

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ADDING PART 19 “TRANSITIONAL ENCAMPMENTS AND SAFE PARKING PROGRAMS” TO CHAPTER 24.12 “COMMUNITY DESIGN” AND ADDING SECTION 24.22.858.5 “TRANSITIONAL ENCAMPMENT” TO CHAPTER 24.22 OF THE SANTA CRUZ MUNICIPAL CODE

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Part 19 “Transitional Encampments” is hereby added to Chapter 24.12 “Community Design” of the Santa Cruz Municipal Code to read as follows:

Part 19: TRANSITIONAL ENCAMPMENTS AND SAFE PARKING PROGRAMS

24.12.1800 – TRANSITIONAL ENCAMPMENTS AND SAFE PARKING PROGRAMS ACCESSORY TO RELIGIOUS FACILITIES OR OTHER PRINCIPAL USES LOCATED ON PROPERTY OWNED OR CONTROLLED BY A RELIGIOUS ORGANIZATION.

A. Transitional encampment and safe parking programs as accessory use. A transitional encampment or safe parking program is allowed as an accessory use on a site in any zone, if the established principal use of the site is as a religious facility or the principal use is on property owned or controlled by a religious organization, subject to the provisions of subsection B of this section. A religious facility site includes property developed with legally-established parking that is accessory to the religious facility. Parking accessory to a religious facility or located on property owned or controlled by a religious organization that is displaced by the encampment does not need to be replaced.

B. The encampment operator or applicant shall comply with the following provisions:

1. Allow no more than 50 persons to occupy the encampment site as residents of the encampment.
2. Comply with the following fire safety and health standards:
 - a. Properly space, hang, and maintain fire extinguishers within the encampment as required by the Fire Department;
 - b. Provide and maintain a 50-person first-aid kit;
 - c. Establish and maintain free of all obstructions access aisles as required by the Fire Department;
 - d. Install appropriate power protection devices at any location where power is provided;

- e. Designate a smoking area;
 - f. Keep the site free of litter and garbage;
 - g. Observe all health-related requirements made by the Santa Cruz County Public Health Department; and
 - h. Post and distribute to encampment residents, copies of health or safety information provided by the City of Santa Cruz, Santa Cruz County, or any other public agency.
 - i. Prohibit any open flames except an outdoor heat source approved by the Fire Department.
3. Provide toilets, water, and garbage collection according to the following standards:
 - a. Provide and maintain chemical toilets as recommended by the portable toilet service provider or provide access to toilets in an indoor location;
 - b. Provide running water in an indoor location or alternatively, continuously maintain outdoor water facilities and discharge the water to a location approved by the City; and
 - c. Remove garbage and recycling frequently enough to prevent overflow.
 4. Cooking facilities, if they are provided, may be located in either an indoor location or outdoors according to the following standards:
 - a. Provide a sink with running water in an indoor location or alternatively, continuously maintain outdoor water facilities and discharge the water to a location approved by the City;
 - b. Provide a nonabsorbent and easily-cleanable food preparation counter;
 - c. Provide a means to keep perishable food cold; and
 - d. Provide all products necessary to maintain the cooking facilities in a clean condition.
 5. Allow officials of the Health Services Agency and Human Services Department of Santa Cruz County, Santa Cruz Fire Department, Santa Cruz Police Department and Santa Cruz Building and Safety Division of the Planning and Community Development Department to inspect areas of the encampment that are located outdoors and plainly visible without prior notice to determine compliance with these standards.
 6. Individuals under the age of 18 years that are not accompanied by a parent or legal guardian shall not be permitted in the encampment or safe parking area.

7. To ensure fire safety and emergency access, require separations or buffers per plan approval by the Fire Chief.
 8. File a site plan with the City of Santa Cruz Planning and Community Development Department showing the arrangement of the encampment, including numbers of tents, vehicles or similar sleeping shelters, all facilities that are separate from the sleeping shelters, and all existing structures on the property, if any. The site plan is for verification of compliance with the requirements of this section and is not subject to City discretionary review or permitting requirements.
 9. File with the site plan an Encampment Operations Plan that shall address: site management, site maintenance, provision of human and social services, referrals to service providers that are able to provide services to individuals under the age of 18 who arrive at an encampment unaccompanied by a parent or legal guardian, and public health and safety standards. The Operations Plan is subject to approval by the City Manager, in consultation with the Planning and Community Development Director.
- C. A site inspection of the encampment by a City inspector is required prior to commencing encampment operations.
- D. Parking is not required for a transitional encampment allowed under this Section 24.12.1800.
- E. The City Manager reserves the right to terminate the use of specific transitional encampments or safe parking programs that are accessory to religious facilities or other principal uses located on property owned or controlled by religious facilities if he or she determines that the specific use is creating a public or private nuisance that warrants termination of said use. Prior to terminating said use, the City Manager shall provide the operator with notification of the applicable nuisance concerns and shall provide the operator with an opportunity to correct said nuisance concerns. If the City Manager terminates said use, the decision may be appealed to the City Council.

