

Resolution No. 2021-149 N.C.S. of the City of Petaluma, California

RESOLUTION OF THE PETALUMA CITY COUNCIL DECLARING A SHELTER CRISIS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 8698 - 8698.4

WHEREAS, the 2020 Sonoma County Point-in-Time Count of individuals experiencing homelessness within the city of Petaluma demonstrated a three year high of 296 individuals on a given night, 133 of whom were unsheltered;¹ and

WHEREAS, the 2020 results of the Point in Time Count specific to Petaluma demonstrated an increase of approximately 12% from 265 individuals in 2019; and

WHEREAS, the population of people experiencing homelessness in Petaluma includes veterans, women, children, persons with disabilities and other vulnerable communities; and

WHEREAS, there is a shortage of available and deed restricted affordable housing units in Petaluma due to the very low rental vacancy rate (approximately 1 percent); and

WHEREAS, people experiencing homelessness continue to reside on the streets, along creeks and pathways, and in unauthorized encampments in Petaluma; and

WHEREAS, such conditions pose threats to the safety, health, and well-being of persons without shelter and other community members and to the environment due to lack of security and adequate cooking or sanitation facilities; and

WHEREAS, the threats to the health and well-being of persons without shelter have been exacerbated due to impacts of the COVID-19 pandemic; and

WHEREAS, activities carried out at unauthorized encampments may cause additional sanitation, health and safety impacts to the surrounding community and natural environment, including the riparian corridor of the Petaluma River, and can and have resulted in fires that are especially dangerous in the current extreme drought conditions; and

WHEREAS, people experiencing homelessness are often unable to follow the Order of the Health Officer of the County of Sonoma C19-22 Guidance to quarantine in an isolated and safe environment if infected by or exposed to COVID-19; and

WHEREAS, the increased spread of the highly contagious COVID-19 delta variant as stated in the Order of the Health Officer of the County of Sonoma C19-25 reaffirms the need for social distancing and mask wearing for all including vaccinated individuals; and

WHEREAS, the infection of 107 individuals, including staff and people being housed at the Samuel L. Jones Hall Shelter in the city of Santa Rosa in July of 2021 confirms the danger of COVID-19 spreading in enclosed congregant shelter settings in the region;² and

¹ <https://sonomacounty.ca.gov/CDC/Homeless-Services/Homeless-Count/>

² <https://www.pressdemocrat.com/article/news/more-than-100-residents-at-sonoma-countys-largest-homeless-shelter-positiv/>

WHEREAS, the aforementioned public health measures and rise in cases in congregant shelters has necessitated modification and reduction in beds available at Petaluma's Mary Isaak Center resulting in less available shelter and services for unsheltered individuals; and

WHEREAS, in an effort to better serve people experiencing homelessness within the city of Petaluma amid the ongoing housing crisis and increased housing demand and decreased housing supply and in response to the COVID-19 pandemic, staff has begun to explore innovative housing options to increase the number of available shelter beds with appropriate spacing to ensure that individuals are able to follow public health guidelines for their protection and the protection of the entire community; and

WHEREAS, the Federal Eviction Moratorium ends in October 2021 and future extensions are uncertain, which may lead to a surge of evictions across the county and region; and

WHEREAS, the complexity and magnitude of the homelessness crisis and the limited supply of affordable permanent housing in the city of Petaluma demonstrate that there is a significant and immediate need for interim housing in the city, including emergency shelter, to protect the life, health, and safety of people experiencing homelessness; and

WHEREAS, strict compliance with the provisions of state and local regulatory statutes, regulations, and ordinances prescribing standards of housing, health, safety, and environmental impact assessment may prevent, hinder, or delay emergency housing measures that could be expedited through a Declaration of Shelter Crisis; and

WHEREAS, on September 25, 2020, Governor Newsom signed into law Assembly Bill 2553, which extended certain provisions of the Shelter Crisis Law that originally only applied to specified cities (Oakland, Berkeley, and San Jose) to authorize any jurisdiction to declare a shelter crisis under California Government Code Section 8698.2. AB 2553 adds section 8698.4 to the Government Code, giving cities and counties regulatory flexibility regarding building codes and land use regulations and establishes a California Environmental Quality Act (CEQA) exemption to expedite the construction of shelters, adds safe parking sites as an eligible form of shelter, and extends the sunset of these provisions to January 1, 2026; and

