

RESOLUTION NUMBER R- 312284DATE OF FINAL PASSAGE MAR 25 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING THE EXISTENCE OF A SHELTER CRISIS IN THE CITY OF SAN DIEGO AND SUSPENDING APPLICABLE PROVISIONS OF STATE AND LOCAL LAW PURSUANT TO THE CALIFORNIA GOVERNMENT CODE RELATED TO PROVIDING PUBLIC FACILITIES TO MITIGATE THE EFFECTS OF THE SHELTER CRISIS AND TAKING RELATED ACTIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT RELATED TO PROVIDING PUBLIC FACILITIES TO MITIGATE THE EFFECTS OF THE SHELTER CRISIS.

WHEREAS, a significant number of persons are living in the City of San Diego (City), without the ability to obtain shelter; and

WHEREAS, the Regional Task Force on the Homeless conducted its Point-In-Time Count on January 26, 2018, to collect data related to homelessness in the San Diego region, which showed that:

- 8,576 individuals are experiencing homelessness in the San Diego region, 74% of whom indicated they became homeless while living in the region;
- 4,912 of those individuals live within the boundaries of the City, which number represents 57% of the regional total; the city with the next-largest share has 8% of the regional total;
- The remaining population of 3,664, which represents 43% of the regional total, is spread among four areas made up of other city jurisdictions and the unincorporated County: North County Inland, North County Coastal, South County, and East County (each with 13%, 10%, 7%, and 13% of the total, respectively);

- 2,282 members of the City's homeless population are sheltered in emergency shelters, safe havens, or transitional housing;
- 2,630 members of the City's homeless population are unsheltered; this means that 53% of the total number of unsheltered individuals in the region live within the boundaries of the City;
- For the first time since 2014, the number of unsheltered persons in the region has decreased. In the City, the current number of unsheltered persons represents a 7% decrease as compared to last year's count, but a 22% increase as compared to the 2014 count; and

WHEREAS, even though the number of unsheltered persons decreased in 2018, homelessness is still a significant concern and the City still has insufficient shelter beds to shelter these persons; and

WHEREAS, individuals without shelter 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 outdoors; and

WHEREAS, such individuals generally camp or lodge overnight on or in City parks, sidewalks, parking lots, and beaches, leading to conditions that are in some cases unsanitary, for individuals experiencing homelessness and for those visiting or using these City parks, sidewalks, parking lots, and beaches; and

WHEREAS, the effects and impacts of such camping and lodging activities have an adverse effect on the health and safety of the people in the City, including the population of individuals experiencing homelessness and the public at large; and

WHEREAS, the City provides funding for shelters for individuals experiencing homelessness and has opened certain public facilities for operation of three shelters for homeless individuals and their belongings, including on the public right-of-way at the cul-de-sac of 16th Street and Newton Avenue in Barrio Logan, on privately-owned property near the intersection of 14th and Commercial Streets in the Downtown community, and on a Navy-owned lot near the 2700 block of Sports Arena Boulevard in the Midway neighborhood, that provide a “bridge” to housing (Temporary Bridge Shelters) for individuals who may be eligible for placement in permanent supportive housing; and

WHEREAS, City funded shelters and the Temporary Bridge Shelters improve access to sanitary conditions for individuals experiencing homelessness, but the number of shelter beds that these activities provide is at this time insufficient to house the number of unsheltered persons identified in the most recent Point-In-Time Count; and

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

WHEREAS, the Temporary Bridge Shelter located near the intersection of 14th and Commercial Streets must be relocated and the City may determine other public facilities are available for that purpose or other shelter-related purposes, including on City-owned or operated buildings, vacant or underutilized land; and

WHEREAS, pursuant to the provisions of California Government Code sections 8698-8698.4, the City may declare that a shelter crisis exists within its territory; and

WHEREAS, during a declared shelter crisis, state and local statutes, regulations, and ordinances that prescribe housing, health, habitability, planning or zoning, or safety standards, shall be suspended provided the City has adopted and complies with local health and safety

standards and procedures for homeless shelters consistent with ensuring minimal public health and safety, which state and local statutes include specific provisions of the San Diego Municipal Code regulating specific activities that may occur in public facilities and on public property; and

