

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
TITLE 5 OF THE SAN JOSE MUNICIPAL CODE TO ADD
CHAPTER 5.12 ADOPTING REASONABLE LOCAL
STANDARDS FOR THE DESIGN, SITE DEVELOPMENT
AND OPERATION OF HOMELESS SHELTERS AND THEIR
STRUCTURES AND FACILITIES IN LIEU OF EXISTING
STATE AND LOCAL STANDARDS AND STANDARDS FOR
EMERGENCY HOUSING**

WHEREAS, the Shelter Crisis Act, California Government Code section 8698 et seq. authorizes certain public entities, upon a declaration of a shelter crisis, to provide emergency housing to the homeless in existing public facilities including parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained, by the public entity, and authorize the occupation of those facilities; the Shelter Crisis Act also provides immunity from liability for ordinary negligence in the provision of emergency housing, and suspends any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Specified public entities may, in place of such standards, enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety; and

WHEREAS, Assembly Bill 932 amended the Shelter Crisis Act, California Government Code section 8698 *et seq.*, to add section 8698.4 which expanded the scope of the Shelter Crisis Act authorizing certain public entities upon a declaration of a shelter crisis, to locate or construct homeless shelters, in new or existing structures on public entity owned or leased property, and in lieu of compliance with state and local building, housing, health, habitability, or safety standards and laws, to adopt by ordinance, reasonable local standards for the design, site development, and operation of homeless shelters and

structures and facilities therein to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, Assembly Bill 143 (2019-20) amended Government Code section 8698.4 effective January 1, 2020, to add the City to the public entities authorized under that section to adopt an ordinance and upon a declaration of a shelter crisis, to locate or construct homeless shelters consistent with its terms; and

WHEREAS, on December 7, 2018, the California Department of Housing and Community Development (“HCD”) adopted new emergency building standards related to emergency housing and emergency housing facilities in response to the housing crisis and other emergencies in voluntary Appendix O to the 2019 California Building Code and voluntary Appendix X to the 2019 California Residential Code which are now found at Appendices P and AZ, respectively in the 2022 versions of these codes (collectively, the “Emergency Housing Appendices”); and

WHEREAS, Government Code section 8698.4 also provides that with respect to an ordinance establishing reasonable local standards, those standards shall, at a minimum, meet the standards provided in the 2019 Emergency Housing Appendices, and any future standards adopted by the Department of Housing and Community Development related to emergency housing or emergency housing facilities, unless the city, county, or city and county adopts findings stating why the standards cannot be met and stating how the standards in the ordinance protect health and safety; and

WHEREAS, this Ordinance is intended to comply with the requirements of California Government Code section 8698.4 for the adoption of reasonable local standards for the

design, site development, and operation of homeless shelters and the structures; and facilities therein and to provide a determination that strict compliance with current state and local standards or laws would prevent, hinder, or delay the mitigation of the effects of the shelter crisis declared by the City; and

WHEREAS, this Ordinance is intended to provide design and life safety provisions that the City has determined to be substantially consistent with the applicable sections of Emergency Housing Appendices and where needed to provide findings stating why the standards in the Emergency Housing Appendices cannot be met and stating how the standards in the ordinance protect health and safety; and

WHEREAS, with respect to each of the findings and determinations made in the Ordinance, the City Council has considered the entirety of the administrative record including the staff report, resolution, ordinances, and oral testimony and comments to make the findings and decisions; and

WHEREAS, Government Code Section 8698.4 defines a Homeless Shelter as a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis; and

WHEREAS, Government Code section 8698.4 also provides and provides that a “homeless shelter” shall include a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless and unstably housed individuals and that a temporary homeless shelter community may include supportive and self-sufficiency development services; and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the City prepared and circulated an EIH Programmatic Initial Study and Mitigated Negative Declaration covering this Ordinance (the "Initial Study/Mitigated Negative Declaration") under File No. [REDACTED]; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Resolution No. [REDACTED] prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

