

5504

06/25/13

(R-2013-791)

RESOLUTION NUMBER R- 308315

DATE OF FINAL PASSAGE JUN 27 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING A HOMELESS SHELTER CRISIS IN THE CITY AND SUSPENDING APPLICABLE PROVISIONS OF LOCAL LAW; AUTHORIZING THE CONTINUED OPERATION OF TEMPORARY EMERGENCY SHELTERS AT 2801 1/2 SPORTS ARENA BOULEVARD AND AT THE CUL DE SAC AT 16th STREET AND NEWTON AVENUE FOR FISCAL YEAR 2014; AUTHORIZING THE CITY TO PAY UP TO AND INCLUDING \$1.9 MILLION TO THE SAN DIEGO HOUSING COMMISSION TO FUND THE SHELTERS; AUTHORIZING THE CITY TO PAY UP TO AND INCLUDING \$50,000 TO THE HOUSING COMMISSION TO FUND THE TRANSITIONAL STORAGE CENTER FOR FISCAL YEAR 2014; AND RELATED ACTIONS

WHEREAS, a significant number of persons are living outside and unsheltered in the City of San Diego at any given time, without the ability to obtain shelter; and

WHEREAS, the 2013 Regional Task Force on Homelessness Point-In-Time Count revealed that 64.6% of the entire homeless population in the San Diego region is located within the City of San Diego and, in the City of San Diego, 5,733 homeless individuals were counted; and

WHEREAS, of those homeless persons counted, 3,115 were living on the streets and the City has insufficient existing shelter beds to shelter these persons; and

WHEREAS, such individuals 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 outside; and

WHEREAS, such individuals generally camp or lodge overnight on or in City parks, sidewalks, parking lots and beaches; and

WHEREAS, the effects and impacts of such camping and lodging activities on the physical environmental resources and on the use and enjoyment of public spaces for their intended purpose have an adverse effect on the health and safety of the people in San Diego, including the homeless population, and constitute a nuisance for which abatement is warranted; and

WHEREAS, in Fiscal Year 2014, the City will provide funding for a total of 685 homeless shelter beds and/or transitional housing beds from various funding sources; and

WHEREAS, there is a need for additional shelter beds to accommodate the number of City of San Diego homeless individuals in need of such shelter; and

WHEREAS, there is a continuing need to allow for the operation of two separate temporary emergency shelters – the Homeless Veterans Shelter currently located on Navy-owned property located at 2801 ½ Sports Arena Boulevard and the Single Adult Homeless Shelter currently located on City-owned public right-of-way at the cul de sac at 16th Street and Newton Avenue; and

WHEREAS, pursuant to the provisions of California Government Code section 8698, et seq., the City may declare a shelter crisis, which is deemed to constitute a local emergency; and

WHEREAS, strict compliance with otherwise applicable state or local statutes, regulations and ordinances would prevent, hinder or delay the mitigation of the effects of the shelter crisis, by impeding the establishment and continued operation of the temporary emergency shelters; and

WHEREAS, the San Diego Housing Commission administers the contracts for the City's Homeless Services, including the current shelters and transitional storage center, pursuant to a

Memorandum of Understanding between the City and the Housing Commission effective July 1, 2010, as amended; and

WHEREAS, in the Housing Commission's Fiscal Year 2014 budget, \$1.3 million was included for the continued operation of the Single Adult Homeless Shelter currently located at the cul de sac at 16th Street and Newton Avenue, and \$600,000 was included for the continued operation of the Homeless Veterans Shelter currently located on Navy-owned property located at 2801 ½ Sports Arena Boulevard; and

WHEREAS, the Mayor or designee, and the President and Chief Executive Officer of the Housing Commission or designee, seek authority to prepare and execute agreements and to take such actions as are necessary to allow the continued operation of the two emergency shelters and the transitional storage center throughout Fiscal Year 2014, as described in this Resolution and the Report to City Council accompanying this Resolution; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego hereby adopts the recitals above as findings and determinations.

BE IT FURTHER RESOLVED, that the City hereby finds and declares the existence of a shelter crisis in the City of San Diego pursuant to and in accordance with the provisions of California Government Code section 8698.2(a)(1), because a significant number of persons in the City of San Diego are without the ability to obtain shelter, resulting in threat to their health and safety.

BE IT FURTHER RESOLVED, that this declaration of the existence of a shelter crisis shall continue until terminated by the City Council and shall be applicable to the establishment and continued operation throughout Fiscal Year 2014 of the Homeless Veterans Shelter currently

located on Navy-owned property located at 2801 ½ Sports Arena Boulevard and the Single Adult Homeless Shelter currently located on City-owned public right-of-way at the cul de sac at 16th Street and Newton Avenue.

BE IT FURTHER RESOLVED, that the recommendations as referenced in the Report to the City Council accompanying this Resolution are adopted.

BE IT FURTHER RESOLVED, that the City is authorized to pay up to and including \$1.3 million in general funds, and any other additional amounts hereafter appropriated by the City of San Diego for these purposes, to the San Diego Housing Commission to fund the Single Adult Emergency Homeless Shelter at the City-owned cul-de-sac at 16th Street and Newton Avenue for Fiscal Year 2014, upon proper submittal of adequate documentation of expenditures as determined by the City's Economic Development & Program Management staff, contingent upon the Comptroller certifying that funds are available.

BE IT FURTHER RESOLVED, that the City is authorized to pay up to and including \$600,000 in general funds, and any other additional amounts hereafter appropriated by the City of San Diego for these purposes, to the San Diego Housing Commission to fund the Veterans Emergency Homeless Shelter on Navy property at 2801 ½ Sports Arena Boulevard for Fiscal Year 2014, upon proper submittal of adequate documentation of expenditures as determined by the City's Economic Development & Program Management staff, contingent upon the Comptroller certifying that funds are available.

BE IT FURTHER RESOLVED, that the City is authorized to pay up to and including \$50,000 in general funds to the San Diego Housing Commission to fund the Transitional Storage Center for Fiscal Year 2014, which amount is to be provided to the Housing Commission upon proper submittal of adequate documentation of expenditures as determined by the City's

Economic Development & Program Management staff, contingent upon the Comptroller certifying that funds are available.

BE IT FURTHER RESOLVED, that pursuant to Government Code section 8698.1(b), the provisions of local regulations and ordinances shall be suspended and deemed inapplicable to the extent that strict compliance with such regulations and ordinances would in any way prevent, hinder or delay the establishment and operation of the two designated temporary shelters.

BE IT FURTHER RESOLVED, that in accordance with Government Code section 8698.1(b), the provision of any other applicable state statutes and regulations are deemed suspended to the extent that strict compliance with such statutes and regulations would in any way prevent, hinder or delay the establishment and operation of the designated temporary emergency shelters.

BE IT FURTHER RESOLVED, that pursuant to Government Code section 8698.1(b), the provisions of the California Environmental Quality Act (CEQA) are deemed suspended with respect to the temporary emergency shelter facilities located at 2801 ½ Sports Arena Boulevard and at the cul de sac at 16th Street and Newton Avenue. Furthermore, the temporary emergency shelter facilities referenced herein nevertheless are exempt from the provisions of CEQA in accordance with State CEQA Guidelines section 15304(e).

BE IT FURTHER RESOLVED, that pursuant to Government Code section 8698.1(b), the provisions of the California Coastal Act are deemed suspended with respect to the temporary emergency shelter at the cul de sac at 16th Street and Newton Avenue. Furthermore, the temporary emergency shelter referenced herein nevertheless is exempt from the provisions of the California Coastal Act inasmuch as the shelter crisis herein declared by the City Council constitutes an emergency and, in addition, inasmuch as the facilities are necessary and

reasonable to prohibit and abate a nuisance. The temporary emergency shelter will not cause or result in any adverse impacts or effects on any coastal resources or environmentally sensitive habitat areas, and will in fact cause or result in a reduction or elimination of current adverse impacts and effects on coastal resources associated with camping and lodging activities.

BE IT FURTHER RESOLVED, that the Mayor and the President and Chief Executive Officer of the Housing Commission, or designees, are authorized to execute such documents and to perform such acts as are necessary and/or appropriate to implement these approvals.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Leslie A. FitzGerald
Chief Deputy City Attorney

LAF:nja
06/18/13
Or. Dept: Mayor
Doc. No. 583510

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 6/25/13.

ELIZABETH S. MALAND
City Clerk

By *Dannette Sparks*
Deputy City Clerk

Approved: 6/27/13
(date)

Bob Filner
BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

JUN 25 2013

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

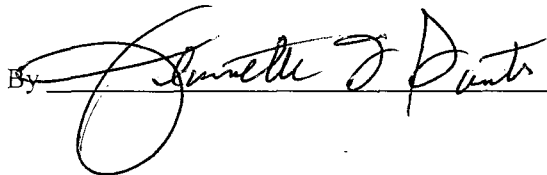
Date of final passage JUN 27 2013

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>308315</u>