WHEREAS, AB 2553 permits cities that proclaim local shelter crises to adopt an ordinance establishing reasonable local standards and procedures for the design, site development and operation of homeless shelters and the structures therein, to the extent it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of adoption would in any way prevent, hinder or delay the mitigation of the effects of the shelter crises, so long as the local standards at a minimum must meet the standards in the 2019 California Residential Code Appendix X, and California Building Code Appendix O, and any future standards adopted by the Department of Housing and Community Development related emergency housing or emergency housing facilities, absent findings stating why the minimum standards cannot be met and how the standards in the ordinance protect health and safety; and

WHEREAS, AB 2553 also requires that cities that declare a shelter crisis after January 1, 2021 develop a plan to address the shelter crisis, including, but not limited to, the development of homeless shelters and permanent supportive housing, as well as onsite supportive services by July 1, 2022; and

WHEREAS, AB 2553 additionally requires cities that declare a shelter crisis submit an annual report under Government Code section 8698.4 to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development; and

WHEREAS, shelter crisis declarations not subject to the California Environmental Quality Act ("CEQA") in that the action is excluded from the definition of a project by Section 21065 of the California Public Resources Code and Sections 15061(b)(3) and 15378(b)(5) of the State CEQA Guidelines because it is organizational or administrative activity of government that will not result in direct or indirect physical changes to the environment, and the action is necessary to prevent or mitigate an emergency and therefore is statutorily exempt from CEQA pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the CEQA Guidelines; and

WHEREAS, CEQA does not apply to actions taken by a state agency or a City to lease, convey, or encumber City-owned land or to facilitate the lease, conveyance or encumbrance of City-owned land for or to provide financial assistance to, a homeless shelter constructed or allowed by Government Code Section 8698.4.

NOW, THEREFORE, BE IT RESOLVED, by the Petaluma City Council as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference as findings of the City Council.
2. Based on its review of the entire record herein, the City Council makes the following additional findings:
 - a. A significant number of persons within Petaluma are without the ability to obtain shelter which has resulted in a threat to the health and safety of those persons, the environment and the surrounding community.
 - b. The impacts of the COVID-19 pandemic have exacerbated Petaluma's shelter crisis, including an increased need for shelter and services and a decreased number of beds available to create appropriate distancing in the City's congregate shelters.
 - c. Petaluma's low vacancy rate for rental housing further exacerbates the shelter crisis.
 - d. Based on its review of the entire record the Declaration of a Shelter Crisis is not subject to California Environmental Quality Act ("CEQA") in that the action is excluded from the definition of a project by Section 21065 of the California Public Resources Code and Sections 15061(b)(3) and 15378(b)(5) of the CEQA Guidelines because it is organizational or administrative activities of government that will not result in direct or indirect physical changes to the environment and the proposed action is necessary to prevent or mitigate an emergency and therefore statutorily exempt from CEQA pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines..
 - e. CEQA does not apply to actions taken by a state agency or a City to lease, convey, or encumber City-owned land or to facilitate the lease, conveyance or encumbrance of City-owned land for or to provide financial assistance to, a homeless shelter constructed or allowed by Government Code Section 8698.4.
3. The Petaluma City Council declares a Shelter Crisis exists in the city of Petaluma pursuant to California Government Code Title 2, Division 1, Chapter 7.8 including in particular sections 8698 through 8698.4, effective as of September 14, 2021.
4. The City Council directs the City Manager or her designee to pursue strategies to increase shelter opportunities for those experiencing homelessness, including through implementation of Government Code section 8698.4 regulatory relief, additional CEQA exemptions, and reasonable local standards and procedures for the design, site development and operation of homeless shelters on City-owned and leased sites.

5. In accordance with Section 8698.4(a)(5)(D) of the Government Code, the City Council also directs the City Manager or her designee to prepare a City Homeless Services plan to address the shelter crisis and for the plan to be brought before the City Council by or before June 30, 2022.
6. In accordance with Section 8698.4(a)(6) of the Government Code, the City Council also directs the City Manager or her designee to report by January 1 of each year while the Shelter Crisis declaration is in effect with the information required in Section 8698.4(a)(6) to the Senate Committee on Housing and the Assembly Committee on Housing and Community Development.
7. The Shelter Crisis declaration pursuant to this resolution will expire and cease to be in effect without further action of the City Council effective on December 31, 2022 unless the Shelter Crisis declaration is extended by action of the City Council prior to that time.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE: I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 13th day of September 2021, by the following vote:

Approved as to
DocuSigned by:
form:
5EF85AE94F3048D
City Attorney

AYES: Mayor Barrett; Barnacle, Fischer; Healy; King; McDonnell, Pocekay

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:

DocuSigned by:

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City Clerk

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604102E6B48F42E...

Mayor