A new Chapter is added to Title 5 of the San José Municipal Code, to be numbered and entitled and to read as follows:

**Chapter 5.12
HOMELESS SHELTERS**

**Part 1
PURPOSE AND FINDINGS**

5.12.100 Findings and Declarations

The City Council finds and declares as follows:

- A. On a per capita basis, San José has one of the largest unsheltered populations of any major city in the United States. The 2023 Point in Time Homeless Census identified a total of 6,266 unstably housed individuals residing in San José on any given night. Out of the total, 4,386 persons were unsheltered (e.g., residing on the street, in vehicles, in abandoned buildings, or in encampment areas). Of these 4,366 persons, it is estimated that 20% are sheltering in vehicles.

- B. The primary obstacle to reducing or ending homelessness in San José remains the shortage of permanent affordable housing. In addition to a shortage of permanent affordable housing opportunities in San Jose, there is insufficient temporary homeless shelter capacity. According to a 2021 report by the Santa Clara County's Office of Supportive Housing, Santa Clara County emergency shelters located in the City of San José and elsewhere in the county have the capacity to provide 1,113 shelter beds on any given night. It is anticipated that the 2023 Continuum of Care Housing Inventory Count will show the City's progress on providing shelter beds when it is published including 2,376 emergency shelter beds in Santa Clara County, of which 1,916 are located in San José.

- C. Over the last several years, the City of San José and its partners have pursued many innovative programs to address the need for homeless housing including: creating a pipeline of permanent supportive housing and rapid re-housing units; and repurposing hotels and motels for the purpose of emergency interim housing, eviction prevention programs constructing longer term emergency interim housing; safe parking programs and providing winter warming centers to offer life-saving temporary shelter in City community facilities. Despite these actions, thousands of people are still living on the street or without adequate shelter on any given night, and more immediate emergency housing options are needed to ensure the continued health and well-being of the most vulnerable members of our community. In addition to the previously known risks of being unsheltered, the

unsheltered members of our community are the most vulnerable to harms arising from new threats including pandemics and the climate emergency.

- D. In light of these many unsheltered residents whose health and well-being are at risk and due to the need for immediate emergency housing solutions including homeless shelters, the City has declared a shelter crisis, and has determined that Homeless Shelters (as defined in Part 2 of this Chapter) are needed as a part of the City's efforts to provide additional shelter during the shelter crisis.
- E. There are existing state housing, health, habitability, planning and zoning, or safety standards, procedures and laws the strict enforcement of would prevent, hinder, or delay the mitigation of the effects of the shelter crisis. These laws include the laws and policies expressly suspended or authorized for suspension under subsection (a) of Government Code Section 8698.4, including but not limited to the Planning and Zoning Law, Landlord-Tenant law (Civil Code Sections 1941 to 1942.5, inclusive, of the Civil Code), the Subdivision Map Act, the Surplus Land Act, the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code), the Mobile home Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), the Mobile home Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), or the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code). Pursuant to the authority in in the Shelter Crisis Act, upon a declaration of a shelter crisis in the City, during such shelter crisis in lieu of compliance with the foregoing, Homeless Shelters (as defined in Part 2 of this Chapter) shall be subject to the reasonable standards in this Ordinance and such procedures, plans and guidelines as may be approved by the City.

