

RESOLUTION NO. NS-_____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA CRUZ
DECLARING THE EXISTENCE OF A SHELTER CRISIS IN THE CITY OF SANTA
CRUZ AND SUSPENDING APPLICABLE PROVISIONS OF STATE AND LOCAL
LAW PURSUANT TO THE CALIFORNIA GOVERNMENT CODE AND TAKING
RELATED ACTIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT AND CALIFORNIA COASTAL ACT, ALL RELATED TO
PROVIDING PUBLIC FACILITIES TO MITIGATE THE EFFECTS OF THE
SHELTER CRISIS

WHEREAS, a significant number of persons are living unsheltered in the City of Santa Cruz, without the ability to obtain shelter; and

WHEREAS, in the 2017 Point-in-Time Homeless Census, the City of Santa Cruz was found to have the highest number of individuals experiencing homelessness in the county, with 1,204 counted in the City and 2,249 countywide; and

WHEREAS, the 2017 Point-in-Time Homeless Census also determined that 80% of the countywide homeless population was unsheltered, and this equates to an estimated 963 individuals within the City without shelter on any given night and living on the streets, in vehicles and in encampments in public and private spaces; and

WHEREAS, individuals without shelter are at risk of injury and harm due to exposure to the elements and due to other health, safety and welfare-related circumstances and consequences associated with living outdoors; and

WHEREAS, such individuals generally camp or lodge overnight on or in City parks, sidewalks, parking lots, and beaches, leading to conditions that are in some cases unsanitary, both for the population of individuals experiencing homelessness and the members of the public who use those City parks, sidewalks, parking lots, and beaches; and

WHEREAS, the effects and impacts of such camping and lodging activities have an adverse effect on the health and safety of the people in the City, including the population of individuals experiencing homelessness and the public at large, and those effects and impacts constitute a health hazard; and

WHEREAS, the City provides funding for shelters for individuals experiencing homelessness, which improves access to sanitary conditions for those individuals, but the number of shelter beds that funding provides is at this time insufficient to house the number of unsheltered persons identified in the most recent Point-In-Time Count; and

WHEREAS, the City is pursuing options to open and operate certain public facilities to provide shelter for homeless individuals and their belongings, including on the publicly or privately owned property and public rights-of-way for use as shelters, which may include shelters of the type that provide a "bridge" to housing ("Temporary Bridge Shelters") for individuals who may be eligible for placement in permanent supportive housing, in addition to other public facilities that the City may determine are available for such a purpose or other shelter-related purposes, which facilities may include City-owned or operated buildings, vacant or underutilized land, or parkland to provide facilities that will provide access to restrooms and hand wash stations until one or more permanent shelter locations are operational; and

WHEREAS, strict compliance with otherwise applicable state or local statutes, regulations, and ordinances that prescribe standards for housing, health, and safety would prevent, hinder, or delay the establishment and operation of such facilities for shelter purposes and would prevent, hinder, or delay the mitigation of the effects of the shelter crisis, including by impeding the City's ability to provide improved sanitary living conditions for individuals experiencing homelessness; and

WHEREAS, pursuant to the provisions of California Government Code section 8698 et seq., the City may declare that a shelter crisis exists within its territory, and an effect of such a declaration is that state and local statutes, regulations, and ordinances that prescribe standards for housing, health, or safety that would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis shall be suspended, which state and local statutes include, but are not limited to, specific provisions of: the Santa Cruz Municipal Code, including, but not limited to, rules that regulate specific activities that may occur in public facilities and public property; the California Environmental Quality Act (CEQA), the California Coastal Act, and local ordinances related to implementation thereof; and statutes, regulations, and ordinances related to building requirements, among other state and local statutes; and

WHEREAS, the Planning Department has established that, even if CEQA were not suspended for this limited purpose related to abatement of the shelter crisis, the class of activities anticipated to be carried out to mitigate the effects of the crisis would be statutorily or categorically exempt from CEQA pursuant to one or more of CEQA Guidelines sections 15268, 15269, 15302, 15303, 15304, 15311, 15323, and 15327, and that no exception to the exemptions, as set forth in CEQA Guidelines section 15300.2, would apply and, therefore, that the Council of the City of Santa Cruz, using its independent judgment, may determine that the activity will not have a significant effect on the environment; and

