

**To:** Board of Supervisors  
**From:** Planning and Building Department  
**Agenda Section:** Public Hearing

SUBJECT:

Public Hearing on Safe Parking - Safe Shelter Pilot Program and Shelter Crisis Ordinance: PLN-2021-17324

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report, and accept public comment; and
2. Close the public hearing and deliberate;
3. Adopt Resolution No. \_\_\_\_\_ [Attachment 1] making findings the Inland Safe Parking Ordinance Amendments are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), and making all the required findings for consistency with the General Plan, Zoning Ordinance and state law,
4. Adopt Resolution No. \_\_\_\_\_ [Attachment 2] making findings the Coastal Safe Parking Ordinance Amendments are exempt from environmental review pursuant to CEQA and making all the required findings for consistency with the General Plan, Zoning Ordinance and the Coastal Act, and approving the Coastal Safe Parking Ordinance amendments, and transmitting them to the California Coastal Commission for their review and certification;
5. Adopt the Inland Safe Parking - Safe Shelter Pilot Program, Ordinance No. \_\_\_\_\_ [Attachment 3] adding Section 61.05 and amending sections 314-140, 314-154, 314-109 and 314-177 of the Inland Zoning Regulations [Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code] to include a Safe Parking/Safe Shelter Pilot Program with a duration of 18 months, allowing a government agency, religious institution, non-profit charitable organization, or private non-profit organization to provide homeless individuals and families living in a vehicle or outside a safe place to park or sleep at no cost while accessing services;
6. Adopt the Coastal Safe Parking - Safe Shelter Pilot Program, Ordinance No. \_\_\_\_\_ [Attachment 4] adding Section 61.05 and amending sections 313-140, and amending tables in sections 313-2, and 313-3 of the Coastal Zoning Regulations [Section 313 of Title III, Division 1, Chapter 3 of Humboldt County Code] to include a Safe Parking/Safe Shelter Pilot Program with a duration of 18 months allowing a government agency, religious institution, non-profit charitable organization, or private non-profit organization to provide homeless individuals and families living in a vehicle or outside a safe place to park or sleep at no cost while accessing services;
7. Direct the Clerk of the Board to publish the Post-Adoption Summary of both Safe Parking-Safe Shelter Ordinances within fifteen (15) days after their passage, along with the names of those Supervisors voting for and against each ordinance and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of each adopted ordinance;

8. Adopt Resolution No. \_\_\_\_ (Attachment 5) Certifying Compliance with the California Environmental Quality Act, and Making Findings of Fact Concerning Emergency Housing during a Shelter Crisis and Findings for Adopting a Shelter Crisis Ordinance;
9. Adopt the Shelter Crisis Ordinance (Attachment 6) adding Section 47.1 the Inland Zoning Regulations to Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code, Emergency Housing Under Shelter Declaration (Shelter Crisis Ordinance), allowing the County to facilitate the development of emergency shelters on county-owned or county-leased land, and by establishing certain required reporting;
10. Direct the Clerk of the Board to publish the Post-Adoption Summary of the Shelter Crisis Ordinance within fifteen (15) days after its passage, along with the names of those Supervisors voting for and against each ordinance and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of each adopted ordinance;
11. For the Ordinance incorporating by reference Appendix O and X, Emergency Housing Standards into the Building Code:
  - a. Approve Resolution No. \_\_\_\_\_, [Attachment 7] Making Findings for Amending the Building Code to Incorporate Emergency Housing Standards by Reference;
  - b. Set for adoption at least one week from this hearing date the proposed ordinance incorporating by reference Appendix O of the California Building Code and Appendix X of the California Residential Code into Section 331-11 of Chapter 1 of Division 3 of Title III of the Humboldt County Building Code (Attachment 8) which applies Emergency Housing Standards for emergency shelters developed on county-owned and county-leased land under a Shelter Crisis Declaration;
  - c. Direct the Clerk of the Board to publish the required pre-adoption summary of the ordinance and to post a certified copy of the full text of the proposed Ordinance in the office of the Clerk of the Board, both the publication and posting to be done at least five (5) days prior to the Board meeting at which the Ordinance will be adopted, pursuant to Government Code Section 25124(b)(1);
  - d. Direct the Clerk of the Board, within 15 days after the adoption of the Ordinance, to publish a post-adoption summary of the Ordinance with the names of the Supervisors voting for and against the Ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted Ordinance along with the names of those Supervisors voting for and against the Ordinance [Government Code Section 25124(b)(1)]; and
12. Direct Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

