



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 9/14/2021	(3) CONTACT/PHONE Carolyn K. Berg, (805) 781-1076 Airlin M. Singewald, (805) 781-5198 Laurel Weir, (805) 781 - 1833	
(4) SUBJECT Request to 1) introduce an ordinance establishing local standards and procedures for the design, site development, and operation of emergency homeless shelters at public facilities; 2) authorize the use of Alternative Publication Procedures for the aforementioned ordinance. Hearing set for September 28, 2021. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Introduce the ordinance amendment in Attachment 2; 2. Direct the Clerk to set a public hearing for tentative and final action on September 28, 2021; 3. Authorize that a display advertisement of one-quarter page be published in a newspaper of general circulation in the County at least 5 days prior to the hearing at which the amendments will be considered for adoption and within 15 days after adoption of the proposed ordinance amendments, indicating the general nature of the proposed ordinance amendment. 			
(6) FUNDING SOURCE(S) County General Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date <u>10/2/18, 3/16/21, 5/4/21</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Administrative Office, Carolyn Berg, Principal Analyst
Social Services, Laurel Weir, Administrative Services Manager
Planning and Building, Airlin M. Singewald, Division Manager

VIA: Devin Drake, County Social Services Director
Trevor Keith, Director of Planning and Building

DATE: 9/14/2021

SUBJECT: Request to 1) introduce an ordinance establishing local standards and procedures for the design, site development, and operation of emergency homeless shelters at public facilities; 2) authorize the use of Alternative Publication Procedures for the aforementioned ordinance. Hearing set for September 28, 2021. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Introduce the ordinance amendment in Attachment 2;
2. Direct the Clerk to set a public hearing for tentative and final action on September 28, 2021;
3. Authorize that a display advertisement of one-quarter page be published in a newspaper of general circulation in the County at least 5 days prior to the hearing at which the amendments will be considered for adoption and within 15 days after adoption of the proposed ordinance amendments, indicating the general nature of the proposed ordinance amendment.

DISCUSSION

Before the following ordinance can be adopted, it must be introduced before the Board and a public hearing must be set. Completing this action would allow the Board to take tentative or final action on such an ordinance on September 28, 2021.

California Government Code Section 8698 et seq. sets forth the State's rules and regulations regarding a public agency's ability to declare a shelter crisis. A declaration of a shelter crisis is defined by the state as "...the duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety." When an agency declares a shelter crisis, it is able to utilize this statutory process to address the shelter crisis problem. Among other things, Government Code Section 8698.1(b) allows an agency who has declared such a crisis to temporarily suspend "state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety... the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis." In other words, an agency can suspend building, fire and other health and safety codes to allow the erection of temporary emergency shelters.

This section further allows agencies to “enact municipal health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety.” It should be noted that the ability to suspend such rules and enact alternative minimum safety standards “...apply only to additional public facilities open to the homeless.” As such, only emergency shelters that are located in public facilities can utilize these rules. Alternative minimum safety standards must be adopted by ordinance per Government Code Section 8698.4.

On October 2, 2018, the County previously declared a shelter crisis (Attachment 1); however, that Resolution did not suspend state or local rules nor did it establish alternative minimum safety standards. The attached ordinance re-declares the existence of a shelter crisis in San Luis Obispo County and it suspends local and state laws and establishes minimum safety standards for the construction and operation of emergency shelters located on County owned or leased property. These minimum standards incorporate the emergency shelter requirements of Appendices X and O of the California Residential Code and Building Code, respectively, and the ordinance establishes other minimum standards such as shower and bathroom facilities and linen care. It should be noted that these standards are minimum standards and the exact design and related safety standards of any subject facility will be evaluated on a case by case basis. Because the ordinance only allows these facilities to be located on County owned or leased property, the County has significant discretion over the design and safety of the facilities.

Opportunity for Temporary Emergency Housing Pilot Project

The limited shelter and supportive housing space in the San Luis Obispo County region continues to be a challenge and warrants a multi-pronged effort to focus on development of both shelter and housing space. On May 4, 2021, the Board supported implementation of the Adaptive Framework for Regional Homeless Action Plan and Multiyear Efforts. One of its key goals for Fiscal Year 2021-22 is “to the extent efforts proceed and are funded, support partner agencies in creating new sources of housing, shelter or sanctioned encampment(s) with access to services and resources in order to improve health, safety and quality of life for unsheltered individuals and restore healthy and safe neighborhoods / ecosystems onsite and in surrounding area to the extent projects are feasible and supported.”

While the region may develop other alternatives and opportunities related to this ordinance over the next year’s update to the 10 Year Plan to End Homelessness, there is an immediate opportunity associated with funding allocated by the County Board and Homeless Services Oversight Council.

