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Prepared October 29, 2021 for the November 18, 2021 Hearing

TO: Coastal Commissioners and Interested Persons

FROM: Kate Huckelbridge, Deputy Director
Robert S. Merrill, North Coast District Manager

**SUBJECT: City of Trinidad LCP Amendment No. LCP-1-TRN-21-0039-1
(Emergency Shelters)**

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **approve** proposed City of Trinidad LCP Amendment No. LCP-1-TRN-21-0039-1 as submitted.

The City of Trinidad (City) is proposing to amend the City's certified Implementation Plan (IP) to add emergency shelters as a permitted use in the commercial zoning district and as a conditional use in the planned development zoning district. In addition, the amendment would add specific regulations and permitting requirements for emergency shelters to sections 2.03 and 4.07 and 4.09A and 6.19B of the IP. The intent of the amendment is to bring the City into conformity with Senate Bill 2 (Cedillo, Chapter 633, Statutes of 2007) (SB2), which amended state housing law (Government Code Section 65583 et seq.) to require, in part, that local governments identify at least one zone of sufficient capacity where emergency shelters are permitted by right. By explicitly allowing for emergency shelters for the first time in certain land use designations and zoning districts in the coastal zone, the proposed amendment removes barriers to shelter housing, which is consistent with the Commission's Environmental Justice (EJ) Policy, approved by the Commission in March 2019.

The proposed amendment would maintain consistency with the priority use provisions of the Coastal Act and certified Land Use Plan (LUP) by only permitting emergency shelters in commercial and planned development designations/districts, thereby ensuring that emergency shelters are not located on lands reserved for natural resources, agriculture, coastal-dependent industry, commercial fishing, and recreational boating. Although the commercial district can accommodate priority visitor-serving facilities among other uses, the inclusion of emergency shelters in the list of allowable

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uses in the district is not anticipated to reduce the opportunities for siting additional visitor-serving facilities any more than the other non-visitor-serving uses currently allowed within the commercial district. Adding emergency shelters to commercial and planned development districts would not increase demand for services beyond what is planned for under the certified LCP as the proposed emergency shelter use is no more intense in terms of service demands than typical general commercial and planned development uses. Any application for a new homeless emergency shelter on lands located in the certified LCP area of the coastal zone would also be subject to the coastal permit process and the policies/standards of the LCP, including but not limited to policies requiring the protection of coastal resources, availability of public access points, and provision of public services such as water connections.

Therefore, staff recommends that the Commission find that the Implementation Plan , as submitted, conforms with and is adequate to carry out the provisions of the certified Land Use Plan and approve LCP-1-TRN-21-0039-1 **as submitted**.

The motion to accomplish this recommendation is found on Page 4 of this staff report.

DEADLINE FOR COMMISSION ACTION

The City transmitted LCP-1- TRN-21-0039-1 to the Commission on June 7, 2021. The LCP amendment submittal was filed as complete by the North Coast District Office on July 15, 2021. On September 9, 2021, the Commission granted a one-year extension to the 60-working-day time limit for Commission action on the proposed IP amendment. The new deadline for action is October 7, 2022.

ADDITIONAL INFORMATION

For further information, please contact Bob Merrill at the Commission's North Coast District Office in Arcata at Bob.Merrill@coastal.ca.gov. If you wish to provide written comments, please do so via regular mail (directed to the North Coast District Office) or email (by emailing NorthCoast@coastal.ca.gov). Commission staff will distribute to the Commissioners any copies of written materials received from interested parties by 5:00 pm on the Friday before the scheduled Commission meeting.

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I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, approve the IP amendment as submitted.

A. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

Staff recommends a **NO** vote on the foregoing motion. Failure of this motion will result in certification of the Implementation Plan Amendment No. LCP-1-TRN-21-0039-1 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.

Motion:

I move that the Commission reject Implementation Plan Amendment No. 1-LCP-TRN-21-0039-1 as submitted by the City of Trinidad.

Resolution to certify the implementation plan amendment as submitted:

The Commission hereby certifies the City of Trinidad Implementation Plan Amendment LCP-1-TRN-21-0039-1 as submitted and adopts the findings set forth below on grounds that the Implementation Plan amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment will meet the requirements of 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 Plan amendment 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.