**SOURCE OF FUNDING:**

Staff costs and noticing for these amendments is grant-funded through the SB2 program awarded in 2020. To date, approximately \$54,000 has been used from the Advance Planning account #1100-282 which will be reimbursed upon adoption of the ordinances by the Board of Supervisors.

**DISCUSSION:**

Executive Summary

The request in front of the Board of Supervisors will accomplish three things

1. Establishes a Safe Parking / Safe Shelter Pilot Program - an 18 month Pilot Program, renewable by the Board of Supervisors, that allows a safe place to sleep for homeless people with or without vehicles.
2. Reaffirms the County's Emergency Crisis Order and complies with state requirements (AB 2553, 2020) by adopting emergency housing building codes.
3. Facilitates development of Safe Parking / Safe Shelter sites by providing pre-approved management plans for three different types of facilities:
  - **Minimal Requirements:** Overnight only, 20 units maximum, 6 months maximum length of stay
  - **Village Model:** Provider determines hours of operation, 15 units maximum, 6 month maximum stay
  - **Low Barrier:** Provider determines hours of operation, 20 units maximum, no maximum length of stay required.

Concerns were expressed to the Planning Commission about potential enforcement issues and the impact on neighboring properties of Safe Parking / Safe Shelter sites. The pre-approved management plans ask open ended questions about security, staffing, and other considerations but have few, if any, minimum requirements. What happens when the site is full and someone parks their vehicle on the street in front? What kind of neighborhood outreach is required, at a minimum?

In response, staff explained that State law (Government Code Section 65583(a)(4)(A)) limits the considerations for local control of emergency shelters, including Safe Parking / Safe Shelter sites. In the zones where they are allowed as principally permitted uses, which generally includes commercial, light industrial and multifamily zoned properties, emergency shelters must be approved using the same objective standards that apply to other principally permitted uses in the same zone, so with few exceptions (i.e. lighting, on-site management, security, length of stay, minimum separation of sites) the management plan items are voluntarily set by the provider.

Through their deliberations, the Planning Commission addressed the expressed concerns and limits imposed by state law to eliminate from the draft ordinance an allowance for principally permitting Safe Parking / Safe Shelter facilities on sites with an existing church in single family residential zones, and disallowing them altogether on properties zoned TPZ – Timber Production Zone and on prime agricultural land.

### Background

This item implements the County's 2019 Housing Element Implementation Measure #56 by adding allowance for a Safe Parking–Safe Shelter Pilot Program to the Inland and Coastal Zoning Regulations (Section 61.05 of Chapters 3 and 4 of Division 1 of Title III of the Humboldt County Code):

**“H-IM56. Safe Parking Pilot Program.** The County shall fund and implement a safe parking pilot program consisting of the following actions:

- A. Identify and develop sources of funding for program.

- B. Compile available data from other agencies and public sources to determine safe parking locations, size and number of spaces required, and the distribution of services and resources, and other best practices.
- C. Identify and engage local stakeholders, including service providers, to develop agreements on pilot program parameters, best practices, schedule, including incentives to improve property owner participation, a public outreach campaign, and metrics for program evaluation.
- D. Adopt an enabling ordinance or resolution for the pilot program, including duration of the program, hours of operation, land use and operating conditions, and project milestones.
- E. Inventory potential public lots and private lots, and poll property owners.
- F. Request for Proposals to identify potential partners. Circulate a Request for Proposals (RFP) to seek interested service providers to operate the Safe Parking Pilot Program, then select service providers.
- G. Throughout the pilot program collect data from service providers, and at the close prepare a closeout evaluation report. The closeout evaluation report shall be considered by the Board of Supervisors within ninety days.
- H. Should the pilot program be evaluated to be successful, the extension and/or expansion of the pilot program shall be considered.

