

**CALIFORNIA COASTAL COMMISSION**

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# W19a

February 14, 2019

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director, South Coast District  
Shannon Vaughn, District Supervisor  
Eric Stevens, Coastal Program Analyst

**RE:** Major LCP Amendment Request No. 2-17 (LCP-5-RDB-17-0061-1) for Emergency Shelters to the City of Redondo Beach LCP, for Commission Action at its March 6-8, 2019 meeting in Los Angeles.

## **Local Coastal Program Amendment Request No. 2-17**

The Commission certified the Redondo Beach Land Use Plan (LUP) in 1981. In 2002, the Commission approved the segmentation of the City into two areas, the Harbor-Pier area (Area 2) and the remainder of the City (Area 1). The Commission's 2002 approval certified the City's Local Coastal Program (LCP) for Area 1. Area 2 effectively was deferred certification. In 2010, the Commission eliminated the geographic segmentation and certified the LCP for the remainder of the City.

Amendment Request No. 2-17 (LCP-5-RDB-17-0061-1) would amend the City's Implementation Plan (IP) (implementing ordinances in Title 10, Chapter 5 of the municipal code) to allow emergency shelters (temporary housing for the homeless) within the I-2a (Industrial) zone as a permitted use. There are four contiguous parcels that make up a 2.6 acre property within the I-2a zone within the City and it is located within the Coastal Zone. The site is currently vacant and is located at the intersection of N. Gertruda Avenue and N. Francisca Avenue (750 North Francisca Avenue) ([Exhibit 3](#)). The site was selected because it has been undeveloped for an extended amount of time and because it is within a short walk to a bus stop located on Pacific Coast Highway. A private party owns the approximately 2.6 acre site. The City also approved a parallel ordinance to allow emergency shelters outside the Coastal Zone on I-1b zoned industrial sites. The properties in the I-1b zone are already developed with three hotels, a renovated gas station, and a mini-storage facility. While there currently are no I-1b zoned properties in the City's coastal zone, the proposed ordinance is nonetheless a change to the certified LCP implementing ordinances and is therefore included in this LCPA. The proposed amendment will affect the certified LCP Implementation Plan only.

The emergency shelter proposal by the City restricts sites that allow an emergency shelter to only one site within the Coastal Zone boundary of the City. Furthermore, prior to the local hearing for this Ordinance, the property owner of 750 Francisca Avenue (the only Coastal Zone emergency shelter site) submitted a letter to the City in opposition of the Ordinance ([Exhibit 4](#)). Thus, it appears unlikely that an emergency shelter will be built in the City's Coastal Zone in the near future. The City has taken positive steps in recent years to better serve its transient population. Law enforcement officials have worked closely with the nonprofit People Assisting The Homeless (PATH) and the Los Angeles County Mental Health Department to direct people to transitional housing, job placements and

healthcare services. The City's outreach efforts contributed to a significant decline in the homeless population from 216 people in 2017 to 154 people in 2018<sup>1</sup>.

The Coastal Act is a law designed to protect California's coast and ocean commons for the benefit of all the people. The concept of environmental justice (EJ) emerged out of the civil rights movement to describe the application of civil rights and social justice to environmental contexts.<sup>2</sup> In 2016, Assembly Bill 2616 (Burke) (Ch. 578, Stats. 2016) amended the Coastal Act to give the Commission authority to specifically consider EJ when making permit decisions and a final draft of the Commission EJ Policy will be submitted to the Commission for adoption at a subsequent public hearing in 2019. High land and housing prices often dissuade people of all socioeconomic levels from living in the Coastal Zone. This holds especially true for people experiencing homelessness and seeking to reside in emergency shelters and creates a barrier for addressing any disproportionate impacts that may result from coastal development on individuals experiencing homelessness. Because the City's LUP was certified by the Commission many years ago, it does contain an explicit EJ policy. However, in the near future, the City should consider an LUP amendment to add an EJ policy to the certified LUP.

The proposed changes to the implementing ordinances (IP) are in Ordinance Nos. O-3175-17 and O-3174-17 ([Exhibit 2](#)). The LCP amendment request was submitted for Commission certification by City Council Resolution No. CC-1709-173 ([Exhibit 1](#)). The City Planning Commission held a public hearing regarding the LCP amendment on August 17, 2017, and the City Council held public hearing on September 19, 2017 and October 10, 2017. The City submitted the LCP Amendment request on October 25, 2017. Commission staff deemed the LCP amendment request complete on November 8, 2018 and the Commission granted a one-year time extension on December 12, 2018.

## SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, **APPROVE** Amendment Request No. 2-17 as submitted. According to the proposed LCP amendment, an emergency shelter could only be constructed on one Industrial Zone site, consisting of four parcels, located within the Coastal Zone, and as such, the scope of impact of this amendment to the Coastal Zone is relatively minor. Furthermore, a future emergency shelter would be required to adhere to the same restrictions imposed on other industrial uses. These existing development standards have been established as part of the certified LCP, and include standards for floor area ratio, building height limits, setbacks, landscaping, and water quality measures, which will provide sufficient protection of the City's coastal resources. The only potential coastal resource impact identified could be impacts to public access resulting from residents and service providers of the emergency shelter parking in on-street parking areas and thereby usurping public beach parking reserves. However, as proposed in the amendment, one off-street parking space is required for each 250 sq. ft. of gross floor area, which is generally equivalent to the parking requirements for other allowable uses on the site. As such, impacts to public access would not be significant.

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<sup>1</sup> Los Angeles Homeless Services Authority. Accessed on January 31, 2019. <https://www.lahsa.org/dashboards?id=13-count-by-city-community&ref=hc>

<sup>2</sup> Environmental Justice for All: A Fifty State Survey of Legislation, Policy and Cases, fourth edition (2010).

The standard of review for the LCP Implementing Ordinances (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is whether the proposed IP amendment conforms with and is adequate to carry out the provisions of the certified LUP. The proposed changes to the IP are consistent with the LUP policies and no adverse impacts to coastal access or coastal resources are anticipated as a result of the changes to the IP. Staff, therefore, recommends that the Commission find that the City's request to amend the City's Zoning Ordinance conforms with and is adequate to carry out the certified land use plan and approve the LCP amendment as submitted.

Therefore, staff recommends that the Commission, after public hearing, approve the IP amendment request as submitted.

The motions and resolutions are found on **Page 6**.

## **BACKGROUND**

In 2007, Senate Bill 2 (SB 2) (Cedillo, 2007) amended state housing law to require, in part, that local governments identify at least one zone of sufficient capacity where emergency shelters are permitted by right. The City's IP does not currently contain any areas within the Coastal Zone that allow emergency shelters. The approval of the subject amendment will facilitate this use by amending its IP to define emergency shelters and allow this use.

## **LOCAL REVIEW AND DEADLINE FOR COMMISSION ACTION**

The City of Redondo Beach Planning Commission held a public hearing for the IP amendment on August 17, 2017. The City Council held public hearings on September 19, 2017 and October 10, 2017. On October 25, 2017, the City submitted the amendment request for Coastal Commission certification with City Council Resolution No. CC-1709-173. On November 8, 2017 staff determined that the submittal was incomplete and sent the City a letter outlining information that would be required before the application could be deemed complete. On November 8, 2018, the City provided staff with the requested information and staff determined that the LCP amendment request was complete. On December 12, 2018, the Commission authorized a one-year extension of the sixty-day time limit for action on an IP amendment request. As such, the last date for Commission action on this item is January 7, 2020.

## **FOR ADDITIONAL INFORMATION**

The file is available for review at the South Coast District office located in the Molina Center, 200 Oceangate, Suite 1000, Long Beach, 90802. The staff report can be viewed on the Commission's website: <http://www.coastal.ca.gov/mtgcurr.html>. For additional information, contact Eric Stevens in the South Coast District office at (562) 590-5071.

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### EXHIBITS

- [Exhibit 1: City Council Resolution No. CC-1709-173](#)
- [Exhibit 2: City Council Ordinance Nos. O-3175-17 and O-3174-17](#)
- [Exhibit 3: Location Maps](#)
- [Exhibit 4: 750 Francisca Avenue Property Owner Comment Letter](#)

## **I. PROCEDURAL ISSUES**

### **A. STANDARD OF REVIEW**

The standard of review for the proposed amendment to the IP of the City of Redondo Beach certified LCP, pursuant to Sections 30513 and 30514 of the Coastal Act, is whether the IP amendment conforms with, and is adequate to carry out, the provisions of the LUP portion of the City of Redondo Beach's certified LCP.

### **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in LCP development. It states: "During the preparation, approval, certification, and amendment of any LCP, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of an LCP for approval, local governments shall hold a public hearing or hearings on that portion of the program, which has not been subjected to public hearings within four years of such submission."

