

M O T I O N

On October 2, 2019, the Council adopted Ordinance No. 186339, to align the City’s shelter crisis regulations with the State Government Code. This applied to both emergency homeless shelters for City owned/leased properties, and charitable organizations (Municipal Code Sections 12.80 and 12.81).).

Under the provisions of the Municipal Code, during any period for which the Mayor and/or the Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless may be established and operated in the Multiple Dwelling zone; Residential/Accessory Services Zone; Commercial Zone; Commercial Manufacturing Zone; and Industrial Zone without regard to the number of beds or number of persons served, if the shelter is operated by a religious institution or a non-profit, charitable organization, and the shelter is located on property owned or leased by that institution or organization.

The Municipal Code requires that providers register with the City by submitting the ‘Cold/Wet Weather Temporary Shelter Application’ and compliance with the requirements promulgated by the Fire Department. In addition, it requires written notification to the owners of properties abutting the subject property, as well as to any school located within 500 feet of the subject property, prior to operating a shelter for the homeless on the subject property, and compliance with all local, state, and federal requirements that apply to the permitted use of their property while operating a shelter for the homeless.

In the event that a property owner applies under this use, and receives approval through the Plan Check and building permitting process without a known or identified provider, it is not clear when, or if, the property owner must meet the requirements related to registering and complying with the abovementioned ‘Cold/Wet Weather Temporary Shelter Application.’ Notice of the proposed use is necessary for the success of a shelter which requires collaboration with the surrounding community.

Inasmuch as the City faces an acute shortage of winter homeless shelters through March 2023, having fewer than half the number of shelter sites and nearly two-thirds fewer shelter beds than in the winter of 2021-2022, and faces a shelter shortage even after the winter season ends, it is of utmost importance to clarify what is required of homeless shelter owners and providers.

I THEREFORE MOVE that the Council instruct the Planning Department, the Department of Building and Safety, and the Housing Department, in consultation with the City Attorney, to prepare a report with recommendations, and any needed amendments to the Municipal Code, to clarify the notification requirements of emergency homeless shelter property owners when a homeless shelter provider has not been identified at the time the project application is filed, and is being reviewed through the Plan Check and building permitting process.

PRESENTED BY:



TIM McOSKER
Councilmember, 15th District

SECONDED BY:



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