WHEREAS, to facilitate adoption of local standards and procedures, the California Department of Housing and Community Development adopted Appendix N to the California Building Code, which establishes minimal public health and safety standards for emergency housing established pursuant to a declaration of shelter crisis; and

WHEREAS, the Council of the City of San Diego (Council) is considering a proposed ordinance adopting Appendix N to the California Building Code with local modifications and additions concurrently with this declaration; and

WHEREAS, strict compliance with otherwise applicable state or local statutes, regulations, and ordinances that prescribe housing, health, habitability, planning and zoning, and safety standards would prevent, hinder, or delay the relocation of the Temporary Bridge Shelter currently located at 14th and Commercial Streets, the establishment and operation of additional shelter facilities, and the City's efforts to mitigate the effects of the shelter crisis; and

WHEREAS, the Planning Department has established that the class of activities anticipated to be carried out to mitigate the effects of the crisis would be statutorily or categorically exempt from CEQA pursuant to Government Code section 8698.4, and one or more of CEQA guidelines sections 15060(c)(2), 15303, 15304, and 15332, and that no exception to the exemptions, as set forth in CEQA Guidelines section 15300.2 would apply, and therefore, that the Council using its independent judgment, may determine that the activity will not have a significant effect on the environment; and

WHEREAS, on MAR 19, 2019, the Council held a duly noticed public meeting and considered the written record for the action, as well as public comment; NOW, THEREFORE,

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

BE IT FURTHER RESOLVED, that the Council 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 sections 8698-8698.4 because it finds that a significant number of persons in the City are without the ability to obtain shelter, which results in a threat to their health and safety.

BE IT FURTHER RESOLVED, pursuant to Government Code sections 8698-8698.4, that this declaration of the existence of a shelter crisis shall continue in effect until terminated by the Council, which termination shall not be effected while a significant number of persons remain without the ability to obtain shelter or while unsanitary sleeping and living conditions or other conditions endanger the health and safety of those unable to obtain shelter.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 8698.4 the provisions of state or local regulatory statutes, regulations, and ordinances prescribing standards of housing, health, habitability, planning and zoning, or safety are deemed suspended and inapplicable to activities related to mitigating the shelter crisis because strict compliance with such statutes, regulations, and ordinances would prevent, hinder, or delay the mitigation of the effects of the shelter crisis; including specifically that they are suspended and inapplicable to the establishment and operation of any public facilities that the City may make available to unsheltered individuals as reasonably determined by the City to be necessary to mitigate the

effects of the shelter crisis and that, with respect to such facilities, the Council authorizes the Mayor to apply reasonable local standards adopted by ordinance.

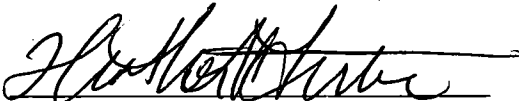
BE IT FURTHER RESOLVED, that Council determines that activities undertaken to mitigate the effects of the shelter crisis, including the relocation of the Temporary Bridge Shelter located at 14th and Commercial Streets and the establishment and operation of any public facilities that the City might make available to unsheltered individuals are exempt from the provisions of CEQA and that no exception is applicable.

BE IT FURTHER RESOLVED, that the Council requests that the City's labor management representatives expeditiously resolve, in accordance with approved memoranda of understanding between the City and its recognized employee organizations and the Meyers-Milius-Brown Act, any labor relations matters related to the City's response to the shelter crisis, as related to the use of any public facilities that the City may make available to unsheltered individuals.

BE IT FURTHER RESOLVED, that any one of the reasons stated herein as support for the declaration of a shelter crisis forms a sufficient basis on which to base that determination independent of any other justification for the determination.

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

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Heather M. Ferbert
Deputy City Attorney

HMF:nja
01/23/19
Or. Dept: Office of the Mayor
Doc. No.: 1915213

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 19 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3/25/19
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAR 19 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Chris Cate	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 25 2019.

(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.

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

By Connie Peterson, Deputy

Office of the City Clerk, San Diego, California
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