Section 30503 of the Coastal Act requires local governments to provide the public with the maximum amount of opportunities to participate in the development of the LCP amendment prior to submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to each of the Zoning Text Amendments, which comprise the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

### **C. PROCEDURAL REQUIREMENTS**

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that an LCP Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, the City's submitted resolution states that the ordinance will take effect automatically after Commission approval (Ref: Resolution No. CC-1709-173). Therefore, if the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary. Should the Commission deny the LCP amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City, and the LCP amendment is not effective. Should the Commission deny the LCP amendment, as submitted, but then approve it with suggested modifications, then acceptance of those suggested modifications by the Redondo Beach City Council and a determination by the Executive Director of compliance with Section 13544 of the Commission's regulations will be required in order for the amendment to take effect. The modified LCP amendment will take effect at a subsequent Commission meeting if the Commission concurs with the Executive Director's determination that the City's action in accepting the suggested modifications approved by the Commission is legally adequate. If the City does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.

## **II. MOTION AND RESOLUTION**

Approval of the IP Amendment as Submitted

### **Motion I:**

*I move that the Commission reject Amendment No. LCP-5-RDB-17-0061-1 to the City of Redondo Beach Implementing Ordinances as submitted by the City.*

Staff recommends a **NO** vote. Failure of this motion will result in certification of the amendment to the LCP Implementing Ordinances 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 I:**

*The Commission hereby certifies Amendment Request No. LCP-5-RDB-17-0061-1 to the LCP Implementing Ordinances for the City of Redondo Beach certified LCP as submitted and adopts the findings set forth below on grounds that the Implementing Ordinances conform with and are adequate to carry out the provisions of the certified Land Use Plan. Certification of the Implementing Ordinances 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 Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

## **III. FINDINGS AND DECLARATIONS**

### **A. DESCRIPTION OF THE IP AMENDMENT REQUEST**

City of Redondo Beach Ordinance Nos. O-3175-17 and O-3174-17 (see **Exhibit 2**) amend the implementing ordinances to include a definition of emergency shelters (Ref: 10-5.402), specific requirements for emergency shelters (Ref: 10-5.1634), parking standards for emergency shelters (Ref: 10-5.1706), and to allow emergency shelters in the I-2a and I-1b (Industrial) zones as a permitted use (Ref: 10-5.1010), consistent with the same development standards that are applicable to other projects in the I-2a and I-1b zones.

As proposed, emergency shelters would be defined as follows (Section 10-5-402):

*"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, as defined by § 50801(e) of the California Health and Safety Code. No individual or household may be denied emergency shelter because of an inability to pay.*

The specific requirements for emergency shelters contained in the ordinance include the following: shelters shall conform to the applicable Building and Fire Codes; shelters shall be consistent with the General Plan, shelters shall meet the development standards that are applicable to the I-2a and I-1b zones; the maximum number of beds or persons permitted to be served nightly by the facility shall be

based on building code occupancy limits; 24 hour on-site management shall be provided; shelters must be no less than 300 ft. from any other shelter facility, the length of stay shall be a maximum of six months in a 12 month period; outdoor lighting shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes (Section 10-5.1634). In addition, shelters are required to provide one off-street parking space for each 250 sq. ft. of gross floor area (Section 10-5.1706). The Coastal Zone site was selected because it has been undeveloped for an extended amount of time and because it is within a short walk to a bus stop located on Pacific Coast Highway.

## **B. CONSISTENCY WITH THE LUP**

The standard of review for the proposed amendment to the LCP IP, pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified LUP.

Land Use Plan - IV. Shoreline Access. Section F, Access Policies:

*F. 3. The City will continue to diligently enforce existing parking standards for new development.*

Land Use Plan - VI. New Development. Section D, Land Use Policies:

*1. New development, additions or major rehabilitation projects within the Harbor-Pier area shall be sited and designed to (in part): ...*

*c. Be consistent and harmonious with the scale of existing development.*

SB 2 requires that jurisdictions select a minimum of one zoning district that will permit emergency shelters by-right. The City of Redondo Beach has selected its I-2a (Industrial) Zone within the Coastal Zone and the I-1b zone outside the Coastal Zone. However, property owners are neither required nor obligated to undertake construction of an emergency shelter. The revisions only add emergency shelters as an allowable land use to the list of permissible uses in the tables. The revisions do not change the land use designations, nor increase the development intensity of properties that fall under the two zoning categories. The California Department of Housing and Community Development has indicated that the City's zoning updates related to emergency shelters would meet the requirements of SB 2.