- F. There are existing local standards and laws including adopted City Council Policies, City approved land use plans and policies, the general plan, local building approval procedures, Council Policies, and Council Resolutions, as well as Chapter 4.12, Title 6, Title 8, Title 11, Titles 13-15, Titles 17-20, Title 24 and Title 27 of the San José Municipal Code that would prevent, hinder, or delay the mitigation of the effects of the shelter crisis if a requirement for strict compliance was imposed on Homeless Shelters. To the extent these local standards and laws impose requirements on Homeless Shelters, during a shelter crisis, in lieu of compliance with the aforementioned local standards and laws, Homeless Shelters shall be subject to the reasonable standards in this Ordinance and such guidelines as may be approved by the City Manager or designee, provided however, that until in lieu standards for Chapter 4.12 and Title 27 are approved in the City Manager's guidelines, Homeless Shelters must comply with Chapter 4.12 and Title 27 of the San José Municipal Code.
- G. Upon a declaration of a shelter crisis in the City, Homeless Shelters shall be authorized as emergency housing and the City may authorize persons unable to obtain housing to occupy Homeless Shelters during the duration of such state of emergency consistent with the Shelter Crisis Act, such persons shall not be considered tenants.
- H. The Emergency Housing Appendices to the California Building Code and California Residential Code, which contain standards applicable to structures occupied under a shelter crisis declaration shall apply as specified herein, however in order to most expeditiously improve the circumstances of the greatest number of homeless persons, the City shall have the authority hereunder to vary the application of those standards in the manner described In Section 5.12.112.

5.12.110 Purpose and Scope

- A. This Chapter sets forth the City's standards and procedures for the design, site development and operation of Homeless Shelters and the structures and facilities therein, consistent with Government Code Section 8698.4, on land owned or leased by the City of San José or by an agency or entity created pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) which has the City as a member during any Shelter Crisis.

- B. Notwithstanding any provisions of the San José Municipal Code, any Council Resolution, Council Policy and/or local land use plans, including the general plan, to the contrary, the requirements of this Chapter shall apply to Homeless Shelters during a Shelter Crisis declared by City of San José, as provided for in Government Code Section 8698 *et seq.* Homeless Shelters need not comply with any conflicting or more restrictive requirements of the San José Municipal Code, Council Resolutions, City land use plan, City general plan, any Council Policy, any City administrative guidelines, any City standards or any City practices except as expressly provided in this Chapter.

- C. This Ordinance is intended to apply to and authorize Mobile Shelter Communities (as defined in Part 2), campgrounds with Tents (as defined in Part 2), Homeless Shelters that include safe parking and Tents, and, except where expressly excluded, all other types of Homeless Shelters authorized under Government Code Section 8698.4. Homeless Shelters may only be occupied during a shelter crisis declared by the City of San José.

- D. During the operative period of San Jose Municipal Code Chapter 5.09, this Chapter shall not apply to Emergency Bridge Housing, as defined under San José Municipal Code Chapter 5.09 prior to January 1, 2025 absent the adoption of a

resolution declaring such Emergency Bridge Housing should instead be subject to this Chapter.

5.12.120 Findings Related to the Emergency Housing Appendices

The City Council finds and declares as follows:

- A. Appendix P to the 2022 California Building Code has no substantive changes from Appendix O to the 2019 California Building Code adopted by the California Department of Housing and Community Development (“HCD”). The structures including Tents (as defined in the Emergency Housing Appendices), buildings or Emergency Transportable Housing Units (as defined in Part 2) assembled, constructed, or owned by the City or by the City’s contractors shall comply with the Emergency Housing Appendices, more specifically to Appendix P to the 2022 California Building Code except as expressly provided in this Ordinance, as may be amended or updated and approved by HCD.
- B. Pursuant to Government Code section 8698.4, where the City anticipates a need to vary from the requirements of the Emergency Housing Appendices it must provide findings stating why the standards in the Emergency Housing Appendices cannot be met and stating how the standards in this ordinance protect health and safety, which findings are summarized in this Section.
- C. Homeless Shelters may be established in locations which do not have running water available, which may make it difficult or impossible to meet the requirement for running water in Emergency Housing Appendices Section P110.3, potentially preventing the use of the location for a Homeless Shelter and hindering mitigation of the shelter crisis. Where running water is not available on the property, portable toilets and lavatories and mobile washing and bathing facilities shall be provided consistent with the adopted guidelines, subject to the approval of the applicable

official of the Enforcing Agency (as defined in Part 2) as being sufficient to protect health and safety.