II. PROCEDURAL ISSUES

A. Standard of Review

The standard of review for the proposed amendment to the Implementation Plan (Zoning Ordinance) of the City of Trinidad certified Local Coastal Program (LCP), pursuant to section 30513 and 30514 (regarding LCP amendments) of the Coastal Act, is whether the Implementation Plan as amended would be in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan.

B. Public Participation

Section 30503 of the Coastal Act requires public input in preparation, approval, certification, and amendment of any LCP. The City of Trinidad's Planning Commission

held a public hearing on the proposed amendment on April 1, 2020, and the City Council held a public hearing on April 28, 2020. The hearings were noticed to the public consistent with sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. Procedural Requirements

Pursuant to section 13544(b)(2) of Title 14 of the California Code of Regulations, if the Commission certifies the LCP amendment as submitted, no further City action will be necessary for the LCP amendment to take effect. Should the Commission certify the LCP amendment subject to modifications, final approval by the City and a determination by the Executive Director of compliance with section 13544 of the Commission's regulations will be required for the amendment to take effect. 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 proposed LCP amendment will not become effective.

III. FINDINGS FOR APPROVAL OF THE IP AMENDMENT AS SUBMITTED

The following findings support the Commission's approval of the proposed Implementation Plan Amendment as submitted. The Commission hereby finds and declares as follows:

A. Amendment Description

If certified by the Commission, LCP-1-TRN-21-0039-1 would expressly add emergency shelters as either principally permitted or conditionally permitted uses in the LCP for the first time. The intent of the amendment is to bring the City's zoning ordinance into conformity with state housing law and specifically Senate Bill 2 (Stat. 2007, ch.633) (SB 2). The California Health and Safety Code (section 50801) defines an 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 households may be denied emergency shelter because of an inability to pay." Senate Bill 2 (Cedillo, 2007) requires jurisdictions to allow emergency shelters and transitional housing without a conditional use permit. To comply with the State law, the City must identify a zone or zones where emergency shelters will be allowed as a permitted use without a conditional use permit or other discretionary permit. The amendment would add emergency shelters as a permitted use in the commercial zoning district and as a conditional use in the planned development zoning district. In addition, the amendment would add a definition for "emergency shelter," and impose off-street parking requirements for emergency shelters.

The specific proposed IP changes include the following:

- **IP sec. 2.03 (Appendix A) [sec. 17.08] - Definitions:** Add the following definition for Emergency Shelter: “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. No individual or household may be denied emergency shelter because of an inability to pay.”
- **IP sec. 4.07.A.4 [sec. 17.36.020.D] – Planned Development (PD) Zone:** Add “Emergency Shelters with onsite management and not more than 10 beds” as a conditional use;
- **IP sec. 4.09.A.3 [sec. 17.44.020.C] – Commercial (C) Zone:** Add “Emergency Shelters with onsite management and not more than 10 beds” as a principal use.
- **IP Article 6 [sec. 17.56] General Provisions and Exceptions, sec. 6.18.B [sec. 17.56.180.B] – Parking Spaces:** Add off-street parking requirements for Emergency Shelters as follows: “8. Emergency shelters: two spaces plus one space for every five beds;”

B. Background

The City of Trinidad is located on the north coast of California in Humboldt County adjacent to the semi-enclosed Trinidad Bay, approximately 15 miles north of the City of Arcata ([Exhibit 1](#)). The City has a population of 367 (2010 Census). As of 2018, Trinidad’s population declined by 27 people (7.4%) from 2010.¹ The City covers approximately 0.65 square miles and is almost entirely within the coastal zone.

The City provides many municipal services and operates its own public works department, public water system and volunteer fire department. However, the City does not have a municipal sewer system. All wastewater inside and outside of the city is treated by individual onsite wastewater systems.²

The City of Trinidad has the oldest certified LCP in the state, certified by the Commission in 1980. The City is presently in the process of updating its LCP, including adding policies and standards for resolving issues associated with its one Area of Deferred Certification, the Trinidad Harbor and Upland Support Area. In November of 2014, the Commission awarded an LCP grant in the amount of \$80,000 to the City to assist with the preparation of its comprehensive update.