The identified emergency shelter site within the City's Coastal Zone at 750 Francisca Avenue is zoned light industrial. It is located within 500 ft. of numerous residential properties and is also adjacent to various restaurants and other commercial uses. As required by LUP Policy VI.Section D.c., locating an emergency shelter in this area would be consistent with the scale of existing development. Furthermore, over the past eight years, the Commission has approved at least ten similar LCPAs to allow emergency shelters by right in different coastal jurisdictions. As indicated below, nine of the ten identified Commission actions approved zoning updates to allow emergency shelters in non-residential areas. Only one jurisdiction during this time frame, proposed to allow emergency shelters in a residential zone (Monterey, High Density Residential).

Recent Commission Emergency Shelter Zoning Use Classification LCPA approvals:

- March 2011 (Santa Cruz, Public Facilities zoning district, LCPA 2-10 Part 2)
- September 2012 (Port Hueneme, Light Industrial Zone, LCPA CPH-MAJ-1-12)
- November 2012 (Capitola, Industrial Park, LCPA 1-12 Part 2)
- March 2013 (Monterey, High Density Residential, LCPA MCO 1-11)
- March 2014 (Manhattan beach, Public and Semi-Public Zone, LCP-5-MNB-13-0214-1)
- March 2014 (Carlsbad, Industrial and Planned Industrial, LCPA #CAR-MAJ-3-12C)
- April 2015 (Carpentaria, Industrial Research Park District, LCP-4-CPN-14-0832-1 Part B)
- December 2015 (Half Moon Bay, Public Service Zoning District, LCP-2-HMB-15-0030-1)
- November 2016 (Oceanside, Light Industrial Zone, LCP-6-OCN-15-0043)
- December 2016 (Morro Bay, Central Business Zoning District, LCP-3-MRB-16-0056-2)

The one site, which consists of four parcels within the Coastal Zone (Zoned I-2a), where an Emergency Shelter could be constructed (750 Francisca Avenue) is located just over a ¼ mile from the beach and the King Harbor Marina.

There are many different existing use classifications allowed by right or with a conditional use permit in the I-2a zone, including, but are not limited to, light manufacturing, research and development, spacecraft manufacturing and associated aerospace operations, and business park offices. As required by the parking standards in the City's certified IP, in the I-2a zone, commercial uses generally require one parking space per 250 sq. ft. of gross floor area and manufacturing uses generally require one parking space per 500 sq. ft. of gross floor area.

The selected Coastal Zone parcels consist of an existing graded site in a highly developed urban area. The AES power plant is located directly west of the site, multiple restaurants are located directly south of the site, a US Post Office is located directly east of the site, and a vacant Public or Institutional zoned site is located to the north of the site. A potential coastal resource impact identified by the Commission is the potential for impacts to public access because an emergency shelter may be deficient in parking, given the potential high number occupants at such facilities. As proposed in the subject amendment, one off-street parking space is required for each 250 sq. ft. of gross floor area for emergency shelters, which is generally equivalent to the parking requirements for other allowable uses on the site. Although the site is located relatively close to the beach, the area between this site and the beach currently provides sufficient public parking for the visitor serving uses and coastal access opportunities in the area. Furthermore, while an emergency shelter could have the capacity to house a higher number of residents and service providers than a typical residential use, it is also likely that an emergency shelter would serve many homeless individuals who do not own a vehicle. Therefore, in this case, an emergency shelter on the identified site is not expected to adversely impact available beach parking.

The four parcels at 750 Francisca Avenue are located in an area of the City's Coastal Zone where the City has Coastal Development Permit jurisdiction and are not within the Commission's appeal jurisdiction. Any actual proposed construction of an emergency shelter would be required to obtain a City Coastal Development Permit showing that it conforms to all other requirements of the City's IP for development in the I-2a zone.



### **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City of Redondo Beach adopted an exemption declaration which concluded that the proposed text amendments to the Redondo Beach Municipal Code are not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) [No Physical Changes to Environment], 15060(c)(3) [Not a Project], and 15061 (b)(3) General Rule Exemption].

Furthermore, Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the Coastal Commission acts as lead agency for the purposes of fulfilling CEQA. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP submission. The City concluded that there was no possibility that the activity would have a significant effect on the environment and therefore determined that the LCP amendment was not subject to CEQA.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. This report has discussed the relevant coastal resource issues with the proposed amendment and found that the amendment would not result in an intensification of land uses, or have adverse impacts on coastal resources. 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).