Responsible Agency: Planning and Building Department. Timeframe: Commence by December 31, 2020.”

Consistent with the Housing Element, the proposed program will expire in 18 months unless extended by the Board. The Pilot would provide safe, temporary shelter sites that accommodate vehicles, tents, or other approved structures for people who are experiencing homelessness while they seek permanent housing. Approved Safe Parking–Safe Shelter sites would operate as emergency shelters allowed by right in the same zoning districts where emergency shelters are currently allowed (multifamily, mixed use, commercial, and industrial zones), but adding existing church sites in other zones with a Conditional Use Permit. Any government agency, religious institution, non-profit charitable organization, or private non-profit organization may operate a Safe Parking – Safe Shelter site.

State Housing Law (Government Code Section 65583 et seq.) and the Housing Accountability Act (Government Code Section 65589.5) limit the ways in which local governments can regulate emergency shelters. One provision that is allowed is a requirement that the service provider have a management plan. In this Pilot Program, three model management plans are offered, reflecting different levels of service. The plans were developed in coordination with local agencies and service providers who have expertise in serving the unhoused population of the County. Through the plans, Providers self-regulate based on their site characteristics, resources, and accepted best practices. The type and number of vehicles, the participants’ length of stay, hours of site operation, and level of services provided are all described in the required management plans.

A second component of this item allows full use of the Shelter Crisis Declaration approved by the Board of Supervisors in 2018 by complying with 2020 amendments to AB 2553 the Shelter Crisis Act. It adds a Shelter Crisis Ordinance that ensures minimal public health and safety for occupants

of non-vehicle emergency housing at emergency shelter sites, and reduces development restrictions for emergency shelter sites on county, city, or county and city-owned land. The proposed Shelter Crisis Ordinance (Section 47.1 of Chapter 4 of Division 1 of Title III of the Humboldt County Code) is in Attachment 6 to this Board Report.

The 2020 amendments to AB 2553 also require that homeless shelters developed under a shelter crisis declaration comply with, at minimum, the Emergency Housing Standards in Appendix O of the California Building Code, and Appendix X of the California Residential Code. A proposed ordinance incorporating the two appendices by reference into the Humboldt County Building Code, Section 331-11 is found in Attachment 8.

### *Safe Parking–Safe Shelter Pilot Program Details*

#### Sites

In this Pilot, a total of 10 Safe Parking–Safe Shelter sites could be located countywide. State law prohibits setting a minimum distance between emergency shelters of more than 300 feet. Sites may be on public or private land, but the Pilot must be operated by a government agency, religious institution, non-profit charitable organization, or private non-profit organization.

For sites developed on publicly owned or publicly leased land, the Shelter Crisis Act reduces development restrictions, including suspending the Special Occupancy Parks Act, the Mobilehome Parks Act, Mobilehome Residency Law, or Recreational Vehicle Park Occupancy Law for the duration of the shelter crisis. Emergency Housing Standards for tents, sleeping cabins, recreational vehicles, park trailers, and other shelter types set forth in Appendix O and Appendix X apply during a state of emergency, local emergency, or shelter crisis.

Each Pilot site would accommodate a specified number of vehicles or individual shelter structures for people who are experiencing homelessness while they seek permanent housing. The proposed ordinance includes site criteria and operating standards for Providers who start and operate the sites. Specific sites are not identified in this ordinance; rather, the goal is to establish regulations that would apply countywide.

#### Safe Parking vs. Safe Shelter

Safe Parking refers to sites supporting up to 15 or 20 operating vehicles, vans, or RVs at a site (depending on the Management Plan). Safe Shelter refers to sites that accommodate up to 15 or 20 tents, huts, or cabins that meet CBC Emergency Housing standards. The Arcata House Partnership’s tent shelter, which operated for 4 months in 2020, is one example of what is envisioned as Safe Shelter. In that program only tents were used, not cabins or hard-sided shelters. The Provider determines which type and number of vehicles or shelters will be allowed depending on site characteristics, location, resources. Both types of sites must serve unhoused people with a place to park or sleep at no charge.

