

CALIFORNIA COASTAL COMMISSION

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Prepared February 17, 2017 (for March 8, 2017 hearing)

To: Coastal Commissioners and Interested Persons
From: Nancy Cave, North Central Coast District Manager
Stephanie Rexing, North Central Coast District Supervisor
Subject: **De Minimis Amendment Determination for City of Half Moon Bay LCP
Amendment Number LCP-2-HMB-17-0006-1 Part B (Supportive and
Transitional Housing)**

City of Half Moon Bay's Proposed Amendment

The City of Half Moon Bay proposes to amend LCP Implementation Plan (IP) Chapter 18.03.030. The proposed revisions include deleting definitions for "Limited Residential Care" and "General Residential Care" and adding definitions for "Supportive" and "Transitional Housing". The proposed revisions were made when it was discovered during the code drafting process that there were internal inconsistencies between the current code provisions for "limited" and "general residential care" and the recently adopted definitions and use classifications for "supportive" and "transitional housing" (LCP Amendment Number LCP-2-HMB-15-0030-1, approved by Commission on December 11, 2015). See Exhibit A for a location map for Half Moon Bay, and Exhibit B for the City Council's Ordinance approving the proposed changes.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis". In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and

3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on March 18, 2017).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

1. **No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** The changes proposed in this amendment are intended to add specificity in compliance with State law, regarding the various types of residential care facilities that are already allowed in residential zones of the City. Overall, the changes proposed refine definitions of already allowed housing uses to better describe supportive and transitional housing in residential zones, and do not raise any coastal resource protection concerns. Such uses are already allowed in these zones subject to use regulations that are laid out in the existing LCP. Just as before the addition of the proposed definitions, any newly proposed supportive or transitional housing use in city residential zones will be subject to existing LCP provisions to assure no coastal resources are unduly burdened.

Thus, the proposed amendment will not adversely affect coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.

2. **Provision of public notice:** The City provided public notice in advance of the Planning Commission hearing (held on April 26, 2016) and the City Council hearing (held on November 1, 2016) where the proposed LCP amendment was considered. For the Planning Commission hearing, newspaper advertisement notice was printed on April 3, 2016. For the City Council hearing, a newspaper advertisement notice was printed on October 18, 2016. In addition, the proposed text of the LCP amendment was made available at the City Clerk's office for public inspection, all in advance of the City's hearings. The amendment submittal was subsequently received by the Commission on January 17, 2017, thus satisfying the 21-day requirement.
3. **No change in use of land or allowable use of property:** The amendment does not propose a change in the use of land or allowable use of the property. The amendment merely specifies already existing uses in the City's residential zones. Thus, there are no changes in use of land or allowable use of property, and the amendment is consistent with the policies of Chapter 3 of the Coastal Act.

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 exempted the proposed amendment from environmental review 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 de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its March 8, 2017 meeting at the Ventura County Board of Supervisors Chambers at 800 S. Victoria Avenue 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 Stephanie Rexing at the North Central Coast District Office in San Francisco. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by March 3, 2017.