- D. Tents and other non-hard sided structures shall have privacy locks required by Emergency Housing Appendix P Section P103.5 made available to the occupants where installation of such locks cannot be accomplished due to the physical limitations of the tents and other non-hard sided structures, the locks provided shall be intended to protect health and safety.
- E. Authority for alternative compliance and/or modifications that are reasonably equivalent to or more restrictive than the requirements in the Emergency Housing Appendices by the applicable official of the Enforcing Agency where the original requirements cannot reasonably be met, provided that the applicable official has determined that the modifications protect health and safety.
- F. The City has determined that consistent with providing improved circumstances possible for the largest number of homeless persons during the shelter crisis, that for a single-occupancy buildings and structures, the minimum square footage required by Emergency Housing Appendix P Section P103.3 shall be reduced to 53 square feet, which is adequate.
- G. A large number of the City's homeless occupy vehicles including Recreational Vehicles, where they live and store their remaining possessions and the vehicles that they occupy often do not include the capacity to provide heating and would exclude these recreational vehicles from a Homeless Shelter allowed for safe parking due to this lack would have a negative impact on the health and safety of the occupants and would prevent, hinder, or delay the mitigation of the effects of the Shelter Crisis, and the City cannot reasonably retrofit these resident's vehicles to provide heating, thus the City has determined that where a vehicle is owned or controlled by the occupant, not the City, it shall be presumed to provide adequate

heating required by Emergency Housing Appendix P, Section P103.6 unless the applicable official of the Enforcing Agency determines that it is not watertight and sealing it is not possible.

Part 2 DEFINITIONS

5.12.200 Definitions

The definitions set forth in this Part shall govern the application and interpretation of this Chapter. Words and phrases not defined in this Part 2 shall be interpreted so as to give this Chapter its most reasonable application.

5.12.205 Emergency Housing

“Emergency Housing” shall mean any housing or shelter provided during a declared shelter crisis in public facilities including Homeless Shelters to persons without the ability to obtain shelter.

5.12.210 Emergency Housing Appendices

“Emergency Housing Appendices” means the building standards related to emergency housing and emergency housing facilities adopted in response to the shelter crisis and other emergencies in voluntary Appendix O to the 2019 California Building Code and voluntary Appendix X to the 2019 California Residential Code which are now found at Appendices P and AZ, respectively in the 2022 versions of these codes voluntary Appendix O to the 2019 California Building Code and voluntary Appendix X to the 2019 California Residential Code which are now found at Appendices P and AZ, respectively in the 2022 versions of these codes.

5.12.210 Emergency Transportable Housing

“Emergency Transportable Housing” shall have the meaning provided in Emergency Housing Appendix P.

5.12.215 Enforcing Agency

"Enforcing Agency" means the City of San José.

5.12.215 Homeless Shelter

“Homeless Shelter” means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. A homeless shelter may include supportive and self-sufficiency development services. A “homeless shelter” shall also include a parking lot owned or leased by the City of San José or a JPA (as defined below), which lot is specifically identified as one allowed for safe parking, either overnight or 24/7, by homeless and unstably housed individuals.

5.12.210 JPA

“JPA” means an agency or entity created pursuant to the Joint Exercise of Powers Act, California Government Code section 6500 *et seq.*, which has the City of San José as a member.

5.12.220 Lease

“Lease” means a ground lease, airspace lease, or other written agreement, including but not limited to a license or right of entry agreement that gives the City the right to develop or establish and operate a Homeless Shelter on the property of the party executing the agreement.

5.12.220 Mobile Shelter Community

“Mobile Shelter Community” means a parking lot or similar area owned or leased by the City of San José or a JPA (as defined below), which area is specifically identified as one allowed for safe parking, either overnight or 24 hours per day, seven days a week. Mobile Shelters may allow RV’s and Tents.

5.12.220 Recreational Vehicle (RV)

“Recreational Vehicle” or “RV” means a motor vehicle (including, but not limited to, motor homes, travel trailers, truck campers, or camping trailers with or without motive power) that includes living quarters designed for, or modified to include, accommodation.

