



MEMORANDUM

TO: CITY COUNCIL

FROM: DIANNE THOMPSON, CITY MANAGER

SUBJECT: CONSIDERATION OF RECOMMENDATIONS BY THE HOMELESS SERVICES OVERSIGHT COUNCIL REGARDING TEMPORARY WARMING SHELTERS

DATE: FEBRUARY 23, 2016

RECOMMENDATION:

It is recommended the City Council discuss recommendations by the Homeless Services Oversight Council (HSOC) and San Luis Obispo County Board of Supervisors (SLO BOS) regarding warming shelters; and

1. direct staff to prepare a response letter to the SLO BOS.
2. do not declare a shelter crisis or provide additional funding at this time;
3. process temporary or pilot warming shelters via the Temporary Use Permit process;

IMPACTS ON FINANCIAL AND PERSONNEL RESOURCES:

No direct fiscal impact. This item is not identified in the Critical Needs Action Plan.

BACKGROUND:

At the February 9, 2016 City Council meeting, following a presentation by the 5 Cities Homeless Coalition, it was agreed to schedule a future agenda item to discuss options for addressing the needs of the homeless. The intent of the request is to raise awareness regarding the urgent needs of the homeless, particularly during cold weather, and evaluate potential services that may be expeditiously provided by non-profits and the Community.

Additionally, on February 2, 2016, the SLO BOS unanimously approved the following (Attachment 1):

- Declared a shelter crisis for the unincorporated area of the County per the Government Code noted above. The declaration sunsets April 15, 2016.
- Formally requested all incorporated cities make a similar declaration.
- Made \$10,000 available for warming shelters/centers. Community organizations would apply to use the funds.
- Requested each of the incorporated cities also to make \$10,000 available for warming shelters/centers.
- Encouraged community partners and communities within SLO County to bring forward additional recommendations.

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- Directed County staff to further examine why existing shelters are not being used at full capacity.
- Requested bringing back to the Board options to streamline the Conditional Use Permit process (in the unincorporated area) related to shelters so that community organizations may be able to open or expand warming centers and shelters more expeditiously.

ANALYSIS OF ISSUES:

Declaration of a Shelter Crisis

Government Code Sections 8698, et seq. include a provision that would allow government-owned or leased buildings and facilities to be made available for use as warming shelters (Attachment 2). A shelter crisis may be declared due to a finding that a significant number of persons are without the ability to obtain shelter resulting in a threat to their health and safety. Provisions are included to temporarily waive certain provisions regarding housing habitability and limit City liability. The declaration would be subject to a sunset provision (e.g., after winter months). The County and the City of Paso Robles have declared a shelter crisis for this winter. It should be noted, however, that the City already has a warming shelter on E. Grand Ave. leased by the County since 2013. It should also be noted that the 5 Cities Homeless Coalition has recently applied for a permit to relocate the facility within Arroyo Grande but not within a public facility.

Funding

SLO BOS has recommended that each of the cities in the County make \$10,000 available to warming shelters. It was noted by Janna Nichols, Executive Director of the 5 Cities Homeless Coalition during her presentation, that they had received a sizable donation by the New Life Church that will enable them to continue operations of a warming shelter in the South County. Additionally, the City provides funding through the Community Service Grant process. In 2015, \$1,500 was awarded and proposals for 2016 are currently under review.

Process

Council may wish to consider streamlining the City review and approval process for applications related to warming shelters. A streamlined process could be enacted with an urgency ordinance to allow the waiver of certain provisions or processes (e.g. suspending code sections that would require a discretionary permit to establish the use). Ms. Nichols of the Five Cities Homeless Coalition indicated that her agency's most urgent request was that the Council enact a streamlined process to open warming shelters in non-public facilities. However, in the past the City has utilized a Temporary Use Permit process to serve as a streamlined process (as compared to a conditional use permit). This process was previously used successfully for the St. Barnabas safe parking program that was approved for a trial period.

Critical components of the TUP process for a warming shelter would include extensive stakeholder outreach and final approval by the City Council. Therefore, it is not

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recommended that the City modify our regulations to provide a new streamlined process since our current process has worked well in the past. If desired, Council could direct staff to prioritize processing of applications for warming shelters within our current process.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

- 1) Respond to the County with a letter describing the City's current activities related to homeless shelters (the City recognizes the need to address homeless issues in our community and will continue to work with the County, other jurisdictions and non-profit partners in these efforts, the City supports the warming shelter currently in operation in our City, and the City currently funds and will likely continue to fund the Five Cities Homeless Coalition in their work).
- 2) Declare a shelter crisis based on the identified need and in accordance with Government Code Sections 8698, et seq.
- 3) Consider the County's request for financial support of \$10,000.
- 4) Direct staff to prioritize warming shelter applications non-public facilities with our current TUP process.
- 5) Discuss modifying the City's current regulations to further streamline the application and approval process for warming shelters at non-public facilities.