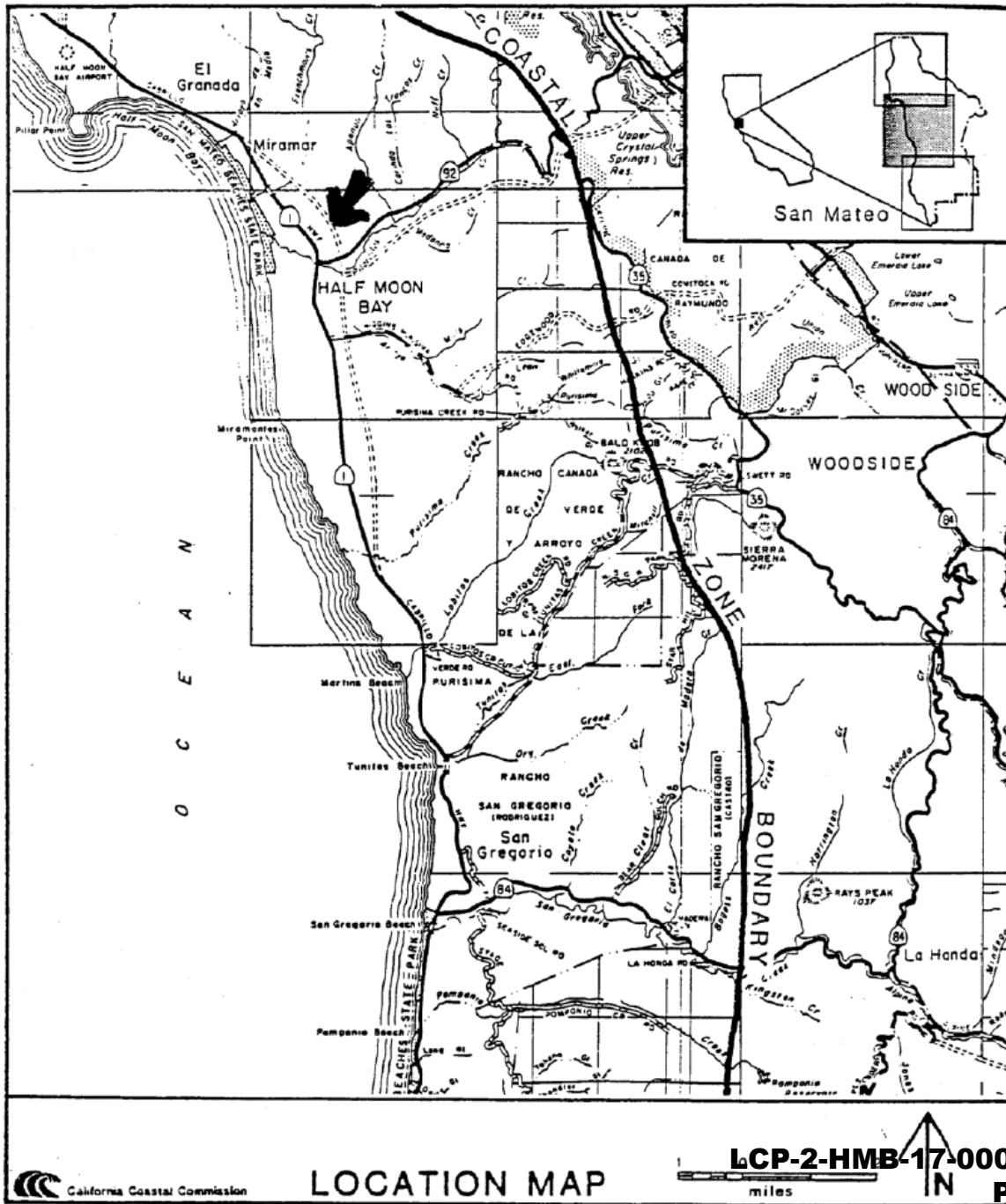
Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on February 6, 2017. It amends the IP only and the 60-day action deadline is April 6, 2017. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until April 6, 2017 to take a final action on this LCP amendment.

Exhibits

Exhibit A: Location Map

Exhibit B: City Ordinance



ORDINANCE NO. C-2016-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY AMENDING SECTION 18.020.040 ADDING DEFINITIONS FOR LARGE FAMILY DAY CARE, SMALL FAMILY DAY CARE AND GENERAL DAY CARE, AMENDING SECTION 18.03.030 USE CLASSIFICATIONS B., C., D., J., AND K. AND REPLACING WITH NEW USE CLASSIFICATIONS B. LARGE FAMILY DAY CARE, C. SMALL FAMILY DAY CARE, D. GENERAL DAY CARE, J. SUPPORTIVE HOUSING, AND K. TRANSITIONAL HOUSING, ADD SMALL FAMILY DAY CARE AND LARGE FAMILY DAY CARE TO PERMITTED USES IN TABLE A-1 OF SECTION 18.06.020, ADD SUBSECTION L. (LARGE FAMILY DAY CARE USE REGULATIONS) TO SECTION 18.06.025, ADD LARGE FAMILY DAY CARE AND SMALL FAMILY DAY CARE AS PERMITTED USES IN THE C-D AND C-R ZONING DISTRICTS (TABLE 18.07.020A), ADD LARGE FAMILY DAY CARE AND SMALL FAMILY DAY CARE AS PERMITTED USES IN THE C-VS AND C-G ZONING DISTRICTS (TABLE 18.08.020A) AND MODIFY SECTION 18.17.020 D. 3 ADDING REFERENCES TO SMALL FAMILY DAY CARE AND LARGE FAMILY DAY CARE.