5.12.230 Shelter Crisis

“Shelter Crisis” means a crisis declared by the City pursuant to Government Code section 8698 *et seq.*

5.12.230 Tent

“Tent” means a structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

Part 3 GENERAL

5.12.300 Operative Period

This Chapter shall be operative until January 1, 2026, or such later date as may be allowed by amendments to the Shelter Crisis Act.

5.12.310 Applicability

This Chapter shall apply only to Homeless Shelters developed and occupied during a Shelter Crisis on land owned or leased by the City of San José or by a JPA.

5.12.320 Alternatives and Modifications

Alternative compliance and/or modifications that are reasonably equivalent to or more restrictive than the requirements in this Chapter may be granted by the applicable official of the Enforcing Agency, in individual cases when dealing with Homeless Shelters and buildings or structures used for Homeless Shelters. The Enforcing Agency may adopt additional standards as needed for implementation or to protect health and safety.

5.12.330 Fire and Life Safety

If not otherwise addressed in this Chapter, fire and life safety measures, including, but not limited to, means of egress, fire separation, fire sprinklers, smoke alarms, and carbon monoxide alarms, shall be determined and enforced by the Enforcing Agency.

Part 4

MOBILE SHELTER COMMUNITIES

5.12.400 Mobile Shelter Communities

- A. Homeless Shelters may include Mobile Shelter Communities for safe parking reserved entirely to the homeless. Such Mobile Shelters shall comply with the requirements listed in Subsections D-H of Section 20.80.1680 and Subsections H-K of Section 20.80.1675, unless an exemption is permitted by the applicable official of the Enforcing Agency.

- B. The City may require RVs and other vehicles to undergo inspection by the Enforcing Agency for exterior leaking and watertightness for conditions may

present immediate fire/life safety risks (e.g., major electrical alterations) prior to or after being parked or placed in a Mobile Shelter Community.

- C. Prior to commencement of operation of the Mobile Shelter Community, the operator shall establish a plan to address the disposal of sewage from RV's (if RVs are allowed), storage of hazardous materials, solid waste storage and disposal, drinking water supply, portable toilets and lavatories and any other site operation conditions deemed necessary by the Enforcing Agency. The plan must be submitted to and approved by the Enforcing Agency.
- D. Utility connections to RVs, if permitted as part of the Mobile Shelter Community, must meet the applicable provisions of Chapter 2.2 of Division 1 of Title 25 of the California Code of Regulations, and any other criteria established by the Enforcing Agency, unless an exemption is permitted by the applicable official of the Enforcing Agency.
- E. The City may require all RVs in Mobile Shelter Communities to be secured by blocking, chocking, leveling, raising, or tying down of the RV and any such securing shall comply with any requirements established by the Enforcing Agency.
- F. Each Mobile Shelter Community site may be enclosed with visual screening at its exterior boundaries provided such screening includes adequate openings for emergency vehicle access.
- G. No vehicle repairs, restoration, or any mechanical maintenance shall be permitted on the premises of a Mobile Shelter Community without written permission of the applicable official of the Enforcing Agency, and then only in compliance with the requirements of the City or other applicable National Pollutant Discharge Elimination System permits. Vehicles must be removed from the Mobile Shelter Community for any repairs or maintenance. Repair, restoration, or maintenance

- H. materials, including batteries, antifreeze, and other vehicle fluids, may not be stored or disposed of within a Mobile Shelter Community. Disposition/disposal of any vehicle or its contents abandoned by its owner shall be performed pursuant to Chapter 5 (commencing with Section 1980) of Title 5 of Part 4 of Division 3 of the Civil Code.
- I. Mobile Shelter Communities shall have access to an approved water supply sufficient for manual fire suppression operations.
- J. Portable fire extinguishers shall be distributed throughout the site with a rating and spacing in accordance with Section 906.1 of the California Fire Code.
- K. On site operational personnel must be trained in and responsible for fire watch and implementation of a prepared emergency plan, which will be onsite and accessible to all residents. The plan shall include evacuation routes and sites, contact information for emergency response agencies, elevation of the Mobile Shelter Community, types of disasters common to the area, any public warning signals used in the community, and any local emergency broadcast station frequency location.
- L. Where use or storage of Generators, is permitted by the City, it shall comply with the applicable requirements of Fire Code Section 1204, as determined by the City Fire Marshal.
- M. Where use or storage of flammable liquids is permitted by the City, it shall comply with the applicable requirements of Fire Code Section Chapter 57, as determined by the City Fire Marshal.