C. Implicated Lands

Most of the Commercial (C) zoned lands in the City are located along Main Street near the freeway interchange, with a few parcels along Trinity Street and a large area in the Harbor area ([Exhibit 2](#)). The primary use for the Harbor area is to provide a working harbor for commercial and sport fishing. However, the harbor area was separated out as an Area of Deferred Certification when the balance of the LCP was certified by the

¹ Source: California Department of Finance, E-4 Population Estimates for Cities, Counties, and the State.

² https://humboldtlafo.org/wp-content/uploads/Trinidad-MSR-SOI-Adopted_03-17-2021.pdf

Commission over concerns regarding the protection of coastal-dependent uses, and the area is still not covered by the City's certified LCP. Therefore, the LCP amendment does not apply to the locally zoned commercial lands in the Harbor.

The Planned Development (PD) zoned lands are located mainly along portions of Main Street, Trinity Street, and View Avenue near the commercial areas of Trinidad. Additional Planned Development zoned lands are located inland of Highway 101 along Westhaven Drive.

D. Consistency Analysis

A. Consistency of IP Amendment with LUP Land Use Designation

Emergency shelter use is proposed as a principal permitted use in the Commercial (C) zoning district and as a conditional use in the Planned Development (PD) zoning district. The PD zoning district is applied to parcels suitable for one or more types of uses but "where considerable design flexibility is needed to adapt the use to the site and to the surrounding areas." As a result, the PD zoning district only allows conditional uses to enable the siting and design of proposed development to be reviewed by the Planning Commission to ensure the proposed development is suitably adapted to the site. Because the PD zoning district does not provide for principally permitted uses, the LCP amendment proposes to add emergency shelters as a principally permitted use in the C zoning district to meet the requirements of Senate Bill 2 (Cedillo, 2007) that jurisdictions identify at least one zoning district where emergency shelters are allowed as a permitted use without a conditional use permit or other discretionary permit.

The areas of the City zoned as commercial and planned development are designated in the certified Land Use Plan map (Plate 1B) with corresponding commercial and planned development designations. The LUP Appendix A states the commercial areas "provide for the concentration of a limited range of commercial uses that meet the convenience and retail needs of the residents and visitors." The language "*limited range of commercial uses to meet the convenience needs of residents or visitors to the immediate area*" was interpreted broadly by the Commission in its certification of the original IP zoning map to allow a wide variety of principal permitted uses in the C zone that range from traditional visitor-serving businesses to "*social halls, fraternal and social organizations and clubs.*"³ Emergency shelters are a unique land use that provides critical but temporary housing and services to the City's unhoused residents; as such,

³ Existing principal uses currently allowed in the C Zone include professional and business offices, societal halls, fraternal and social organizations and clubs, retail stores, agencies and services of a light commercial nature conducted entirely within an enclosed building such as antique shops, art galleries, retail bakeries, banks, barbershops, beauty salons, book stores, clothing and apparel stores, coin operated dry cleaning and laundry establishments, drugstores, florist shops, food markets, furniture stores, hardware and appliance stores, radio and television sales and service, restaurants and appurtenant licensed premises, service stations, studios, tailor shops, enclosed theaters, variety stores, plant nurseries, smokehouses and related sales, secondhand sales appurtenant to another permitted use.

the use is compatible with and falls under the broad and diverse range of allowable uses in the Commercial zone as emergency shelters provide for the historically overlooked, but no less important needs of the City's unhoused residents. In addition, allowance for emergency shelters in the Commercial district could benefit the commercial areas of the City by providing unhoused residents of Trinidad a humane alternative to sleeping on the streets of the commercial areas and other outdoor areas, thereby minimizing conflicts between patrons entering commercial establishments and people otherwise finding it necessary to sleep in doorways and on sidewalks in the commercial areas. Emergency shelter use has been approved in numerous LCP amendments for non-residential zones.⁴

The planned development areas are described in Appendix A of the LUP as "either residential areas where limited commercial activity may be appropriate, subject to special integrating design, or they are areas where design flexibility is needed to adapt appropriate uses to the site and to surrounding uses." Emergency shelters are residential in nature, though they are similar to certain commercial uses as they are designed for transient occupation and are staffed 24 hours a day by employees of non-profit organizations or other service providers. In its certification of the original IP zoning map, the Commission found that a wide range of uses proposed in the Planned Development zone would conform with the planned development area policies of the LUP. The PD zone allows for residential use and could encompass the design flexibility for emergency shelter use. Emergency shelters are consistent with and similar to uses such as rest homes and day care centers, which are already allowed in the PD zone.

