

## CALIFORNIA COASTAL COMMISSION

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**Prepared March 29, 2012 (for April 12, 2012 Hearing)**

**To:** Commissioners and Interested Persons

**From:** Madeline Cavalieri, District Manager  
Mike Watson, Coastal Planner

**Subject: Carmel-by-the-Sea LCP Amendment Number 1-12 (Transitional Housing)**

#### Carmel's Proposed Amendment

The City of Carmel is proposing to amend its certified Local Coastal Program (LCP) Implementation Plan (IP) zoning code to change transitional housing facilities from a conditional use to a principally permitted use in the Residential and Limited Commercial (RC) zoning district. The proposed amendment was developed in response to recent State legislation (Senate Bill (SB) 2 of 2009) that requires all local governments to treat supportive and transitional housing the same as traditional residential development throughout the land use regulatory and permitting process (and to allow shelters as a principally permitted use in at least one zoning district, but that aspect of SB 2 is not relevant to this LCP amendment). The proposed amendment modifies LCP Section 17.14.030 Schedule II-B to reflect the change from a conditional to a principally permitted use. See Exhibit A for the City Council Ordinance and Exhibit B for the cross-through and underline proposed IP changes. The proposed changes would apply solely to transitional housing projects in RC zoning district.

#### Minor LCP Amendment Determination

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor". CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

*CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.*

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on April 12, 2012).

**The purpose of this notice is to advise interested parties of the Executive Director's determination**



**that the proposed LCP amendment is minor.**

The City's LCP currently allows transitional housing facilities in the RC district as a conditional use, and the proposed amendment would make transitional housing a principally permitted use in the RC district. The RC district provides for a mix of uses (i.e., residential, service, and limited commercial retail uses), and is intended to be as a transition and buffer between more intense commercial uses near the downtown area and the less intense residential uses emanating out from this area. Transitional housing would only be allowed with approval of a discretionary coastal development permit (CDP), which requires an evaluation of any such proposal and a determination that the project is consistent with applicable LCP policies. The proposed amendment would not change the kind, location, intensity, or density of use, and does not involve a land use category reserved for Coastal Act or LCP priority uses. There currently aren't any transitional housing facilities operating in the City.

In sum, transitional housing is already allowed as a conditional use in the RC district, and the proposed change to a principally permitted use doesn't alter what might be allowed on RC sites in the City under the LCP. Existing LCP provisions provide an adequate means to appropriately protect coastal resources if and when transitional housing development might be proposed, and staff believes that the proposed amendment does not raise any issues of concern.

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. The City determined that the amendment was exempt under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its April 12, 2012 meeting at the Ventura City Hall Council Chambers at 501 Poli Street in Ventura. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Mike Watson at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by April 9, 2012.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on February 13, 2012. It is IP only and the 60-day action deadline is April 13, 2012. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until April 13, 2012 to take a final action on this LCP



amendment.

Exhibits:

Exhibit A: City Council's Ordinance

Exhibit B: Proposed Changes to LCP Section 17.14.030 Schedule II-B



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CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**CITY OF CARMEL-BY-THE-SEA**

**CITY COUNCIL**

**ORDINANCE 2012-1**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CARMEL-BY-THE-SEA AMENDING SECTION 17.14.030 (SCHEDULE II-B)  
OF THE CARMEL ZONING ORDINANCE/LOCAL COASTAL  
IMPLEMENTATION PLAN TO ALLOW  
TRANSITIONAL HOUSING FACILITIES AS A PERMITTED USE  
IN THE RESIDENTIAL AND LIMITED COMMERCIAL (RC) DISTRICT**

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WHEREAS, The City of Carmel-by-the-Sea is a unique community that prides itself in its community character; and

WHEREAS, the City has adopted a General Plan and Municipal Code that strive to protect the village character through clear policies and regulations; and

WHEREAS, Senate Bill 2 took effect on 1 January 2008 and requires all California jurisdictions to provide at least one zoning district in which emergency shelters and transitional housing facilities are listed as a permitted use; and

WHEREAS, the City currently allows emergency shelters as a permitted use in all commercial zones but only allows transitional housing facilities as a conditional use in the Residential and Limited Commercial (RC) District; and

WHEREAS, the Program 3-5.8.a of the Housing Element of the General Plan encourages the City to amend the zoning ordinance to allow transitional housing facilities as a permitted use in at least one zoning district; and

WHEREAS, this ordinance requires an amendment to the City's Zoning Ordinance/Local Coastal Implementation Plan; and

WHEREAS, this ordinance will be carried out in a manner consistent with the California Coastal Act; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act per CEQA Guidelines Section 15061(b) (3).

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA does hereby resolve to:

Amend Zoning Ordinance/Local Coastal Implementation Plan Section 17.14.030 (exhibit "A") to allow Transitional Housing Facilities as a permitted use in the Residential and Limited Commercial (RC) District.

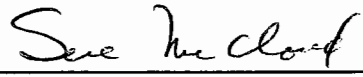
Severability. If any part of this ordinance, even as small as a word or phrase, is found to be unenforceable such finding shall not affect the enforceability of any other part.

Effective Date. This ordinance shall become effective 30 days after final adoption by the City Council or the California Coastal Commission, whichever occurs last.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of January 2012 by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BURNETT; SHARP; TALMAGE & McCLOUD
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	HAZDOVAC

SIGNED,

  
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SUE McCLOUD, MAYOR

ATTEST: .

  
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Heidi Burch, City Clerk

**Exhibit "A"**

**CMC Section 17.14.030 Land Use Regulations.**

<b>Schedule II-B: Commercial Districts – Use Regulations</b>				
<b>P = Permitted Use L = Limitations Apply C = Conditional Use Permit Required</b>	<b>Commercial Districts</b>			<b>Additional Regulations</b>
	<b>CC</b>	<b>SC</b>	<b>RC</b>	
Transitional Housing Facility	-	-	C <u>P</u>	