#### Locations

Under the proposed ordinance, Safe Parking-Safe Shelter sites would be allowed as principally permitted uses in all the following Inland zoning districts where emergency shelters are currently allowed:

- ML – Limited Industrial,
- C-1 – Neighborhood Commercial,
- C-2 – Community Commercial,
- C-3 – Industrial Commercial,
- MU-1 – Mixed Use (Urban)
- MU-2 – Mixed Use (Rural), and
- R-3 – Residential Multiple Family zones;

Homeless shelters on church sites may arguably be a protected use regardless of the zoning district because that is a constitutionally protected right for churches. For the Pilot program presented here, the Planning Commission chose to extend potential Pilot locations to include sites with an existing church in other zoning districts, subject to a Use Permit. An exception is made for church sites on Timberland Production Zone (TPZ) and prime agricultural land, where Pilot sites are not permitted at all, even with a Use Permit.

In the coastal zone, these uses would be allowed as principally permitted uses in the CN – Neighborhood Commercial, CG – Commercial General and ML – Light Industrial Zones, and on the site of an existing church in other districts with a Use Permit, except for sites on Timberland Production Zone (TPZ) and prime agricultural land.

#### Providers

The proposed ordinance allows any government agency, religious institution, non-profit charitable organization, or private non-profit organization to operate a Safe Parking - Safe Shelter site. The site operator (Provider) must provide at minimum the services listed in the ordinance, including toilet and hand-washing facilities, access to showers, trash collection, and on-site security for participants.

#### Model Management Plans

State law (Government Code Section 65583(a)(4)(A)) limits the planning and zoning controls local governments can apply to emergency shelters. The Housing Accountability Act (Government Code Section 65589.5) sets limits on the conditions for permit denial. Within these limits and to incentivize low-cost facilities, the Pilot offers templates for three management plans, a sample site plan, and a sample Host & Participant Agreement. Providers are strongly encouraged to follow one of these three Model Management Plans developed in coordination with the Department of Health and Human Services.

Necessarily, some management plan parameters are voluntarily set by the provider. In practice, providers tend to be grant funded, and their operations are subject to more layers of regulation than included in the management plans. However, in order to leverage the lessons from other jurisdictions and set Pilot Providers up for success, best practices are incorporated in the management plans.

The three model management plans in the Pilot Program are the Minimal Requirements Plan, the Village Plan, and the Low Barrier Plan (Attachment 9). Because the unhoused population is spread throughout the county where services and resources are harder to assemble, two less expensive models are proposed (the Minimal Requirements and the Village Plan). These plans incorporate less

regulation and are intended for providers that rely on private or combination funding. A third model (the Low Barrier Plan) allows for more service-intensive programs with higher levels of case management and staffing.

All three models encourage allowing for pets, partners and possessions, but only the Low Barrier Model requires these provisions. For sites that allow tents, cabins and non-vehicle shelters, building standards are provided in an appendix to the management plans. Copies of all the Model Plans and supporting documents are included as Attachment 9 to this staff report.

### Implementation

After the Safe Parking-Safe Shelter Pilot Program is adopted, the Department will develop materials needed to streamline review and approval of proposed sites. This will involve staff training, intake guidelines and materials, inspection procedures, Frequently Asked Questions and web materials available in accessible form, and a code compliance process. Details of implementation are provided in the Staff Analysis attachment to the Planning Commission Staff Report.

The Board may renew or expand the Pilot Program beyond its 18-month sunset, depending on its success. An additional component recommended by providers is for periodic review and reports from a Board-appointed committee.