24.12.1810 TRANSITIONAL ENCAMPMENT/SAFE PARKING PROGRAM AS AN INTERIM USE

A temporary administrative use permit may be issued for up to one year for a transitional encampment or safe parking program as an interim use according to the requirements of this Section 24.12.1810. The administrative use permit may be approved administratively and shall not require a public hearing.

- A. The City Manager, in consultation with the Planning and Community Development Director, shall adopt rules of operation that include, but are not limited to establishing:

1. Community outreach requirements that include:
 - a. Community outreach standards that the encampment operator shall comply with before filing a transitional encampment interim use permit application, whether for a new transitional encampment or relocation of an existing transitional encampment. At a minimum, outreach standards shall contain a requirement that the encampment operator convene at least one public meeting in the neighborhood where the transitional encampment or safe parking program interim use is proposed to be established, at least 14 days prior to applying for a permit, with notification of the public meeting being prominently posted on the project site and mailed to all owners and occupants within 500 feet of the proposed site at least 14 days in advance of the meeting date;
 - b. A requirement that the proposed encampment operator establish a Community Advisory Committee that would provide advisory input on proposed encampment operations including identifying methods for handling community complaints or concerns as it relates to the facility or facility clients. The committee shall include one individual identified by each stakeholder group in the geographic area where the proposed encampment would be located as best suited to represent their interests. The committee shall consist of no more than seven members. Encampment operator representatives shall attend committee meetings to answer questions and shall provide regular reports to the committee concerning encampment operations. City staff shall be included in all meeting notices and may attend the meetings; and
 2. Operations standards that the encampment operator is required to implement while an encampment is operating.
- B. Location. The transitional encampment interim use shall be located on property meeting the following requirements:
1. The property is zoned: CN – Neighborhood Commercial; CC – Community Commercial; CT – Thoroughfare Commercial; EA-20 – Exclusive Agriculture; IG – General Industrial; I-F/PER & I-G/PER-2 General Industrial/Performance; PA – Professional and Administrative Office; PF – Public Facilities; or PK – Parks.
 2. The property is at least 25 feet from any residentially-zoned lot, except as otherwise provided in Subsection B.3, below.
 3. A property may be less than 25 feet from a residentially-zoned lot and used as an encampment site if:

- a. All encampment facilities, improvements, activities, and uses are located at least 25 feet from any residentially-zoned lot. Access to the encampment site may be located within the 25-foot setback area; and
- b. Screening is installed and maintained along each encampment boundary, except boundaries fronting on an opened public street. The screening shall consist of existing or installed vegetation that is sufficiently dense to obscure viewing the encampment site, or a 6-foot high view-obscuring fence or wall.
4. The property is owned by the City of Santa Cruz, another public entity or a private party.
5. The property is within 1/2 mile of a transit stop. This distance shall be the walking Santa Cruz distance measured from the nearest transit stop to the lot line of the lot containing the encampment site.
6. The property is, as measured by a straight line, at least 0.5 mile from any other legally-established transitional encampment interim use including encampments accessory to a religious facility or accessory to other principal uses on property owned or controlled by a religious organization. This subsection 24.12.1810.A.6 shall not apply to encampments on sites owned or controlled by religious organizations, or to any legally-established transitional encampment interim use that provides shelter for fewer than ten persons.
7. The property is 5,000 square feet or larger and provides a minimum of 100 square feet of land area for each occupant that is permitted to occupy the encampment site, unless otherwise approved in writing by the City Manager or designee.
8. The property does not contain a sensitive habitat, including wetland, riparian fish or wildlife habitat, applicable buffer zone, and is not on a slope of thirty percent or greater unless all encampment facilities, improvements, activities, and uses are located outside any critical area, required buffer, and slope areas.
9. The portion of the property occupied by the encampment between 7:00 a.m. and 10:00 p.m. is not used by an existing, legally-permitted use for code or permit-required purposes including but not limited to parking or setbacks. The encampment may occupy portions of the site during alternative hours to those specified herein, if the Zoning Administrator finds as part of the review of the administrative use permit that the portions of the site are not utilized for code or permit-required purposes during those alternative hours.
10. Individuals under the age of 18 years that are not accompanied by a parent or legal guardian shall not be permitted in the encampment or safe parking area.

