

Safe Parking - Safe Shelter Pilot Program and Shelter Crisis Ordinance

Recommended Commission Action

1. Open the public hearing.
2. Request that staff present the staff report.
3. Receive public testimony.
4. Deliberate on the draft ordinances, public input, and alternatives presented.
5. Close the public hearing and adopt the Resolution of Approval (Attachment 1) to:
 - 1) make all the required findings including the finding the proposed ordinances are exempt from CEQA, 2) recommend that the Humboldt County Board of Supervisors (a) adopt the Safe Parking – Safe Shelter Pilot Ordinances in Attachments 2 and 3 for the Inland and Coastal Areas, (b) reaffirm and continue by Resolution the Declaration of a Shelter Crisis in Humboldt County, and (c) adopt the Shelter Crisis Ordinance in Attachment 4 for the unincorporated County pursuant to Government Code Section 8698.4.

Executive Summary

Safe Parking - Safe Shelter Pilot Program

This project proposes adding a pilot Safe Parking – Safe Shelter Program to the Zoning Regulations (Section 61.05 of Chapters 3 and 4 of Division 1 of Title III of the Humboldt County Code) that will run for 18 months on public or private land. It would provide up to ten (10) safe, temporary shelter sites that accommodate vehicles, tents, cabins, or other approved structures for people who are experiencing homelessness while they seek permanent housing. The proposed ordinance includes site criteria and operating standards that would allow government entities, non-profits, religious entities, businesses, or community organizations to start and operate safe parking sites. Specific sites are not identified in this ordinance; rather, the goal is to establish regulations that would apply countywide.

The Program aims to provide unsheltered individuals and families a safe place to park or sleep, and access services. Providers may choose to allow tents or small individual shelters (“huts” or “sleeping cabins”) in combination with vehicle dwelling, or as a separate shelter type. The difference between the Safe Parking and Safe Shelter sites is the type of shelter allowed (vehicle vs. tent or cabin), and certain operating standards that flow from that difference. The Safe Shelter sites are intended to accommodate people without vehicles who would otherwise sleep outdoors.

The Safe Parking option allows a place to sleep at no charge for occupants of up to 20 operating vehicles, vans, or RVs at a site. The Safe Shelter option would permit sites that accommodate up to 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 by the Safe Shelter provisions. 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, and level of services.

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 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,

The ordinance places a limit on the number of Safe Parking and Safe Shelter sites at ten (10) sites. The use may also be allowed on the site of an existing church regardless of the zoning district because that is arguably a constitutionally protected right for churches. An alternative for consideration affirms this allowance by stating it in the ordinance itself.

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 regardless of the zoning district.

The proposed ordinance allows any government agency, religious entity, or non-profit organization to operate a Safe Parking - Safe Shelter site. At a minimum, the operator must provide toilet and hand-washing facilities, access to showers, trash collection, and on-site security for participants. The Department aims to incentivize low-cost facilities by providing pre-approved templates for site plans and management plans, and service providers are strongly encouraged to follow a management plan template developed in coordination with the Department of Health and Human Services.

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 Model and the Village Model) that rely on private or combination funding and less regulation. A third model (Low Barrier Model) allows for more service-intensive programs with higher levels of case management and staffing. All three models are encouraged to allow pets, partners and possessions, but only the Low Barrier Model requires these provisions. Draft Model Management Plans and standards for tents, cabins and non-vehicle shelters are proposed for each type. The plans include a written agreement with participants. Copies of all the Model Plans and supporting documents are included as Attachment 5 to this staff report.

The Department has done considerable outreach to service providers to identify the necessary components of the management plans. The approach with these management plans is to identify best practices and ask the providers to commit to using them. However, it is important to note that state law (Government Code Section 65583(a)(4)(A)) limits the considerations for local control of emergency shelters, 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.

While the Safe Parking - Safe Shelter Pilot Program has a sunset date of 18 months after approval, it could be renewed or expanded by the Board after its 18-month period depending on its success. An alternative recommended by providers would make the program renewable after 18 months, with periodic oversight and reports from a Board-appointed committee.

Implementation and streamlining the ministerial approval and review process for the Safe Parking – Safe Shelter Pilot Program will be facilitated by staff training, inspection procedures, availability of public information accessible in the form of Frequently Asked Questions and web materials, and a code compliance process. Details of implementation are provided in the Staff Analysis, Attachment 1.

Shelter Crisis Ordinance

Under the Shelter Crisis Declaration declared pursuant to Government Code Section 8698, an emergency shelter located on a county-owned or county-leased site is entitled to certain benefits: they are exempt from CEQA, there are liability waivers that apply, they have reduced building code requirements, and others. Given these benefits, the Shelter Crisis Ordinance is being proposed concurrently with the Safe Parking - Safe Shelter Pilot Program.

Upcoming Related Ordinances

A number of related ordinances and amendments that implement the 2019 Housing Element are in the development phase: the Emergency Shelter Amendment, the Low Barrier Navigation Center, Day Shelter, and Supportive Housing ordinances, and the amendments adjusting the length of stay at RV and Special Occupancy Parks. These additions or amendments to the zoning code will bring the Humboldt County Code current with state housing law in accordance with Housing Element Implementation Measures, provide definitions or updates, or remove conflicts.