

ATTACHMENT 2

A Resolution of the Board of Supervisors of the County of Humboldt
Making Findings Pursuant to CEQA, and Approving the Safe Parking-Safe Shelter Pilot Program to the
Coastal Zoning Ordinance.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on June 7, 2022

RESOLUTION NO. 22-68 of the Board of Supervisors of the County of Humboldt CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, AND ADOPTING THE COASTAL SAFE PARKING-SAFE SHELTER PILOT PROGRAM ORDINANCE.

WHEREAS, the 2019 Point in Time Count (PIT) identified 1470 unsheltered persons in the County, about one third of whom were located in unincorporated areas. The same PIT estimated that 454 of the total persons counted slept in vehicles, RVs or vans, and 147 in tents or makeshift shelters; and

WHEREAS, a 2019 Grand Jury found that a need exists for both permanent affordable housing and short-term sheltering needs like safe parking, and recommended implementing supervised safe parking programs; and

WHEREAS, there continues to be a homelessness crisis in the County and an urgent need for housing types that meet the immediate as well as long-term needs of people experiencing homelessness; and

WHEREAS, even with the Legislature's recognition of this crisis and the accelerated funding available to address homelessness, the construction of traditional shelters, transitional housing, and supportive housing is not adequate to keep up with the immediate needs of the homeless population; and

WHEREAS, shelters, transitional housing and supportive housing do not address the challenge for people living in their vehicles, therefore strategies for vehicle living are also critical to providing safe, temporary spaces; and

WHEREAS, Chapter 3 of Humboldt County's Local Coastal Plans – North Coast Area Plan, Trinidad Area Plan, McKinleyville Area Plan, Humboldt Bay Area Plan, Eel River Area Plan and South Coast Area Plan – all include a policy that, "New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements"

WHEREAS, the County adopted its Housing Element Update in 2019, including Implementation Measure H-IM56, providing in part that the County will fund and implement a safe parking pilot program, and adopt an enabling ordinance or resolution for the pilot program; and

WHEREAS, the proposed Pilot Program, with a duration of 18 months, would provide places to sleep at no charge at ten sites, with up to 20 operating vehicles, vans, or RVs at each Safe Parking site, or up to 20 tents, huts, or cabins that meet California Building Code Emergency Housing standards at each Safe Shelter site, in order to address the immediate health and safety needs of homeless individuals and families who are not able to access traditional shelters; and

WHEREAS, the proposed Safe Parking-Safe Shelter sites would be classified as emergency shelters under Government Code Section 65583(a)(4), and would be principally permitted in designated zones; and

WHEREAS, the Planning Division prepared the draft ordinances and associated materials with input and collaboration from other agencies, homeless shelters, and homeless service providers; and

WHEREAS, the proposed Pilot Program sets development standards, Model Management Plans, and best practices guidance for safe parking and safe shelter providers; and

WHEREAS, the Coastal Safe Parking-Safe Shelter Pilot Program is exempt from the requirements of the California Environmental Quality Act (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, because CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA; and

WHEREAS, the Planning Division prepared and made available to the public the draft Safe Parking-Safe Shelter Pilot Ordinance for the Coastal area, through its website at <https://humboldt.gov.org/3200/SAFE-PARKING-SAFE-SHELTER-PILOT-PROGRAM>, and by text notifications and emails; and

WHEREAS, on January 19, 2022, the Planning Division caused to be published in the Eureka Times-Standard, a newspaper of general circulation in Humboldt County, a Notice of Public Hearing on the proposed Safe Parking-Safe Shelter Pilot Ordinance and the Shelter Crisis Ordinance; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed Safe Parking-Safe Shelter Pilot Ordinance and the Shelter Crisis Ordinance on March 17, 2022, received a report on the draft Ordinances, received evidence and testimony, and considered said report and the Required Findings of Approval incorporated herein; and