WHEREAS, the City of Half Moon Bay is committed to the maximum public participation and involvement in matters pertaining to the General Plan/Local Coastal Plan and its Elements, and the Municipal Code; and

WHEREAS, the City of Half Moon Bay Planning Commission, as the Advisory Body to the City Council, conducted a duly noticed public hearings on March 22, 2016 and April 26, 2016 at which time all those in attendance desiring to be heard were given an opportunity to speak; and

WHEREAS, following the close of the public hearing on April 26, 2016, the Planning Commission voted unanimously to recommend that the City Council amend Title 18 of the Municipal Code as set forth in this ordinance; and

WHEREAS, State Law requires Large Family Day Care to be considered a residential use subject to only those restrictions that apply to other residential dwellings of the same type in the same zone; and

WHEREAS, the City Council recognizes the importance of bringing zoning regulations into compliance with State law; and

WHEREAS, the City Council finds that the proposed amendments are exempt from the California Environmental Quality Act as the amendments are being proposed in response to changes in State law; and

WHEREAS, the City Council considered all written and oral testimony presented in its consideration of the amendments; and

WHEREAS, the procedures for processing the application have been followed as required by law; and

WHEREAS, the proposed Zoning Ordinance text amendments are consistent with the City's General Plan/Local Coastal Plan and Coastal Implementation Program, and 2015-2023 Housing Element; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES HEREBY ORDAIN AS FOLLOWS:

Section 2. Delete and Replace use classifications in Section 18.03.030 as follows:

~~F.—Residential Care, Limited.—Twenty-four-hour nonmedical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.~~

(J) - Supportive Housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

~~K.—Residential Care, General.—Twenty-four-hour nonmedical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.~~

(K) - Transitional Housing means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance.”

Key	Residential Uses	C-VS Zoning	C-G Zoning
D-1	Group Residential	NO	OK
D-2	Large Family Day Care	NOOK	OK
D-3	Limited Day Care <u>Small Family Day Care</u>	NOOK	OK
D-4	Limited Residential Care	OK	OK
D-5	Multi-Family Residential	NO	UP
D-6	Single-Family Residential	UP	UP

Section 6. Modify the Mobile Home Park Zoning District Standards, Section 18.17.020 D. 3. as follows:

3. ~~Day care, limited residential,~~ Small Family Day Care and Large Family Day Care subject to the regulations set forth at Section 18.06.025(GJ).

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the thirtieth (30th) day following its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 18th day of October, 2016.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the 1st day of November, 2016, by the following vote:

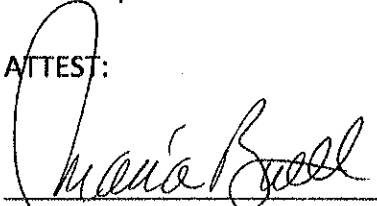
AYES, Councilmembers: Fraser, Kowalczyk, Muller, Penrose, and Ruddock

NOES, Councilmembers:

ABSENT, Councilmembers:

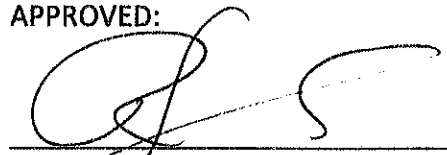
ABSTAIN, Councilmembers:

ATTEST:



 Maria Buell, Deputy City Clerk

APPROVED:



 Rick Kowalczyk, Mayor