### *Shelter Crisis Ordinance Details*

Under the County's Shelter Crisis Declaration declared pursuant to Government Code Section 8698, a homeless shelter located on a county-owned or county-leased site is entitled to certain benefits: the site is exempt from CEQA, ordinary negligence is waived for the local government entity; building code and health and safety requirements may be suspended, and others. Recent legislation (AB 2553) requires adoption of a local shelter crisis ordinance in order for county government to avail itself of these benefits. Therefore, the Shelter Crisis Ordinance (Attachment 6) is proposed concurrently with the Safe Parking-Safe Shelter Pilot Program.

The Shelter Crisis Act allows Emergency Housing Standards (Appendix O, California Building Code; Appendix X, California Residential Code) to be adopted and applied to homeless shelters during a shelter crisis. These codes would provide minimal health, safety, and building standards for non-vehicle shelter structures at Safe Parking-Safe Shelter sites. Provisions of O and X are built into the management plans, and an ordinance incorporating Appendices O and X into Humboldt County's building code is proposed as part of this item (Attachment 8).

### *Planning Commission Review*

The Humboldt County Planning Commission reviewed and considered the Safe Parking-Safe Shelter Pilot Program and Shelter Crisis Ordinance, and held a public meeting on March 17, 2022 at which the ordinances were unanimously recommended for adoption. Modifications to the proposed draft, based on public comment and Planning Commission deliberation include: (1) clarifying a process for review of sewage disposal at Pilot sites by the Department of Environmental Health; (2) adding an option for the Board to extend permits after the initial 18-month period; and (3) extending the Pilot Program to include existing church sites in zones other than those designated, except TPZ and prime agricultural lands, subject to a Use Permit. The Planning Commission staff report is in

Attachment 13 of this Board report. The approved resolution is not available at the time this staff report was written and will be provided as a supplemental item before the hearing.

#### *Public and Agency Comments*

Six members of the public commented at the Planning Commission hearing, all in favor of the Pilot Program. Three thought that the number of Pilot sites (10) was too few. Several favored a duration longer than 18 months, or at minimum, alternative 1 (option for the Board renewal after 18 months). Questions arose about the selection process for the 10 sites, and the selection process for participants at the sites. One person said that people need a place to live, not a place to sleep. Public and partner agency comments received prior to March 17, 2022 are attached to the Planning Commission staff report in Attachment 13.

#### *Coastal Commission Review*

Local staff of the California Coastal Commission received the draft coastal Safe Parking-Safe Shelter Pilot Program and associated documents by email on January 27, 2022. Commission staff acknowledged receipt on February 1, noting their intent to review. If approved, the proposed coastal ordinance will be transmitted to the Coastal Commission for certification.

#### *Environmental Review*

Adoption of the Safe Parking-Safe Shelter Pilot Program Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) under one or more of the following: (1) Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines because the proposed specific actions are necessary to prevent or mitigate an emergency and therefore are statutorily exempt from CEQA; (2) CEQA guidelines Sections 15301 and 15304(e), as the proposed actions are categorically exempt as additions to existing facilities, and as minor temporary use of land having no permanent effect on the environment, and no exceptions to the exemptions as set forth in CEQA Guidelines Section 15300.2 would apply; and (3) CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the proposed actions will have the potential for causing a significant effect on the environment.

In the Coastal Zone, the Safe Parking - Safe Shelter Pilot Program is exempt from the requirements of CEQA pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251 (f) and 15265 of the CEQA Guidelines, which states that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program.

Adoption of the Shelter Crisis Ordinance is not subject to the California Environmental Quality Act (CEQA) because it is exempt under Guideline Section 15378, as an administrative governmental activity that will not result in direct or indirect change in the environment, and therefore does not constitute a “project” as defined; and under Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines, as the proposed specific actions are necessary to prevent or mitigate an emergency and therefore are statutorily exempt.

#### FINANCIAL IMPACT:

Staff costs and other expenses related to public review of this item to date total approximately \$54,000. There will be additional future costs of approximately \$5,000 to codify the ordinances and



train staff to implement them. Approximately 90% of these costs are eligible for reimbursement from the state through the SB2 funding awarded to the County in 2020.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by protecting vulnerable populations .