5.12.410 Other Homeless Shelter Communities

Homeless Shelters which are not Mobile Shelter Communities and not located in existing buildings shall comply with Subsections B, C, G, H, I and J of Section 5.12.400.

Part 5 DESIGN STANDARDS

5.12.500 Standards for Homeless Shelters

- A. Common Use Kitchens and Food Facilities. Where occupants of Homeless Shelters are permitted or required to cook for themselves, a separate area shall be equipped and maintained as a common use kitchen and refrigerated storage shall be provided for safe storage of food. In the event that a third party is preparing, or serving food, that party must comply with all applicable food safety regulations. No Homeless Shelter shall be required to permit cooking.

- B. Toilet and Bathing Facilities. The Homeless Shelter site shall be provided with at least one toilet and one bathing facility for every 15 occupants of each gender. The Enforcing Agency may permit different types and ratios of toilet and bathing facilities, including portable toilets and lavatories, and mobile showers for bathing facilities. The approval shall be based upon a finding that the type and ratio of toilet and bathing facilities are sufficient to process the anticipated volume of sewage and wastewater, while maintaining sanitary conditions for the occupants of the Homeless Shelter.

- C. Garbage, waste and rubbish disposal. All garbage, kitchen waste and rubbish shall be deposited in approved covered receptacles, which shall be emptied when filled and the contents shall be disposed of in a sanitary manner acceptable to the Enforcing Agency.

- D. Drinking water. Potable drinking water shall be provided for all occupants of Homeless Shelters.
- E. The City Manager or designee may adopt Guidelines for the Design and Operation of Homeless Shelters, including procedures which apply in lieu of compliance with Municipal Code Chapter 4.12 and Title 27.

Part 6 SITE DEVELOPMENT

5.12.600 Standards for Site Development

- A. Environmental Review. Except to the extent exceptions are provided in the Shelter Crisis Act or other State law, the development of Homeless Shelters shall be subject to review under the California Environmental Quality Act of 1970 ("CEQA"), together with related State CEQA Guidelines and Title 21 of the San José Municipal Code.
- B. Air Quality. Homeless Shelters shall comply with the CEQA guidelines of the Bay Area Air Quality Management District dated May 2017.
- C. Biological. Homeless Shelters shall comply with the federal Migratory Bird Treaty Act and with City of San José habitat conservation plan, to the extent applicable.
- D. Cultural. The development of Homeless Shelters sites shall obtain a Historic Resources Assessment report; and in the event that report identifies historic resources, impact and analysis study will be required.
- E. Geology and Soils. Development of Homeless Shelters shall comply with the requirements of the City's or other applicable National Pollutant Discharge Elimination System permits, to the extent applicable.

- F. Greenhouse Gas Emission. Homeless Shelters shall comply with the State Greenhouse Gas Emission reporting rules, to the extent applicable.
- G. Emergency Response Plan. Homeless Shelters shall prepare prior to occupancy an Emergency Response Plan developed in consultation with the Fire Department.
- H. Hydrology. Development of Homeless Shelters shall comply with the requirements of the City or other applicable National Pollutant Discharge Elimination System permits, any California Department of Transportation permits and Council Policies 6-28, 6-29, and 8-14, to the extent applicable.
- I. Land Use. Development of Homeless Shelters shall comply with the Santa Clara Valley Habitat Plan, to the extent applicable.
- J. Noise and Vibration. Development of Homeless Shelters should be on sites with exterior noise levels not in excess of 70dbA (24 hour *leq*) in the Homeless Shelter areas or as determined by the Enforcing Agency. Interior noise levels shall be further limited as determined by the Enforcing Agency.
- K. Emergency Access. Homeless Shelters shall prepare prior to construction an Emergency Vehicle Access Plan developed in consultation with the Fire Department.
- L. Utilities and Service Systems. Development of Homeless Shelter and Mobile Shelter Community sites shall comply with the requirements of City or other applicable National Pollutant Discharge Elimination System permits and any California Department of Transportation permits, to the extent applicable.

