

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 5.09.100 AND 5.09.300 OF CHAPTER 5.09 OF TITLE 5 OF THE SAN JOSE MUNICIPAL CODE TO EXTEND THE REASONABLE LOCAL STANDARDS FOR THE DESIGN, SITE DEVELOPMENT AND OPERATION OF EMERGENCY BRIDGE HOUSING COMMUNITIES AND THEIR STRUCTURES AND FACILITIES IN LIEU OF EXISTING STATE AND LOCAL STANDARDS AND STANDARDS FOR EMERGENCY HOUSING**

**WHEREAS**, the City Council adopts this Ordinance for the reasons set forth in the memorandum from the Deputy Director of Housing dated on or about November 22, 2021 concerning extension of Chapter 5.09 of the San José Municipal Code that established reasonable local standards for the design, site development and operation of emergency Bridge Housing Communities and their associated structures and facilities in lieu of existing state and local standards for emergency housing; 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 Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure and Policy Making resulting in no changes to the physical environment); 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 "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

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

**SECTION 1.** Section 5.09.100 of Chapter 5.09 of Title 5 of the San José Municipal Code is amended to read as follows:

**5.09.100 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 20197 Homeless Census and Survey identified a total of 4,3506,097 individuals residing in San José on any given night. This point-in-time figure represents a 407% increase from the number identified in the 20175 census, when 4,0634,350 individuals were identified. Out of the total 4,3506,097 persons, 8474% of the population was unsheltered (e.g., residing on the street, in vehicles, in abandoned buildings, or in encampment areas).
- 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 shelter capacity. According to a recent report by the County's Office of Supportive Housing, Santa Clara County emergency shelters have the capacity to provide 1,253 shelter beds on any given night. Approximately 1,070 of those emergency shelter beds are in San José.
- C. Over the last few years, the City of San José and its partners have pursued several innovative homeless housing initiatives including: creating a pipeline of

permanent supportive housing and rapid re-housing units; and repurposing hotels and motels for the purpose of bridge housing, and even providing winter warming centers to offer life-saving temporary shelter in City community facilities.

- D. Despite these actions, thousands of people are still living on the street on any given night, and more immediate bridge housing options are needed to ensure the continued health and well-being of the most vulnerable members of our community.
- E. In light of these many unsheltered residents whose health and well-being is at risk, and the need for immediate interim bridge housing solutions, the City has declared a shelter crisis, and determined that specific sites are needed for Emergency Bridge Housing Communities (as defined in Part 2).
- F. There are existing state and local standard and laws including adopted City Council Policies, City approved land use plans and policies, Council Resolutions, and Title 8, Title 11, Titles 13-15, Titles 17-20, and Title 24 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 Emergency Bridge Housing Communities.
- G. There are also existing state standards and laws including building, housing, health, habitability, or safety standards or laws which would prevent, hinder, or delay the mitigation of the effects of the shelter crisis if a requirement for strict compliance was imposed on Emergency Bridge Housing Communities.
- H. Strict compliance with state and local standards or laws will be suspended for Emergency Bridge Housing Communities during the shelter crisis except as

provided in Assembly Bill 2176 as extended by Assembly Bill 1745 and this Chapter.

**SECTION 2.** Section 5.09.300 of Chapter 5.09 of Title 5 of the San José Municipal Code is amended to read as follows:

**5.09.300 Operative Period**

This Chapter shall be operative until January 1, 2025.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk