

RESOLUTION NUMBER R- 309267

DATE OF FINAL PASSAGE OCT 14 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING A SHELTER CRISIS IN THE CITY OF SAN DIEGO, SUSPENDING APPLICABLE PROVISIONS OF STATE AND LOCAL LAW PURSUANT TO THE CALIFORNIA GOVERNMENT CODE, TAKING RELATED ACTIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ALL RELATED TO THE CITY'S EMERGENCY SHELTERS, AND PROVIDING DIRECTION REGARDING THE SINGLE ADULT EMERGENCY WINTER SHELTER.

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 2014 Regional Task Force on Homelessness Point-In-Time Count revealed 62.8 percent (5,199 individuals) of persons experiencing homelessness in the San Diego region are located within the City of San Diego (City); and

WHEREAS, of those homeless persons counted, 2,468 were living on the streets, and the City has insufficient 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 the City,

including the homeless population, and those effects and impacts constitute a nuisance for which abatement is warranted; and

WHEREAS, in Fiscal Year 2015, the City will provide funding for a total of 495 homeless shelter beds and transitional housing beds from various funding sources; and

WHEREAS, there is no need for additional shelter beds to accommodate the number of City homeless individuals in need of such shelter; and

WHEREAS, there is a need to allow for the operation of two separate emergency shelters - the Veterans Emergency Winter Shelter, to be locate at the Navy-owned property at 2801 ½ Sports Arena Boulevard, and the Single Adult Emergency Winter Shelter, to be located on the City-owned public right-of-way at the cul-de-sac at 16th Street and Newton Avenue (Emergency Shelter), as recommended by the Mayor's Office; 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, including by impeding the establishment and continued operation of the Emergency Shelters; and

WHEREAS, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.), section 21084, states that the CEQA Guidelines thereto (California Code of Regulations, title 14, chapter 3, section 15000 et seq.) shall list those classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, pursuant to that authority, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and adopted by the Secretary of the California Natural Resources Agency for those classes of projects which have been determined not to have a significant effect on the environment; and

WHEREAS, the Development Services Department has established that the activity is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15304, 15311, and 15323 and that no exception to the exemptions, as set forth in CEQA Guidelines section 15300.2, apply to the activity; and

WHEREAS, on October 7, 2014, the Council of the City of San Diego held a duly noticed public meeting and considered the written record for the action, as well as public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment, has determined that the activity will not have significant effect on the environment, as it involves the following minor temporary use of land having negligible or no permanent effects on the environment, placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional uses (*e.g.*, seasonal or temporary use items), and normal operations of existing facilities for public gatherings; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego hereby finds and 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 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; specifically, that it shall be applicable to activities that include but are not limited to the establishment and continued operation throughout Fiscal Year 2015 of the Emergency Shelters.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 8698.1(b), the provisions of state or local regulatory statutes, regulations, and ordinances are deemed suspended and inapplicable to the extent that strict compliance with such regulations and ordinances would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis, including mitigation effected by the establishment and operation of the Emergency Shelters.

BE IT FURTHER RESOLVED, that, in addition to any other state or local regulatory statute, regulation, or ordinance deemed suspended and inapplicable pursuant to California Government Code section 8698.1(b), specifically, the provisions of CEQA are deemed suspended and inapplicable with respect to the Emergency Shelters.

BE IT FURTHER RESOLVED, that, furthermore, that the Council of the City of San Diego determines that the Emergency Shelters are nevertheless categorically exempt from the provisions of CEQA in accordance with CEQA Guidelines sections 15304(e), 15311, and 15323 and that no exception is applicable.

BE IT FURTHER RESOLVED, that, in addition to any other state or local regulatory statute, regulation, or ordinance deemed suspended and inapplicable pursuant to California Government Code section 8698.1(b), specifically, the provisions of California Coastal Act are deemed suspended with respect to the Emergency Shelters. Furthermore, the Emergency Shelters are nevertheless exempt from provisions of the California Coastal Act inasmuch as the shelter

crisis herein declared by the Council of the City of San Diego constitutes an emergency, immediate action is required to protect the homeless from imminent danger, and the facilities are necessary and reasonable to prohibit and abate a nuisance. The Emergency Shelters will be designed 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 camping and lodging activities.

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

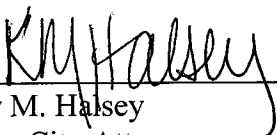
BE IT FURTHER RESOLVED, that the City Council's approval of this action is conditioned upon the following:

1. The 16th & Newton location shall not be brought forward by staff for the site of any FY 2016 Single Adult Emergency Winter Shelter.
2. The Housing Commission and City staff shall conduct a programmatic study regarding possible locations for a permanent, indoor shelter. This study shall be completed and presented to the City Council prior to April 1, 2015, and include projected costs and timeframes for the use of each site examined in the study. The 16th & Newton location shall not be considered a feasible option in the study.
3. The Housing Commission and City staff shall conduct a minimum of three community meetings in the Barrio Logan area to address neighborhood issues concerning the operation of the Single Adult Emergency Winter Shelter. These meetings shall take place between October 13, 2014 - March 31, 2015.

4. The Housing Commission, SDPD's Homeless Outreach Team (HOT) and Alpha Project shall conduct enhanced patrols in the area surrounding the Single Adult Emergency Winter Shelter to deter public camping between the shelter and Chicano Park, including right-of-way areas and the areas around Interstate 5, including under the 1-5.

5. The City Council's Public Safety and Livable Neighborhoods (PS&LN) Committee shall hold a hearing on this issue in early 2015.

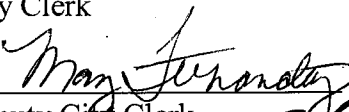
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keely M. Halsey
Deputy City Attorney

KMH:als
09/23/14
10/08/14 Cor. Rev.
Or.Dept:SDHC
Doc. No.: 862363_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 07 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/14/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 07 2014, 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"/>
Ed Harris	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 14 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California

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