The LUP allows higher density housing with one to four dwelling units in a building in the Planned Development category provided the density does not exceed that of the Urban Residential category or waste disposal constraints (LUP Policy 48). The proposed LCP amendment complies with this policy by allowing emergency shelters as housing with no more than 10 beds in the PD zone with a use permit and as a principally permitted use in the C zone.

The proposed amendment is also consistent with Policy 49, which directs the City to "investigate and cooperate in implementing appropriate programs providing assistance which will enable low and moderate income persons to find and retain suitable housing."

Therefore, for the reasons stated above, the Commission finds that the proposed addition of emergency shelters as a principal permitted use in the Commercial District and as a conditional use in the Planned Development District conforms with and is adequate to carry out the corresponding certified land use plan designations for these areas.

⁴ October 2020 (City of Eureka, General Commercial, General Industrial, and Light Industrial Zoning Districts, LCP-1-EUR-17-0049-2); 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)

B. Consistency of IP Amendment with LUP Coastal Resource Protection Policies

The Commercial and Planned Development zoning districts within the certified portions of the LCP are generally located outside of the areas identified as having significant environmentally sensitive habitat areas, archaeological resources, and visual resources. These zoning districts are mostly in the center of Town or near the freeway, and much of these lands have been previously developed. To the extent any of these lands may contain such resources, all of the certified LCP's coastal resource protection policies and standards would be applied to any CDP application for an emergency shelter accommodated by the IP amendment. Thus, an approved emergency shelter would have to be built in a manner consistent with the LCP and be protective of coastal resources.

C. Consistency of IP Amendment with LUP Water Service and Wastewater Disposal Policies

LUP Policy 23a gives priority for water connections to users within the City limits.⁵ LUP Policy 28 requires that development proposals based on use of wastewater disposal systems "be carefully reviewed and adequate standards should be used to ensure that water quality and public health are protected."

The water and wastewater disposal needs of emergency shelters can be accommodated in C or PD zones that already provide many public services. . Emergency shelters with no more than 10 beds are no more intense in terms of service demands than typical general commercial and or planned development uses so they should not increase demand for services beyond what is planned for under the certified LCP. Any proposed emergency shelters must obtain a coastal development permit that ensure consistency with the LUP polices relating to maintaining adequate water service and protecting water quality.

Therefore, the Commission finds that the proposed addition of emergency shelters as a principal permitted use in the Commercial District and as a conditional use in the Planned Development District conforms with and is adequate to carry out the water service and wastewater disposal policies of the certified land use plan.

D. Consistency of IP Amendment with LUP Priority Use Policies

The primary priority uses that occur within the area covered by the City's certified LCP include a limited amount of visitor serving facilities that exist within the Commercial,

⁵ According to the Humboldt County Division of Environmental Health OWTS Regulations and Technical Manual, Appendix C, expected wastewater flow for boarding houses is 50 gpd per person. An emergency shelter with 10 beds would therefore be expected to generate flows of up to 500 gpd, which is approximately the same design flow as for a 3-bedroom house (150 gpd per bedroom). That is a lower flow than some other allowable uses in the PD and C zones would be expected to have, such as restaurants. Thus, the Commercial and Planned Development lands in the City have sufficient capacity for wastewater treatment and disposal to serve the proposed Emergency Shelter use, consistent with LUP policies 30 and 48.

Visitor Serving, and Planned Development land use designations of the LUP. The Visitor Service category or designation is described in Appendix A of the LUP as being intended to provide areas for camping, recreational vehicle parks, motels, restaurants, lounges, and similar tourist services and accommodations. The Visitor Services designation and its implementing Visitor Services zoning district is applied to various parcels off of Main Street and Westhaven Drive. In addition, Appendix A describes that the commercial land use category is intended to allow concentration of a limited range of commercial uses to meet the convenience needs of residents or visitors, and visitor services include overnight visitor accommodations. Finally, Appendix A indicates the Planned Development category or designation may include visitor accommodations and services and recreational uses consistent with the residential character of the city and the natural and scenic features of the site and overall surroundings.

