



County of Sonoma

State of California

Date: February 21, 2023

Item Number: _____

Resolution Number: _____

☒ 4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
and of The Board of Commissioners of the Sonoma County Community Development
Commission declaring a Shelter Crisis pursuant to Government Code § 8698.2**

**The Board of Supervisors of the County of Sonoma and the Board of Commissioners of the
Sonoma County Community Development Commission Find:**

Whereas, the County of Sonoma has developed a homelessness plan and undertaken multiple efforts at the local level to combat homelessness; and

Whereas, the Board of Supervisors of the County of Sonoma and the Board of Commissioners of the Sonoma County Community Development Commission jointly declared a Shelter Crisis on October 9, 2018 pursuant to Government Code § 8698.2 and those conditions and findings are still relevant and in effect; and

Whereas, the County of Sonoma, Sonoma County Continuum of Care, and partnering cities working on regional housing and homelessness solutions have allocated more than \$225,000,000 in State, Federal, and Local funds to combat homelessness throughout the County since 2018, providing supportive services, street outreach, rapid rehousing and has invested capital and operating dollars in emergency shelter, non-congregate shelter, and permanent housing; and

Whereas, these expenditures and related or matching funds from State, Federal, and Local sources have increased local housing units by more than 420 interim housing beds and another nearly 100 permanent supportive housing beds to the local inventory; and

Whereas, the results of the 2022 Homeless Point-in-Time Count for Sonoma County indicated that there are 2,893 people experiencing homelessness in Sonoma County, with 2,088 living in unsheltered circumstances; and

Whereas, since that time, the number of people occupying the Joe Rodota Trail in large encampments have increased, resulting in health and safety concerns for those occupants and the overall community; and

Whereas, there is currently a large homeless encampment consisting of more than 50 tents/structures and more than 50 individuals located on a portion of the Joe Rodota Trail, which is County owned property located within the Santa Rosa city limits; and

Whereas, the Joe Rodota Trail is a recreational and commuter trail intended to be enjoyed by the public at large, and the existence of encampments on the trail impedes the public use of this property for its intended purpose, blocks the safe and efficient passage of bicycles, pedestrians, and emergency vehicles through the designated right-of-way, and creates significant health and safety concerns for the persons living on the trail as well as a threat to the environment, public health, and the safety and well-being of the community at large; and

Whereas, extraordinary immediate actions and coordination are required to address this dire situation, including through the creation and operation of an emergency housing facility under Government Code § 8698.1, et seq.; and

Whereas, the County of Sonoma finds that there are a significant number of persons living on or around the portion of the Joe Rodota Trail located within the City of Santa that are currently without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons living on the trail along with the community at large; and

Whereas, the County of Sonoma finds that the health and safety of unsheltered persons in the County of Sonoma is threatened by a lack of shelter; and

Whereas, the County of Sonoma affirms the County of Sonoma's commitment to combating homelessness and creating or augmenting a continuum of shelter and service options for those living without shelter in our communities; and

Whereas, on December 2, 2019, the Board adopted the 2019 California Building Standards Code with local amendments and included in the adoption the matrix tables that precede each chapter, appendix or annex within each part of the model codes (Sonoma County Ord. No. 6295, § I, 12-2-2019); and

Whereas, two of those appendices set forth the specific California State Building Standards Code standards for emergency housing and emergency housing facilities to ensure the protection of public health and safety when there has been a declaration of a shelter crisis pursuant to Government Code section 8698.2 [California Building Code, Matrix Adoption Table Appendix O – Emergency Housing; California Residential Code - Matrix Adoption Table Appendix AX- Emergency Housing collectively referred to as "Emergency Housing Standards"]; and

Whereas, on December 6, 2022, the Board adopted the 2022 California Building Standards Code with local amendments and included in the adoption the matrix tables that precede each chapter, appendix or annex within each part of the model codes (Sonoma County Ord. No. 6395, § I, 12-6-2022); and

Whereas, two of those appendices set forth the specific California State Building Standards Code standards for emergency housing and emergency housing facilities to ensure the protection of public health and safety when there has been a declaration of a shelter crisis pursuant to

Government Code section 8698.2 [California Building Code, Matrix Adoption Table Appendix P – Emergency Housing; California Residential Code - Matrix Adoption Table Appendix AZ- Emergency Housing, collectively referred to as “Emergency Housing Standards” attached hereto as Exhibit 1 and incorporated herein by reference]; and

Whereas, the Board has determined that strict compliance with the standard provisions of the California Building Standards Code for public facilities open to the homeless would prevent, hinder or delay the mitigation of the effects of the shelter crisis; and

Whereas, the Board has adopted by ordinance reasonable local standards and procedures for emergency housing as described above and temporarily suspends strict compliance with the California Building Standards Codes for public facilities open to the homeless to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis and the Board enacts the Emergency Housing Standards to be operative during the housing emergency and shall only apply to additional public facilities open to the homeless pursuant to Government Code sections 8698.1 and 8698.4; and

Whereas, Staff has determined that the project is statutorily exempt from CEQA, on the following bases: The action is an emergency project that is statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resources Code section 21080(b)(4) and California Code of Regulations, title 14, section § 15269(c). The project is a 'specific action[] necessary to prevent or mitigate an emergency.' (Public Resources Code § 21080(b)(4).) This action is taken in response to an occurrence that involves a 'clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.' (Public Resources Code sec. 21060.3.) The event is ongoing and there is a high probability of recurrence in the short-term. In addition, actions of the Board regarding preparation for emergency housing facilities are exempt from CEQA pursuant to Government Code section 8698.4(a)(4), which provides that CEQA 'shall not apply to actions taken by a state agency or a city, county, or city and county, to lease, convey, or encumber land owned by a city, county, or city and county, or to facilitate the lease, conveyance, or encumbrance of land owned by the local government for, or to provide financial assistance to, a homeless shelter constructed or allowed by this section.

Now, Therefore, Be It Resolved that this Board of Supervisors and Board of Commissioners hereby find, declare, determine and order as follows:

1. The foregoing recitations and findings are true and correct and incorporated herein.
2. Pursuant to Government Code § 8698.2, the County of Sonoma and the Community Development Commission hereby declare that a Shelter Crisis exists on and around the portion of the Joe Rodota Trail within the City of Santa Rosa, and that by this declaration, the County of Sonoma and Sonoma County Community Development Commission are authorized to exercise all rights conferred under Government Code § 8698.1, et seq.

PASSED AND ADOPTED at a special meeting of the Sonoma County Board of Supervisors and Board of Commissioners of the Sonoma County Community Development Commission this 21st day of February 2023 by the following vote:

Supervisors/Commissioners:

Gorin: Rabbitt: Gore: Hopkins: Coursey:

Ayes: Noes: Absent: Abstain:

So Ordered.