WHEREAS, that even if the California Coastal Act were not suspended for this limited purpose related to abatement of the shelter crisis, the shelter crisis herein declared constitutes an emergency, immediate action is required to protect individuals experiencing homelessness from imminent danger, the facilities are necessary and reasonable to prohibit and abate a nuisance, and the facilities will be designed, to the extent deemed feasible by the City, so as not cause or result in any adverse impacts or effects on any coastal resources or environmentally sensitive habitat areas, and to in fact cause or result in a reduction or elimination of current adverse impacts and effects on coastal resources associated with illegal camping and lodging activities by members of the public, including by individuals experiencing homelessness; and

WHEREAS, on March 12, 2019, the Council of the City of Santa Cruz held a duly noticed public meeting and considered the written record for the action, as well as public comment;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Cruz hereby finds and adopts the recitals above as findings and determinations.

BE IT FURTHER RESOLVED that the Council of the City of Santa Cruz hereby finds and declares the existence of a shelter crisis in the City of Santa Cruz pursuant to and in accordance with the provisions of California Government Code section 8698.2(a)(1) because it finds that a significant number of persons in the City are without the ability to obtain shelter, which results in a threat to their health and safety and the health and safety of the community at large.

BE IT FURTHER RESOLVED that this declaration of the existence of a shelter crisis shall continue in effect until terminated by the Council of the City of Santa Cruz, which termination shall not occur while a significant number of persons remain without the ability to obtain shelter or while unsanitary sleeping and living conditions or other conditions endanger the health and safety of those unable to obtain shelter.

BE IT FURTHER RESOLVED that the City asserts the immunity provided by California Government Code section 8698.1(a), which immunity applies to ordinary negligence in the provision of shelter to mitigate this crisis and that, pursuant to California Government Code section 8698.1(b), the provisions of state or local regulatory statutes, regulations, and ordinances prescribing standards of housing, health, or safety are deemed suspended and inapplicable to activities related to the shelter crisis because strict compliance with such statutes, regulations, and ordinances would prevent, hinder, or delay the mitigation of the effects of the shelter crisis; including specifically that they are suspended and inapplicable to the establishment and operation of the Temporary Bridge Shelters and the establishment and operation of any other public facilities that the City may make available to unsheltered individuals as reasonably determined by the City to be necessary to mitigate the effects of the shelter crisis and that, with respect to such facilities, the Council of the City of Santa Cruz authorizes the City Manager to apply health and safety standards consistent with the requirements of California Government Code section 8698.1(b).

BE IT FURTHER RESOLVED that, specifically, the provisions of CEQA are deemed suspended and inapplicable with respect to the Temporary Bridge Shelters and any other public facilities that the City may make available to unsheltered individuals, but that, nevertheless, the Council of the City of Santa Cruz determines that the establishment and operation of such facilities is exempt from the provisions of CEQA and that no exception is applicable.

BE IT FURTHER RESOLVED that, specifically, the provisions of the California Coastal Act are deemed suspended and inapplicable with respect to the Temporary Bridge Shelters and any other public facilities that the City may make available to unsheltered individuals, but that, nevertheless, the Council of the City of Santa Cruz determines that such facilities are exempt from the provisions of the California Coastal Act.

BE IT FURTHER RESOLVED that the Council of the City of Santa Cruz requests that the City's labor management representatives expeditiously resolve, in accordance with approved memoranda of understanding between the City and its recognized employee organizations and the Meyers-Milias-Brown Act, any labor relations matters related to the City's response to the shelter crisis, as related to the use of any public facilities that the City may make available to unsheltered individuals.

BE IT FURTHER RESOLVED that any one of the reasons stated herein as support for the declaration of a shelter crisis forms a sufficient basis on which to base that determination independent of any other justification for the determination.

BE IT FURTHER RESOLVED that the City Manager, or his or her designee, is authorized to execute documents and to perform acts as are necessary and appropriate to implement these approvals.

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PASSED AND ADOPTED this 12th day of March, 2019, by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

ABSENT: Councilmembers -

DISQUALIFIED: Councilmembers -

APPROVED _____
Martine Watkins
Mayor

ATTEST _____
Bonnie Bush
City Clerk