On March 16, 2021, Board approved \$1,189,457 of Emergency Solutions Grant Program Funds to 5Cities Homeless Coalition (5CHC) for development of a temporary emergency shelter in South County—a subregion that currently does not have a shelter for unhoused residents. At that time, the allocation was contingent upon identifying a site for the pilot project. 5CHC coordinated with various South County agencies to identify an appropriate site for this proof of concept. The County is negotiating a use permit with 5CHC to temporarily leverage a County-owned property in Grover Beach to conduct a proof of concept using “pallet homes” (briefly described below) as a means of creating temporary emergency shelter, connected to 24-7 case management and support to clients. Upon implementation, the temporary emergency shelter will be co-located with other public service facilities at 286 16th Street in Grover Beach, specifically adjacent to the County’s Public Health Clinic and Grover Beach Courthouse.

In recent years, numerous agencies in California have used this statutory process to erect emergency housing. One popular design is the use of “pallet homes”, which is a pop-up style structure made of composite and metal. These shelters come in two primary sizes, 64 square feet and 100 square feet. Figure 1 below includes a simple depiction of a 100 square foot shelter, and its related footnote references a brief video that provides a tour of these temporary emergency shelters. These units are designed to be temporary in nature, with a pre-fabricated construction that allows quick set up and take down times, allowing rapid response to emergency situations. Each unit include beds, electricity, and heat. Typical temporary “pallet home” communities include centralized bathing and bathroom facilities as well as other accommodations (e.g. pet area, storage, community room).

Figure 1. Pallet Shelter as Temporary Emergency Housing Option¹



5CHC proposes to install 20 of the 100 square foot pallet homes, bathing and bathroom facilities, administrative offices, communal spaces, shaded eating and resting area, and a storage area. 5CHC's use permit with the County will be set for a period of twelve months, with the ability to extend at the County's discretion if the model proves to be successful. The facility would serve as a proof of concept for outcomes associated with operating a shelter for the unhoused residents in South County and surrounding communities, as well as a proof of concept of this particular pallet home method of providing shelter. The County is still in the process of working with 5CHC and other related agencies on design and operation of the temporary emergency shelter project and community outreach.

Because emergency shelters are intended to be temporary in nature, the draft ordinance will automatically expire on December 31, 2022, unless the Board later decides to extend the ordinance through its required public processes. The idea of the pallet shelter community is to establish a "proof of concept" for non-communal transitional housing. If the project is successful, it will help the region establish a baseline example and outcomes for similar permanent transient housing in location(s) to be later determined.

Alternative Publication

The California Government Code establishes specific publication requirements for General Plan and ordinance amendments. It also offers two cost-saving alternatives to publishing complete text of the adopted ordinance after its passage, which has historically been the most commonly used method.

A quarter-page display ad will be the best option to notice, because a summary of the proposed amendments would not provide enough information. To summarize the ordinance amendment language would leave out important context and provide an incomplete picture of the amendments.

Therefore, in accordance with Section 25124 of the California Government Code, staff is requesting that the Board order that a display advertisement of one-quarter page be published in a newspaper of general circulation in the County at least five days prior to the hearing date, indicating the general nature of the proposed ordinance amendments to be considered and where the entire amendments can be reviewed. In addition, it is requested that the Board direct that a one-quarter page display advertisement be placed in a newspaper of general circulation within 15 days after adoption of the proposed amendments.

¹ For more information on similar temporary emergency shelters throughout other regions of the Pacific Northwest, see the manufacturer's (Pallet Shelter Company's) website: <https://www.palletshelter.com/virtual-tour-video>

OTHER AGENCY INVOLVEMENT/IMPACT

Related to the ordinance described in this staff report: County staff has been coordinating internally across County departments (i.e. Social Services, Planning and Building, Administrative Office, Health Agency, Public Works) to review the ongoing validity of the County's shelter crisis declaration, as well as to review the subject ordinance being considered today.

Related to the pilot project described in this staff report: 5CHC has coordinated closely with various County departments, various City of Grover Beach departments, and Five Cities Fire Authority on the proposed pilot project to develop support for this proof of concept. In addition, County staff has been coordinating internally across County departments (i.e. Social Services, Planning and Building, Administrative Office, Health Agency, Public Works) as well as State Courts, related to the on-site Grover Beach Courthouse facilities, to ensure the pilot project and site use is vetted and works for various parties involved.

County Counsel has reviewed and approved the ordinance as to form and legal effect.

FINANCIAL CONSIDERATIONS

The Department of Planning and Building's, Social Services' and the Administrative Office's adopted budgets cover staff's time to research and prepare this item. Costs of developing the proposed ordinance was covered by the current County Department of Planning and Building and County Counsel budgets.

Related to the pilot project described in this staff report: On March 16, 2021, the Board approved \$1,189,457 of Emergency Solutions Grant Program Funds to 5CHC's pilot temporary emergency shelter in South County, as briefly described in this staff report.

RESULTS

Introduction of the ordinance in Attachment 2 will allow the ordinance to be heard on September 28, 2021 and become effective 30 days after final action. (Effective date will be October 28, 2021).

ATTACHMENTS

- 1 Resolution No. 2018-279
- 2 An Ordinance establishing local standards and procedures for the design, site development, and operation of emergency homeless shelters at public facilities