WHEREAS, the Planning Commission, in response to public comments and as a result of its review, adopted Resolution 22-040 making all the required findings and recommending that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Division staff.
3. Approve the Safe Parking-Safe Shelter Pilot Program Ordinance amending the Coastal Zoning Regulations (Section 313 of Title III, Division 1, Chapter 3 of Humboldt County Code) as shown in Attachment 4 of this staff report with the following changes:
 - a. A requirement is added to Section 61.05.1 for the Provider to show that the Department of Environmental Health has approved suitability of the site as to sanitary facilities and water source.
 - b. Alternative 1 is incorporated in Section 61.05.5, which reads as flows: *“This ordinance and all Zoning Clearance Certificates issued pursuant to this ordinance shall expire and be automatically repealed eighteen months from the effective date unless the term of the ordinance and specified Zoning Clearance Certificates are extended by the Board of Supervisors.”*

- c. Alternative 2 is incorporated in Section 61.05.2 with the following conditions, and which read as follows: *“Safe Parking and Safe Shelter programs that meet all of the following requirements are principally permitted in the CN, CG, and ML zoning districts with a Zoning Clearance Certificate. Safe Parking and Safe Shelter programs on the site of a church in other zones may be permitted with a Use Permit, except that church sites on TPZ or prime agricultural land are not eligible.”*
4. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

WHEREAS, on June 7, 2022 the Board of Supervisors held a public hearing on the proposed ordinances, and received public comments, reviewed and considered all public testimony and evidence presented at the hearing;

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

A. Findings for Amendments to the Coastal Zoning Regulations Regarding a Safe Parking–Safe Shelter Pilot Program:

The following evidence supports finding that the proposed zoning ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), and that the project is in the public interest, is consistent with the General Plan, is consistent with the Coastal Act, and does not reduce the residential density to below the requirements set by the Department of Housing and Community Development.

1. **CEQA.** The proposed Ordinance Creating a Coastal Safe Parking-Safe Shelter Pilot Program is exempt from environmental review 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 Amendment. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA.
2. **PUBLIC INTEREST.** The proposed Ordinance Creating an Coastal Safe Parking-Safe Shelter Pilot Program is in the Public Interest.
 - a. State housing law tasks the County with designating adequate sites suitable, feasible, and available for the development of housing for all income levels. Under the Housing Accountability Act, the County is obligated to actively facilitate housing development, including emergency shelters. Because of the time and expense associated with developing traditional shelters, safe parking is a proven short-term measure that could mitigate the health, safety, and environmental concerns related to homelessness. According to the 2019 Grand Jury, safe parking programs would address an immediate need for the hundreds of people living in their vehicles in Humboldt County. The proposed ordinance advances these goals, and is therefore in the public interest.
3. **CONSISTENCY WITH GENERAL PLAN.** The proposed Ordinance Creating a Coastal Safe Parking-Safe Shelter Pilot Program is consistent with the General Plan because all six of the Humboldt County Coastal Plans include the policy that “New housing in the coastal zone shall be developed

inconformity with the standards, policies, and goals of local housing elements”, and the proposed Ordinance carries out the following policies and measures of the 2019 Housing Element, Chapter 8 of the General Plan.

- a. The Safe Parking-Safe Shelter Pilot Program is one piece of the overall strategy of the Housing Element, as expressed in Goals H-G2 and H-G4 of the General Plan, to provide sufficient sites to accommodate residents of all income levels.
- b. Housing Element H-P38 sets a policy to allow for safe parking as emergency shelter to provide capacity for those experiencing homelessness.
- c. Housing Element Implementation Measure H-IM56 directs Planning and Building to implement a safe parking pilot program. The proposed ordinance does that.
- d. Housing Element Implementation Measure H-IM55 directs Planning and Building to support emergency shelters by coordinating site funding, services and operation, and through outreach to non-profits, religious organizations, and multijurisdictional partnerships. The proposed ordinance was developed in coordination with local agency partners and service providers. It includes development standards, Model Management Plans to facilitate Pilot site development.

