

# Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

## DECLARING A SHELTER CRISIS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 8698 - 8698.4

**WHEREAS**, the 2022 Sonoma County Point-in-Time Count showed that countywide homeless census numbers increased slightly from 2,745 to 2,893<sup>1</sup>; and

**WHEREAS**, the 2022 Sonoma County Point-in-Time Count of individuals experiencing homelessness within the city of Petaluma found that 293 individuals on a given night, and that about 75% of these individuals were unsheltered;<sup>2</sup> and

**WHEREAS**, according to data from the Petaluma Health Center, approximately 750 unique households experienced homelessness in Petaluma at some point in 2021, which is 150% greater than the PIT results; and

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

**WHEREAS**, the recently adopted Petaluma 2023-2031 Housing Element (Housing Element) states that the vacancy rate for owner-occupied units was 0.1 percent, while rental units had a vacancy rate of 1.6 percent, and that “these vacancy rates indicate that the current housing stock is in high demand in Petaluma and that residents may have challenges finding housing within the community”<sup>3</sup>; and

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

**WHEREAS**, the Housing Element states that since 2011 housing prices in Sonoma County has more than doubled, including Petaluma’s home values increasing by more than 130%;<sup>4</sup> and

**WHEREAS**, Table A15 in the City’s Housing Element shows that the average monthly rental price for a 1-bedroom apartment in Petaluma is \$2,381; and

**WHEREAS**, according to the U.S. Department of Housing and Urban Development the 2023 Fair Market Rent for Sonoma County is \$1,711 for a one-bedroom apartment, an increase from \$1,549 in 2022<sup>5</sup>; and

**WHEREAS**, Table A8 in the City’s Housing Element shows that 44.6% of all renters in Petaluma pay at least 30% of their household’s income to rent and are therefore “cost burdened”<sup>6</sup>; and

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<sup>1</sup><https://sonomacounty.ca.gov/Main%20County%20Site/Health%20and%20Human%20Services/Health%20Services/Documents/Homelessness%20Services/Homeless%20Data/County%20of%20Sonoma%202022%20Point-in-Time%20Count%20Results.pdf>

<sup>2</sup> Id.

<sup>3</sup> City of Petaluma 2023-2031 Housing Element; Page A-13

<sup>4</sup> Id; Page A-15

<sup>5</sup>[https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2023\\_code/2023summary.odn?fips=0609799999&year=2023&selection\\_type=county&fmrtype=Final](https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2023_code/2023summary.odn?fips=0609799999&year=2023&selection_type=county&fmrtype=Final)

<sup>6</sup> Housing Element; Page A-10

**WHEREAS**, the shelter crisis is exacerbated due to the high costs of housing in Sonoma County and in particular Petaluma; 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**, 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**, the aforementioned public health measures and rise in cases in the unhoused community 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, 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 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, Berkley, and San Jose) to authorize any jurisdiction to declare a shelter crisis under California Government Code Section 8698.2; and

**WHEREAS**, 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**, on September 13, 2021, City Council adopted Resolution No. 2021-149 N.C.S. which declared a shelter crisis and adopted Urgency Ordinance No. 2790, which created flexibility in local standards and procedures for the design and site development of shelters for people experiencing homelessness and the structures and facilities within the city<sup>7</sup>; and

**WHEREAS**, on June 20, 2022, the City Council adopted Petaluma's first Strategic Plan to End Homelessness (Plan), which provides guidance and priorities for City policies, programs and investments over a three-year period ending June 30, 2025<sup>8</sup>; and

**WHEREAS**, the Plan calls for building a homeless system of care that will be able to end long-term, chronic homelessness in Petaluma by the end of 2025 and in the process, create a crisis response system that ensures homelessness becomes a rare, brief, and one-time experience in our community; and

**WHEREAS**, Resolution No. 2021-149 N.C.S. and Urgency Ordinance No. 2790 N.C.S. expired on December 31, 2022; 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

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<sup>7</sup> <https://cityofpetaluma.primegov.com/Portal/Meeting?meetingTemplateId=13161>

<sup>8</sup> <https://cityofpetaluma.primegov.com/Portal/Meeting?meetingTemplateId=14414>

**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.
  - 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 Sections 8698 through 8698.4.
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 update the City Homeless Services Plan to address the shelter crisis that was adopted by City Council on June 20, 2022, Resolution No. 2022-110 N.C.S. as needed.
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 upon the expiration of Government Code Section 8698.4 or unless the Shelter Crisis declaration is extended or terminated 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.

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**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 11<sup>th</sup> day of September 2023, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor