

DATE: September 25, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Neighborhood Services Department

SUBJECT: **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DECLARING A TEMPORARY SHELTER CRISIS AND SUSPENDING THE ZONING ORDINANCE REQUIREMENT TO ALLOW PUBLIC FACILITIES AND CHURCHES TO SHELTER UP TO 50 PERSONS FROM DECEMBER 1, 2013, THROUGH APRIL 15, 2014, WITHOUT OBTAINING A CONDITIONAL USE PERMIT**

### **SYNOPSIS**

Staff recommends that the City Council adopt a resolution declaring a temporary shelter crisis in the City of Oceanside from December 1, 2013, through April 15, 2014, and suspending the zoning ordinance requirement to allow public facilities and churches to shelter homeless persons without obtaining a conditional use permit. In the resolution, the Council makes a finding that a significant number of homeless persons will be without the ability to obtain shelter during cold weather and that this situation will result in a threat to their health and safety. The resolution allows public facilities and churches to provide temporary shelter for a maximum of 50 homeless persons without obtaining a conditional use permit.

### **BACKGROUND**

For several years, the City Council has adopted resolutions declaring a shelter crisis and last year allowed churches to provide shelter for up to 50 persons without obtaining a conditional use permit.

### **ANALYSIS**

A declaration of shelter crisis requires a finding by the City Council that there is a significant number of persons within the jurisdiction of the governing body that are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons. The proposed resolution will suspend the conditional use permit requirement for a temporary homeless shelter during the period of December 1, 2013, through April 15, 2014. Therefore, the City will not require that a church facility obtain a permit in order to provide temporary shelter for up to 50 persons on their premises.

**FISCAL IMPACT**

No fiscal impact.

**COMMISSION OR COMMITTEE REPORT**

The Commission recommended that the City Council adopt the resolution to allow the public facilities and churches to shelter up to 50 persons from December 1,2013 - April 15,2014 without obtaining a conditional use permit. The Commission is aware that the funding for the regional winter shelter network was approved in the Neighborhood Services FY2013-2014 budget.

**CITY ATTORNEY'S ANALYSIS**

The resolution has been reviewed by the City Attorney and approved as to form. Section 8698.1 of the Government Code authorizes the City to suspend the application of its zoning ordinance and other ordinances to allow public facilities to provide shelter for homeless persons upon a declaration of shelter crisis.

**RECOMMENDATION**

Staff recommends that the City Council adopt a resolution declaring a temporary shelter crisis in the City of Oceanside from December 1, 2013, through April 15, 2014, and suspending the zoning ordinance requirement to allow churches to shelter homeless persons without obtaining a conditional use permit.

PREPARED BY:

SUBMITTED BY:

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Margery M. Pierce  
Director of Neighborhood Services

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Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager \_\_\_\_\_

George Buell, Development Services Director \_\_\_\_\_

Attachment: Resolution

1 RESOLUTION NO. \_\_\_\_\_

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 OCEANSIDE DECLARING A TEMPORARY SHELTER CRISIS  
4 AND SUSPENDING THE ZONING ORDINANCE REQUIREMENT  
5 TO ALLOW CHURCHES TO SHELTER UP TO 50 PERSONS  
6 FROM DECEMBER 1, 2013 THROUGH APRIL 15, 2014  
7 WITHOUT OBTAINING A CONDITIONAL USE PERMIT

8 WHEREAS, there are insufficient designated homeless shelters in the City of Oceanside  
9 to accommodate the number of persons in need of such shelter;

10 WHEREAS, a number of these homeless persons are elderly, disabled and families with  
11 young children;

12 WHEREAS, cold nighttime temperatures and inclement weather threaten the health and  
13 safety of these persons; and,

14 WHEREAS, many churches that would otherwise temporarily house homeless families  
15 are unable to process conditional use permits in time for the inclement weather period from  
16 December 1, 2013 to April 15, 2014;

17 NOW, THEREFORE, the City Council of the City of Oceanside does find and resolve as  
18 follows:

19 1. The City Council finds that: (a) a significant number of persons within the City of  
20 Oceanside are without the ability to obtain shelter because of a lack of adequate homeless  
21 shelter space; and (b) this situation has resulted in a threat to their health and safety because of  
22 the pending cold inclement weather.

23 2. Pursuant to Government Code Section 8698.2(a)(1), the City Council therefore  
24 declares that there is a temporary shelter crisis in the City of Oceanside.

25 3. In order to mitigate the effects of the shelter crisis, the zoning ordinance  
26 requirement of a conditional use permit for temporary homeless shelters in church facilities for  
27 50 persons or fewer is suspended from December 1, 2013 until April 15, 2014, in accordance  
28 with Government Code Section 8698.1(b).

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1           4.     Each location must be evaluated individually by inspectors from the Building  
2 Department and Fire Department. The actual number of spaces shall be based upon the  
3 inspection. Each location shall have an approved fire and life safety plan.

4           PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this  
5 \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

6           AYES:

7           NAYS:

8           ABSENT:

9           ABSTAIN:

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MAYOR OF THE CITY OF OCEANSIDE

13 ATTEST:

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16 CITY CLERK

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18 APPROVED AS TO FORM:

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21 CITY ATTORNEY