4. CONSISTENCY WITH THE COASTAL ACT. The proposed Coastal Pilot Program is consistent with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act based on the following evidence:

- a. Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access). The proposed ordinance is necessary to prevent or mitigate an emergency. Persons experiencing homelessness are presently seeking shelter in undeveloped areas along the coast. The proposed ordinance will involve minor temporary use of land having no permanent effect on the environment. Compared to the unauthorized, unregulated use of coastal lands for emergency shelter at present, the proposed regulated use is expected to reduce impacts to coastal access facilities.
- b. Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes). Persons experiencing homelessness are presently seeking shelter in undeveloped areas along the coast. The new ordinance will involve minor temporary use of land having no permanent effect on the environment, and compared to the unauthorized, unregulated use of coastal lands for emergency shelter occurring presently, the proposed regulated emergency shelter use is expected to reduce impacts to coastal recreation facilities.
- c. Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control). Persons experiencing homelessness are presently seeking shelter in undeveloped areas along the coast that impact marine resources. Persons camping illegally have sometimes left their shelter sites with discarded material and human waste. Compared to the unauthorized, unregulated use of coastal lands for emergency shelter at present, the proposed regulated use is expected to reduce impacts to coastal marine resources.
- d. Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources). Persons experiencing homelessness are presently seeking shelter in

undeveloped areas along the coast that impact land resources. Persons camping illegally sometimes leave their shelter sites with discarded material and human waste that reduces the value of sensitive habitats, agricultural lands, timberlands, and archaeological resources that occur in the area. Compared to the unauthorized, unregulated use of coastal lands for emergency shelter at present, the proposed regulated use is expected to reduce impacts to coastal land resources.

- e. Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments). Persons experiencing homelessness are presently seeking shelter in undeveloped areas along the coast that impact scenic resources. Persons camping illegally sometimes leave their shelter sites with discarded material and human waste that reduces their scenic value. Compared to the unauthorized, unregulated use of coastal lands for emergency shelter at present, the proposed regulated use is expected to reduce impacts to coastal scenic resources.
- f. Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants). The Pilot Program allows vacant land or parking areas to be used as temporary shelter sites. They are not expected to displace or otherwise affect industrial uses on the coast.

5. CONSISTENCY WITH HOUSING ELEMENT DENSITIES. The proposed amendments must not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation). The Coastal Safe Parking-Safe Shelter Pilot Program would not reduce the residential density for any parcel below that used by the Department of Housing and Community Development, and is therefore consistent with the Housing Element.

- a. The Pilot Program allows vacant land or parking areas to be used as temporary shelter sites. Parcels potentially affected include multifamily sites and sites with existing churches, which could be included in the residential land inventory. Safe parking and safe shelter sites are expected to increase rather than decrease density for those parcels.

BE IT FURTHER RESOLVED that the Humboldt County Board of Supervisors:

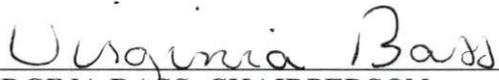
- 1. Finds that the proposed amendments to the Coastal Zoning Regulations conform to and appropriately carry out the policies of each of the Humboldt County's six Coastal Plans and Chapter 3 of the Coastal Act, and further finds that the proposed Zoning Regulations Amendments will be carried out in accordance with the Coastal Act;
- 2. Directs Planning and Building Department staff to transmit the Coastal Safe Parking-Safe Shelter Pilot Program Ordinance, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 305143;
- 2. Directs and hereby provides notice to the California Coastal Commission and its staff that modifications to the proposed amendments to the Zoning Regulations required by the Coastal Commission for certification shall first be brought back to the Board of Supervisors for consideration at a future public hearing prior to certification by the Coastal Commission;

3. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinance within fifteen (15) days after its passage;
5. Directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
6. Directs the Clerk of the Board to give notice of the decision to any interested party.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on June 7, 2022 by the following vote:

Adopted on motion by Supervisor Bushnell , seconded by Supervisor Madrone and the following vote:

AYES: Supervisors: Bohn, Bass, Bushnell, Madrone
NAYS: Supervisors:
ABSENT: Supervisors: Wilson
ABSTAIN: Supervisors:



VIRGINA BASS, CHAIRPERSON,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)
ATTEST:
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: 

Nicole Turner, Deputy Clerk

Date: 6-7-22