

STAFF REPORT



ITEM NO. 17
CITY OF OCEANSIDE

DATE: December 17, 2014

TO: Honorable Mayor and City Councilmembers

FROM: Neighborhood Services Department

SUBJECT: **ADOPTION OF A RESOLUTION 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, 2014, THROUGH APRIL 15, 2015, AND DIRECT STAFF TO MAKE REQUISITE ZONING TEXT AMENDMENTS TO ACCOMMODATE THE WINTER SHELTER PROGRAM**

SYNOPSIS

Staff recommends that the City Council adopt a resolution declaring a temporary shelter crisis in the City of Oceanside retroactively from December 1, 2014, through April 15, 2015, and suspending the zoning ordinance requirement to allow public facilities and churches to shelter homeless persons without obtaining a conditional use permit; and direct staff to make requisite zoning text amendments to accommodate the winter shelter program on a permanent basis so that annual approval, such as this action, will not be necessary.

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 during winter months 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, 2014, through April 15, 2015. If the resolution is adopted, 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 for the specified time period.

The area north of Wisconsin and west of Interstate 5 would be excluded from the suspension of zoning requirements under the resolution.

Each shelter operator will be required to obtain approval of its management and operation plan from the City Neighborhood Services Director which must include a security plan. The operator will be required to adhere to the requirements established by the Alliance for Regional Solutions, a regional system which unifies these separate programs into a single system to provide expanded shelter capacity and a common set of practices, which includes individual case management, trained night watch staff, and medical support services. The shelter must enforce a zero tolerance for possession of alcohol and drugs or being under the influence of alcohol and drugs. Sobriety and drug testing will be a requirement for admission into a shelter. Dependent children accompanying any adult who is referred for sobering services will be referred to custodial services.

Shelter participants will practice "Good Neighbor" conduct while in the community during the day and be respectful of local businesses. The "Good Neighbor" concept means being aware and respectful of the surrounding community. Shelter guests are not allowed to loiter around the surrounding areas. Shelter staff is responsible for ensuring that this is enforced appropriately. A map of the surrounding area of the shelter with locations of local day programs and other resources is to be posted on the wall and copies given to each guest. Participants are required to engage in activities related to their case management goals. Panhandling by shelter participants is prohibited. Verified incidents of panhandling can result in denial of shelter services.

Professional Case Managers will be needed to provide services 3 hours nightly at the shelter sites, with a maximum of 25 clients per case manager. Night watch staff should be trained in First Aid/CPR and the special needs of the mentally ill.

Collection of data from each shelter will be required to submit to the Shelter Administrator of the Alliance for Regional Solutions so that it may be input into the HMIS (Homeless Management Information Strategies) database.

FISCAL IMPACT

The Regional Winter Shelter Network was funded under business unit 928880400286.5395.0005, in the amount of \$30,000, during the Fiscal Year 2014/2015 budget process.

COMMISSION OR COMMITTEE REPORT

The Housing Commission supports City Council's recommendation to adopt the resolution to allow the public facilities and churches to shelter up to 50 persons from December 1, 2014 - April 15, 2015 without obtaining a conditional use permit. The Housing Commission is aware that the funding for the regional winter shelter network was approved in the Neighborhood Services FY 2014-2015 budget.

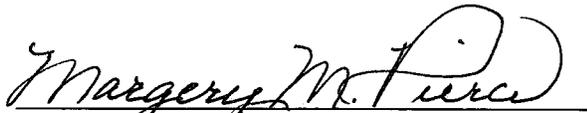
CITY ATTORNEY'S ANALYSIS

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 retroactively from December 1, 2014, through April 15, 2015, and suspending the zoning ordinance requirement to allow public facilities and churches to shelter homeless persons without obtaining a conditional use permit; and direct staff to make requisite zoning text amendments to accommodate the winter shelter program on a permanent basis so that annual approval, such as this action, will not be necessary.

PREPARED BY:


Margery M. Pierce
Director of Neighborhood Services

SUBMITTED BY:


Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant City Manager 

Jeff Hunt, Interim City Planner 

James Riley, Financial 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, 2014 THROUGH APRIL 15, 2015
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 and individuals are unable to process conditional use permits in time for the inclement weather
16 period from December 1, 2014 to April 15, 2015;

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. The City Council therefore declares that there is a temporary shelter crisis in the
24 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, 2014 until April 15, 2015, subject to the
28 following requirements and conditions:

(a) Each location must be evaluated individually by inspectors from the
Building Department and Fire Department. The actual number of spaces shall be based

1 upon the inspection.

2 (b) Each location shall have a fire and life safety plan approved by the
3 Building Department and Fire Department.

4 (c) Each location shall have a management and operation plan approved by the
5 Department of Neighborhood Services. Each management and operation plan must
6 include a security plan, individual case management, trained night watch staff, and
7 medical support services. Each location must enforce a zero-tolerance policy for
8 possession or being under the influence of alcohol or drugs. Each location must enforce
9 "Good Neighbor" conduct by shelter participants with respect to the surrounding
10 community.

11 (d) Each location shall collect and submit data to the Shelter Administrator of
12 the Alliance for Regional Solutions so that the data may be input into the Homeless
13 Management Information Strategies (HMIS) database.

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