5.12.610 Additional Standards for Site Development

- A. Buildings on same lot. Buildings or structures used for emergency housing, shall be separated from each other and from other buildings on the same lot as set forth in Section 705.3 of the California Building Code, except where National Fire Protection Association (NFPA) Standard 1194 applies. The Building Official and City Fire Marshal may accept reasonable alternatives to these requirements provided reasonably equivalent fire and life safety is achieved.
- B. Fire extinguishers. Portable fire extinguishers shall be provided in accordance with Section 906.1 of the California Fire Code.
- C. Flammable or combustible liquids. The possession or storage of any flammable or combustible liquids or gases shall not be permitted (intact cigarette lighters excepted). The use of any type of open flame indoors or outdoors is prohibited unless approved by the City Fire Marshal.
- D. Homeless Shelters shall comply with NFPA 1194, Standards for Recreational Vehicle Parks and Campgrounds unless otherwise approved by the approved by the City Fire Marshal.
- E. Water supply. An approved fire protection water supply complying with Section 507 of the California Fire Code, or as approved by the City Fire Marshal, shall be provided for each structure, group of structures or premises used for emergency housing.
- F. Fire Access. Fire Department access to buildings and premises used for emergency housing shall be in compliance with Section 503, Appendix D and Section 504 of the California Fire Code, as approved by the City Fire Marshal.

- G. Identification. Emergency housing and tent or RV spaces shall be designated by address numbers, letters, or other suitable means of identification. The identification shall be in a conspicuous location facing the street or driveway fronting the RV, Tent, building or structure. Each identification character shall be not less than 4 inches (102 mm) in height and not less than 0.5 inch (12.7 mm) in width, installed/painted on a contrasting background.
- H. Accessibility. Emergency housing shall comply with the applicable requirements in Chapter 11B of the California Building Code and/or the US Access Board Final guidelines for Emergency Transportable Housing.

Part 7 **OPERATIONS**

5.12.700 Standards for Operations

- A. Operating procedures: Operating procedures including a security plan and service requirements shall be approved or adopted by the City and incorporated in any leases or contracts with operators and service providers. These procedures shall be designed to maintain order and safety within the buildings or structures used for Homeless Shelters. At a minimum, the standards will address:
 - 1. Participant Eligibility and Agreements
 - 2. Appeal Procedures
 - 3. Property Management and Maintenance
 - 4. Site Rules
 - 5. Complaints
 - 6. Security Plan
 - 7. Required Staffing and Security
 - 8. On-Site Supportive Services (if applicable)
 - 9. Fire and Emergency Procedures

10. Incident Management and Reporting
11. Neighborhood Relations
12. Affordable Rent (if applicable)
13. Notification of Non-applicability of State Landlord-Tenant and Relocation laws
14. Inspections

B. Maintenance. Emergency housing and emergency housing facilities shall be maintained in a safe and sanitary condition, and free from vermin, vectors and other matter of an infectious or contagious nature. The grounds within emergency housing sites shall be kept clean and free from accumulation of debris, filth, garbage, pollutants (including biowaste, oils, fuels and other items that are prohibited from entering storm drains) and deleterious matter. Emergency housing and emergency housing facilities shall not be occupied if a substandard condition exists hereunder, as determined by the Enforcing Agency.

C. Fire Hazards. Dangerous materials or materials that create a fire hazard as determined by the Enforcing Agency, shall not be allowed on the grounds within emergency housing sites.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk