sections 17.36.080 through 17.36.120 shall apply in an IP district. (Ord. 388

§12.07 (part), 1975).

17.36.080 Height regulations. No structure shall exceed thirty feet in height. (Ord. 736, 1992: Ord. 388 §12.07 (a), 1975).

17.36.090 Lot coverage. Maximum lot coverage shall be as follows:

- A. Forty percent for one-story structure;
- B. Thirty-five percent for two-story structure;
- C. Thirty percent for three-story structure;

D. The first two hundred fifty gross square feet of a basement, including the measurements of the access stairway, shall not be included when calculating lot coverage. Only the portion of a basement that exceeds two hundred fifty gross square feet shall be included in the lot coverage calculations. (Ord. 774 §8, 1995; Ord. 388 §12.07 (b), 1975).

17.36.100 Yards. A. Front yard area shall be not less than ten percent of lot area, no portion of which should be used for off-street parking, to be determined at the time of architectural and site approval;

B. In the case where a proposed building line for the street(s) upon which any lot faces is established by the street and highway plan of the master plan, or is specified by the provisions of this title, then the front yard(s) shall be measured from proposed building line;

C. Special yard requirements adjacent to an R district, where a lot in an IP district fronts, sides or rears upon property in an R district, there shall be a yard at least twenty feet deep adjacent to said street. The first ten feet of any such yard nearest the lot lines shall be used and maintained as a landscaped area only, except for accessways. This area shall be fully landscaped with suitable planting for screening purposes and shall be fully maintained. The remainder of such yard space may be used only for off-street parking. (Ord. 388 §12.07(c), 1975).

17.36.110 Parking. Parking standards shall be as provided in Chapter 17.51.

17.36.120 Loading areas. Loading areas shall be as provided in Chapter 17.51.

17.36.130 Other required conditions. The following additional conditions shall apply in an IP district:

A. All uses shall be conducted wholly within a completely enclosed building, except for gas pumps, and offstreet parking and loading facilities, public and quasipublic uses and public utility service yards.

B. Manufacturing and industrial processes shall use only gas or electricity as a fuel; provided, however, that equipment using other fuel may be installed for standby purposes only.