OTHER AGENCY INVOLVEMENT:

State Department of Housing and Community Development, the Humboldt County Sheriff’s Department, California Coastal Commission, Department of Public Works, Department of Health and Human Services, Department of Environmental Health, and the Office of County Counsel.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to adopt the Safe Parking–Safe Shelter Ordinance, or the Shelter Crisis Ordinance, or both. In that case, the County would continue to use its current Emergency Shelter regulations to guide development of traditional homeless shelters. Based on the totality of comments and referral opinions, staff does not recommend further consideration of this alternative, because no new shelters have been developed under the current rules, and because it leaves unhoused people without relief for their immediate needs.

ATTACHMENTS:

Attachment 1: Resolution No. \_\_\_\_-\_\_\_\_ of the Board of Supervisors of the County of Humboldt Making Findings Pursuant to CEQA and Findings for Adopting the Inland Safe Parking-Safe Shelter Pilot Program Zoning Ordinance.

Attachment 2: Resolution No. \_\_\_\_\_, A Resolution of the Board of Supervisors of the County of Humboldt Making Findings Pursuant to CEQA, and Findings for Adding the Safe Parking-Safe Shelter Pilot Program to the Coastal Zoning Ordinance.

Attachment 3: Ordinance No. \_\_\_\_-\_\_\_\_\_ Amending Title III, Division 1, Chapter 4 of the Humboldt County Code by Adding an Inland Safe Parking-Safe Shelter Pilot Program (Section 314-61.05).

Attachment 4: Ordinance No. \_\_\_\_\_, Allowing Emergency Shelters, and a Coastal Safe Parking-Safe Shelter Pilot Program by Adding Section 313-61.05, Amending Section 313-140, and Amending Tables in Sections 314-2, and 314-3 Of Chapter 3 of Division 1 of Title III of Humboldt County Code.

Attachment 5: Resolution No. \_\_\_\_\_, A Resolution of the Board of Supervisors of the County of Humboldt Certifying Compliance with the California Environmental Quality Act, and Making Findings of Fact Concerning Emergency Housing During a Shelter Crisis and Findings for Adopting a Shelter Crisis Ordinance.

Attachment 6: Ordinance No. \_\_\_\_\_, Amending Title III, Division 1, Chapter 4 of the Humboldt County Code Adding a Shelter Crisis Ordinance Relating to Emergency Housing During a Shelter Crisis (Section 314-47.1).

Attachment 7: Resolution No. \_\_\_\_\_, Making Findings for Approving the Emergency Housing Standards Ordinance Amending the Building Code to Include Emergency Housing Standards by Reference.

- Attachment 8: Ordinance No. \_\_\_\_\_, Amending Title III, Division 3, Chapter 1 of the Humboldt County Building Code by Incorporating Appendix O and X, Emergency Housing Standards by Reference.
- Attachment 9: Provider’s Management Plans, Plot Plan, and Non-Vehicle Shelter Standards (Attachments 9A through 9E).
- Attachment 10: Post-Adoption Summary of Ordinance No. \_\_\_\_\_, Allowing Inland Safe Parking-Safe Shelter Pilot Program.
- Attachment 11: Post-Adoption Summary of Ordinance No. \_\_\_\_\_, Allowing Coastal Safe Parking-Safe Shelter Pilot Program.
- Attachment 12: Post-Adoption Summary of Ordinance No. \_\_\_\_\_, a Shelter Crisis Ordinance Relating to Emergency Housing During a Shelter Crisis.
- Attachment 13: Pre-Adoption and Post-Adoption Summary of Ordinance No. \_\_\_\_\_ Incorporating by Reference Appendix O of the 2019 California Building Code, and Appendix X of the 2019 California Residential Code into Section 331-11 of the Humboldt County Building Code, Relating to Emergency Housing Standards.
- Attachment 14: Planning Commission Safe Parking Staff Report 03.17.22.

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: [Click or tap here to enter text.](#)

Meeting of: [Click or tap here to enter text.](#)

File No.: [Click or tap here to enter text.](#)