The proposed IP amendment would not conflict with priority use policies in the certified LUP. The commercial zoning district where emergency shelters would be added as a principal permitted use allows for visitor serving facilities such as restaurants and commercial recreational facilities, but not exclusively. Many other non-visitor serving commercial uses are currently allowed in the district. The allowance for emergency shelter use would not displace area needed for visitor-serving uses in the commercial areas any more than the currently allowed non-visitor serving use would. Similarly, the planned development zoning district where emergency shelters would be allowed as a conditional use allows for visitor accommodations and services along with residential uses. The allowance for emergency shelter use would not displace area needed for visitor accommodations and services any more than the currently allowed residential uses would. In addition, the City does not expect that significant numbers of emergency shelters are likely to be established within the City given its size. Trinidad is one of the smallest incorporated cities in California with a population of less than 400 people.

Although recreational and commercial fishing and boating facilities exist within the natural harbor of Trinidad Bay and the City's general plan designates a large area of the harbor as a commercial area, the Harbor area remains an Area of Deferred Certification, which is not currently covered by the City's LCP. Any CDP for an emergency shelter use or other development would be reviewed by the Coastal Commission for consistency with the commercial fishing and recreational boating and fishing policies of Chapter 3, which protect such uses. Therefore, the City's proposed IP amendment is not relevant to development of the Trinidad Harbor area and the priority uses in the Harbor.

Therefore, the Commission finds that the IP amendment conforms with and is adequate to carry out the priority use policies of the certified LUP.

E. Consistency of IP Amendment with LUP Public Access Policies

The certified LUP contains policies designed to implement the strong public access policies of the Coastal Act, found in Sections 30210, 30211, 30212 and 30214 and which require the provision of maximum public access opportunities, with limited

exceptions.⁶ The certified LUP includes public recreation policies calling for the development of specific public access improvements in various locations along the City's shoreline. Specifically, LUP Policy 64 plans for a formal pedestrian trail system; LUP Policy 65 requires open space easements for public use of designated trails and to protect Special Environment areas; LUP Policy 66 provides for protection of Trinidad Head; and LUP Policy 67 calls for improvement of parking near Trinidad Beach State Park.

Public access to the coast is available on many of the coastal bluffs of Trinidad, throughout the harbor area, and on adjacent beaches, the Trinidad Pier, and Trinidad Head. The C or PD-zoned parcels that could potentially be considered for emergency shelter use within the certified LCP area are located inland from the harbor. Development of an emergency shelter on a C or PD zoned parcel would not change or remove existing access to the coast in any of these areas. In addition, given that (1) the maximum size of any emergency shelter that would be accommodated by the IP amendment is limited to a maximum of 10 beds, and (2) future development of multiple emergency shelters in Trinidad is unlikely, the emergency shelter use added by the IP amendment will not create a significant demand for additional public access facilities. Finally, the IP amendment also includes a parking standard specific to emergency shelters to address any increased demand for parking near the coast. Thus, the IP amendment as submitted to add emergency shelters to the C and PD zoning districts is consistent with the public access policies of the certified LUP and the Coastal Act.

Conclusion

In conclusion, the proposed amendment will provide that emergency shelters are an allowable use within two urbanized zones and will not compete with or preclude the ability to provide for Coastal Act priority uses. The proposed changes to the IP are consistent with the LUP policies and no adverse impacts to coastal access or coastal resources are anticipated to result from the proposed changes to the IP. Furthermore, any potential impacts to coastal resources that could occur due to the construction of an emergency shelter would be addressed via the coastal development permit review process to ensure consistency with all applicable LCP provisions, all of which will apply to a proposed emergency shelter. 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 LUP and approve the LCP amendment as submitted.

⁶ Coastal Act Section 30210 requires, in applicable part, that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication) or legislative authorization. Section 30212 requires, in applicable part, that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety. Section 30214 of the Coastal Act identifies the need to regulate the time, place and manner of public access depending on the facts and circumstances in each case.