ADVANTAGES:

- Declaration of a shelter crisis for this winter is not needed as the County already operates a shelter in the City. Additionally, groups currently renting City facilities would be significantly impacted. Finally, the City does not currently have the resources (staffing, expertise or funding) to use a City facility as a shelter.
- Not providing funding of \$10,000 would not likely impact operations of such a facility as the 5 Cities Homeless Coalition has received adequate private funding.
- Utilizing the Temporary Use Permit process for the approval of a temporary or pilot warming shelter for non-public facilities would enable churches or other facilities to open their buildings for use temporarily.

DISADVANTAGES:

- Not declaring a shelter crisis would not provide the opportunity for City facilities or additional government leased facilities to operate as temporary warming shelters for the remaining winter season should the existing shelter capacity be exceeded.
- By not contributing funding of \$10,000 to further aid south county operations additional funding is limited to private donations and existing grants.
- Allowing the Temporary Use Permit Process to serve as a streamlined permit process for temporary or pilot warming shelters may limit the City's ability to require appropriate conditions and may limit public review opportunities.

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ENVIRONMENTAL REVIEW:

Staff has reviewed the proposed options in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Procedures for the Implementation of CEQA and determined that all are exempt per Section 15269 of the CEQA Guidelines because they are specific actions to mitigate an emergency situation.

PUBLIC NOTIFICATION:

The Agenda was posted in front of City Hall on Thursday, February 18, 2016. The Agenda and report were posted on the City's website on Friday, February 19, 2016. No comments have been received.

Attachments:

1. February 3, 2016 email from Dan Buckshi, SLO County Administrative Officer
2. Government Code Section 8698

From: dbuckshi@co.slo.ca.us [mailto:dbuckshi@co.slo.ca.us]

Sent: Wednesday, February 03, 2016 8:26 AM

To: AD_City-Managers@co.slo.ca.us; gbadmin@grover.org

Subject: Action by the Board of Supervisors regarding homeless shelters/warming centers

ATTACHMENT 1

City Managers,

As each of you are likely aware, on Jan 20 the Homeless Services Oversight Council (HSOC) unanimously passed the following recommendation:

The County and the other local jurisdictions agendize a declaration of a shelter crisis pursuant to Government Code 8698 et seq. and consider making designated public facilities available for the duration of the state of emergency and allow persons who are unable to obtain housing to occupy the facilities for the duration of the crisis.

It's worth noting that each of the cities have a representative on HSOC. As a result of the recommendation from this advisory body, the Board of Supervisors took up the matter yesterday. The Board unanimously approved the following:

- Declared a shelter crisis for the unincorporated area of the county per the Government Code noted above. The declaration sunsets April 15.
- Formally requested that all incorporated cities make a similar declaration
- Made \$10,000 available for warming shelters/centers. Community organizations would apply to use the funds.
- Requested each of the incorporated cities to also make \$10,000 available for warming shelters/centers
- Encouraged community partners and communities within SLO County to bring forward additional recommendations
- Staff to further examine why existing shelters are not being used at full capacity
- Bring back options to the Board to streamline the Conditional Use Permit process (in the unincorporated area) related to shelters so that community organizations may be able to open or expand warming centers and shelters more expeditiously.

As a result of the above actions, the Board will be sending a letter to each city council in order to make the requests regarding a shelter declaration and funding.

Attached below for your reference is a copy of the staff report from yesterday's Board meeting.

Regards,
Dan

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GOVERNMENT CODE

SECTION 8698-8698.2

ATTACHMENT 2

8698. For purposes of this chapter, the following definitions shall apply:

(a) "Political subdivision" includes the state, any city, city and county, county, special district, or school district or public agency authorized by law.

(b) "Governing body" means the following:

(1) The Governor for the state.

(2) The legislative body for a city or city and county.

(3) The board of supervisors for a county.

(4) The governing board or board of trustees for a district or other public agency.

(5) An official designated by ordinance or resolution adopted by a governing body, as defined in paragraph (2), (3), or (4).

(c) "Public facility" means any facility of a political subdivision including parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained, or any combination thereof, by the political subdivision through money derived by taxation or assessment.

(d) "Declaration of a shelter crisis" means the duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.

8698.1. Upon a declaration of a shelter crisis, the following provisions shall apply during the period of the emergency.

(a) The political subdivision shall be immune from liability for ordinary negligence in the provision of emergency housing pursuant to Section 8698.2. This limitation of liability shall apply only to conditions, acts, or omissions directly related to, and which would not occur but for, the provision of emergency housing. This section does not limit liability for grossly negligent, reckless, or intentional conduct which causes injury.

(b) The provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Political subdivisions may, in place of such standards, enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety. The provisions of this section apply only to additional public facilities open to the homeless pursuant to this chapter.

8698.2. (a) (1) The governing body may declare a shelter crisis, and may take such action as is necessary to carry out the provisions of this chapter, upon a finding by that governing body that a significant number of persons within the jurisdiction of the governing body are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of

those persons.

(2) For purposes of this chapter, the governing body of the state, in making a declaration of a shelter crisis pursuant to paragraph (1), may limit that declaration to any geographical portion of the state.

(b) Upon a declaration of a shelter crisis pursuant to subdivision (a), the political subdivision may allow persons unable to obtain housing to occupy designated public facilities during the duration of the state of emergency.

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