11. Tents or vehicles used for sleeping shall be separated per plan approval by the Fire Chief.
- C. Operation. The transitional encampment interim use shall meet the following requirements:
 1. The encampment may be operated by a private party that shall prepare an Encampment Operations Plan that shall address: site management, site maintenance, provision of human and social services, referrals to service providers that are able to provide services to individuals under the age of 18 who arrive at an encampment unaccompanied by a parent or legal guardian, and public health and safety standards. The operations plan shall be filed with and is subject to review and approval as part of the transitional encampment interim use permit application.
 2. The operator shall be included in the qualified encampment roster prepared by the City Manager or designee. The City Manager shall establish a policy that identifies the qualifications for being included in the encampment roster. The transitional encampment interim use permit applicant shall include documentation as part of the permit application demonstrating that the encampment operator is on the qualified encampment operator roster.
- D. Additional requirements. The transitional encampment interim use shall meet the following requirements:
 1. The requirements for transitional encampment accessory uses in subsections 24.12.1800.B and 24.12.1800.C.
 2. The operator of a transitional encampment interim use located on City-owned property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:
 - a. All potential claims and risks of loss from perils in connection with any activity that may arise from or be related to the operator's activity upon or the use or occupation of the City property allowed by the permit; and
 - b. All potential claims and risks in connection with activities performed by the operator by virtue of the permission granted by the permit.
 3. The operator of a transitional encampment interim use located on City-owned property shall, on a form approved by the Director of Planning and Community Development, agree to defend, indemnify, and hold harmless the City of Santa Cruz, its officials, officers, employees, and agents from and against:

- a. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys' fees, or damages of every kind and description resulting directly or indirectly from any act or omission of the operator of a transitional encampment interim use located on City-owned property, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the operator's use or occupancy of the City property; and
 - b. All loss by the failure of the operator of a transitional encampment interim use located on City-owned property to perform all requirements or obligations under the transitional encampment interim use permit, or federal, state, or City codes or rules.
4. A transitional encampment interim use located on City-owned property shall allow service providers to access the site according to the approved operations plan required by subsection 24.12.1810.B.1.
- E. Duration and timing. The transitional encampment interim use shall meet the following requirements:
1. Unless as provided below in subsection 3 of this part, a permit for a transitional encampment interim use under this Section 24.12.1810 may be authorized for up to one year from the date of permit issuance. A permit for a transitional encampment may be renewed one time for up to one year by the City Manager or designee subject to the following:
 - a. The operator shall provide notice of a request to extend the use in a manner determined by the City Manager's rules. The notice shall be given to the Citizen's Advisory Committee and persons who provided the operator with an address for notice;
 - b. The encampment has been operated in compliance with the requirements of this Section 24.12.1810; and
 - c. The operator shall provide with the permit renewal application an Encampment Operations Plan that shall be in effect during the permit renewal period and consistent with subsection 24.12.1810.A.
 2. At least 12 months shall elapse before an encampment use may be located on any portion of a property where a transitional encampment interim use was previously located.
 3. Pursuant to Section 24.08.230.2.B.7, temporary structures and uses in the Coastal Zone cannot exceed six months in duration and are non-renewable, except in a declared shelter crisis.
- F. Each encampment shall not have more than 50 occupants. This limit shall not include transitional encampments accessory to a religious facility.

G. The Zoning Administrator reserves the right to revoke the administrative use permit for a specific transitional encampment or safe parking program if he or she determines that the specific use is creating a public or private nuisance that warrants termination of said use. Prior to revoking said administrative use permit, the Zoning Administrator shall provide the operator with notification of the applicable nuisance concerns and shall provide the operator with an opportunity to correct said nuisance concerns. Revocation of the administrative use permit may be done administratively, without a public hearing. If the Zoning Administrator revokes said administrative use permit, the decision to revoke the permit may be appealed directly to the City Council.

Section 2. Section 24.22.858.5 “Transitional Encampment and Safe Parking” of Chapter 24.22 “Definitions” of the Santa Cruz Municipal Code is hereby added and shall read as follows:

“24.22.858.5 TRANSITIONAL ENCAMPMENT AND SAFE PARKING

A use having tents or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.”

Section 3. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this ____ day of _____, 2019, by the following vote:

AYES:
NOES:
ABSENT:
DISQUALIFIED:

APPROVED: _____
Martine Watkins
Mayor

ATTEST: _____
Bonnie Bush
City Clerk Administrator

PASSED FOR FINAL ADOPTION this ____ day of _____, 2019 by the following vote:

AYES:
NOES:
ABSENT:
DISQUALIFIED:

APPROVED: _____
Martine Watkins
Mayor

ATTEST: _____
Bonnie Bush

City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2019- and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.