IV. ENVIRONMENTAL JUSTICE CONSIDERATIONS

Coastal Act Section 30604(h) gives the Commission, or the issuing agency, the authority to explicitly consider environmental justice⁷, or the equitable distribution of environmental benefits throughout the state, in its permit decisions. In March 2019, the Commission adopted an environmental justice policy (EJ Policy)⁸ to guide and inform its implementation of section 30604(h) in a manner that is fully consistent with the standards in, and furthers the goals of, the Coastal Act and certified LCPs. Recognizing that the elimination of affordable residential neighborhoods has resulted in many underserved communities, including low-income communities, communities of color, and other historically marginalized communities, living farther from the coast, the EJ Policy calls for the Commission to increase efforts to encourage affordable housing and “work with local governments to adopt local coastal program policies that allow for a broad range of housing types, including affordable housing, ADUs, transitional/supportive housing, homeless shelters...in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act.” As a very low-income segment of the population that are acutely struggling to attain some of society’s most basic needs, including safe housing, unsheltered individuals are an environmental justice community to which the Coastal Act’s EJ provisions and the Commission’s EJ Policy apply.

Under the proposed LCP amendment, the City would be allowing emergency shelters to be located in two land use designations/zoning districts where they are currently not explicitly allowed. The currently certified LCP does not explicitly allow for emergency shelters anywhere in the coastal zone. The proposed amendment thus removes barriers

⁷ Section 30107.3 of the Coastal Act defines Environmental Justice as follows:

- (a) “Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
- (b) Environmental justice” includes, but is not limited to, all of the following: (1) The availability of a healthy environment for all people. (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities. (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process. (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

Section 30604(h) of the Coastal Act states: When acting on a coastal development permit, the issuing agency, or the Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

⁸ California Coastal Commission. (2019). Environmental Justice Policy. https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

to shelter housing in the City of Trinidad coastal zone, allowing for the development of emergency shelters for the City's currently unhoused community, which is consistent with the Commission's EJ Policy focus on encouraging diverse and affordable housing opportunities in the coastal zone.

Thus, although the Commission approves the proposed IP amendment because it is consistent with and adequate to carry out the certified LUP, as explained above, the Commission also finds that the proposed IP amendment furthers the goals of the Commission's EJ Policy to expand housing opportunities for a diverse population. To further the City's work to address concerns regarding its vulnerable communities, the Commission encourages the City to explicitly address environmental justice in its upcoming comprehensive LCP update, including an LUP policy allowing for the explicit consideration of environmental justice in permit decisions consistent with Coastal Act Section 30604(h).

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of an LCP. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in approving an LCP amendment to find that approval of the proposed LCP as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§13542(a), 13540(f), and 13555(b)].

The City's LCP amendment consists of an IP amendment. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as if set forth in full herein. As discussed throughout the staff report and hereby incorporated by reference, the IP amendment conforms with and is adequate to carry out the policies of the certified LUP. The Commission finds that approval of the IP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact, either individual or cumulatively, which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

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APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

LCP Amendment Application No. LCP-1-TRN-21-0039-1 and associated file documents.

City of Trinidad Certified Local Coastal Program.

APPENDIX B – APPLICABLE LAND USE PLAN POLICIES

The City of Trinidad LUP contains numerous policies related to development constraints, noting the issues of septic suitability and water supply. In addition, the LUP includes policies that apply to housing and express preference to maintain the unique, rural character of the city. Allowing for emergency shelter use in the implementation plan (IP) as amended must be in conformance with, and adequate to carry out, provisions of the certified land use plan (LUP).

Existing Land Use

LUP Policy 19. *The Land Use Map recognizes existing land use areas and attempts wherever possible to place them in a category which allows compatible uses. It is intended that all new development be channeled into appropriately designated areas so that land use conflicts can be minimized.*

Water Service

LUP Policy 23a. *Users within city limits should be given preference for service connections.*

Wastewater Disposal

LUP Policy 28. *The General Plan should be based on the use of individual wastewater disposal systems throughout the planning area. Subdivision and development proposals throughout the planning areas should be carefully reviewed and adequate standards should be used to ensure that water quality and public health are protected.*

LUP Policy 30. *Individual wastewater systems shall be consistent with Water Quality Control Board standards. Existing lots with smaller than the prescribed minimum lot size may be considered developable provided an acceptable individual waste treatment system can be provided.*

Housing

LUP Policy 45. *Trinidad's role in the effort to provide adequate housing is focused on three areas: (a) attempting to keep the cost of existing moderate cost housing down so it can continue to be available to people with limited incomes who desire to live in Trinidad (b) protecting the unique character of the city as a single family owner occupied fishing village; (c) encouraging the county to allow a variety of housing types in the residential areas surrounding the city consistent with septic tank limitations.*

LUP Policy 46. *The city should continue to maintain a rural life style because it is preferred by residents and also because it allows for a low level of public services and thereby keeps property taxes and utility charges at a minimum. This helps to keep the cost of operating a residence as low as possible.*

LUP Policy 48. *Multiple family developments such as condominiums, townhouses and apartments with from one to four dwelling units in a building may be appropriate in the Planned Development category provided the density does not exceed that of the Urban Residential category or waste disposal constraints whichever is most restrictive. Mobile home parks are not consistent with the character of the intensive development area and should not be permitted in the city.*

LUP Policy 49. *The City should investigate and cooperate in implementing appropriate programs providing assistance which will enable low and moderate income persons to find and retain suitable housing.*

Recreation

LUP Policy 64. *A formal pedestrian trail system should be marked out around Trinidad. The system should include the beaches, the existing Trinidad Beach State Park trails, and ascent the bluff at Galindo Street to provide convenient pedestrian access from Edwards Street to the harbor, the Old Wagon Road from Wagner Street to Parker Creek Trail, the private road extending from Scenic Drive along the east branch of Parker Creek to the beach, and the beach extending south easterly from Parker Creek to the City limits. (Refer to the Circulation Plan for delineation of the trail system.) The system should be advertised in visitor information and mapped at the visitor information center.*

LUP Policy 65. *The City shall require an open space easement or similar agreement to assure public use of designated trails and to protect the natural character of Special Environment areas when approving permits for allowing development. Such agreements shall cover the portion of the lot which need not be disturbed by proposed structures and appurtenant uses. If funds are available the City should obtain such agreements on already developed lots in the Special Environment area and should obtain the degree of public control over lands designated as Open Space needed to protect scenic, cultural, and natural resources.*

LUP Policy 66. *Trinidad Head will be kept in its natural state with hiking trails and vista points. Public vehicular access will only be allowed as far as the existing harbor overlook.*

LUP Policy 67. *The College Cove parking area at the north end of Trinidad Beach State Park should be improved and restrooms provided. Trails to the beach and to the northwest corner of the park should be improved.*

Appendix A

Commercial

The Commercial category is intended to provide for the concentration of a limited range of commercial uses to meet the convenience needs of residents or visitors to the immediate area. Uses serving the commercial fishing industry are also

appropriate. Commercial areas should be of adequate size and have adequate street access and public services. Such areas should be located in convenient proximity to residential concentrations.

Visitor Services

The Visitor Services category is intended to provide areas for camping, recreational vehicle parks, motels, restaurants, lounges, and similar tourist services and accommodations. This category is intended to be applied to areas with access to primary collector streets where the tourist facilities will be convenient to prime recreation attractions and have necessary public services. Such areas should not create conflicts with nearby residential areas and should be located near convenience shopping facilities.

Planned Development

The Planned Development category identifies areas that are: (1) essentially residential where limited commercial activities may be appropriate subject to special integrating design; or (2) sites which, because of their location, are suitable for one or more types of uses but where considerable design flexibility is needed to adapt the use to the site and to the surrounding areas. In addition to allowing the types of housing prescribed in the Housing Element the Planned Development category may include visitor accommodations and services, commercial uses, and recreational uses consistent with the residential character of the city and the natural and scenic features of the site and overall surroundings. Campgrounds and Recreational vehicle parks are not considered appropriate visitor accommodations in the Planned Development category. Intensity of development should not exceed that allowed in the Urban Residential category or waste disposal constraints, whichever is more restrictive.