

ORDINANCE NO. 2021-0002

Adopted by the Sacramento City Council

January 19, 2021

**An Interim Ordinance Authorizing the Establishment of Small
Temporary Residential Shelters and Temporary Shelter Facilities, and
Declaring the Ordinance to be an Emergency Measure to take Effect
Immediately Upon Adoption**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Background.

A. According to the 2019 Sacramento County Point-in-Time Report, at any point in time, 2,800 individuals within the city are experiencing unsheltered homelessness. This population includes veterans, women, children, individuals with disabilities, senior citizens, and other vulnerable groups.

B. On January 14, 2020, the city council declared a shelter crisis under chapter 7.8 of division 1 of title 2 of the California Government Code and further directed the city manager to take action to streamline the provision of homeless shelters. (Resolution No. 2020-0017.)

C. The Sacramento County Health Officer (SCHO) has issued a Public Health Order that includes provisions with suggestions on how local governments should deal with homeless encampments to slow the spread of COVID-19, a highly contagious and sometimes deadly disease. In pertinent part, the order in effect today states—

Do not cite persons experiencing homelessness for using cars, RV's, and trailers as shelter during community spread of COVID-19. Do not remove life necessities from people experiencing homelessness, which includes, for example, their shelter (e.g., tents, vehicles, or other living structures), hygiene equipment, food supplies, water, medicines, mobility devices (such as walkers, wheelchairs, crutches, canes), and bicycles used for transportation.

Clearing encampments causes people to disperse throughout the community and break connections with service providers, increasing the potential for infectious disease spread.

Exceptions are encampments that pose a public safety hazard or adversely impact critical infrastructure as designated by local, state, or federal law, regulations, or orders.

(SCHO Order, dated January 13, 2021.)

D. On July 16, 2020, the Sacramento Superior Court issued a writ of mandate directing the city to refrain from clearing homeless individuals and encampments and comply with the Sacramento County Health Officer's order.

E. On September 25, 2020, the Governor signed Assembly Bill 2553 (Ting and Berman), which expanded the Shelter Crisis Law, giving all cities and counties some flexibility to tackle the homeless crisis and provide additional shelter options to individuals experiencing homelessness. In particular, the law allows local jurisdictions to adopt reasonable local standards that, at a minimum, meet the standards provided in the 2019 California Residential Code Appendix X and the California Building Code Appendix O. The City adopted these standards on November 19, 2019. (Ordinance No. 2019-0042.)

F. The city council has heard extensive testimony and been provided extensive data on the deleterious impacts of homelessness on individuals that lack shelter and the community at large. Unauthorized camps exist throughout the city. Many of these camps are unsanitary and vulnerable to theft, crime, and extreme weather conditions. These conditions threaten the physical and mental health of the individuals living in these camps.

SECTION 2. Purpose.

The purpose of this ordinance is to provide a process for the city to review and authorize, through an administrative permit, the establishment of temporary residential shelters and encampments ("temporary shelter facilities") that meet certain health and safety standards.

SECTION 3. Findings.

The city council finds the following:

1. The statements in sections 1 and 2 are correct.
2. As amended by this ordinance, the Planning and Development Code complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans.
3. The amendments in this ordinance promote the public health, safety, convenience, and welfare of the city.
4. The city has determined that strict compliance with state and local standards and laws in existence as of the effective date of this ordinance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis. Accordingly, the city is adopting this

ordinance to utilize California Building Code Appendix O and California Residential Code Appendix X, as adopted by the city on November 19, 2019 (Ordinance 2019-0042), to address the needs created by the shelter crisis.

5. Following the adoption of this ordinance, the city will continue to consider and study alternative ways to improve shelter options for individuals experiencing homelessness.

SECTION 4. Small temporary residential shelters.

A. Notwithstanding article VI of chapter 17.228, a small temporary residential shelter will be granted an administrative permit if it—

1. Is located—

- a. In any zone on the site of an existing assembly—cultural, religious, social use; or

- b. In the OB zone, OB-2 zone, OB-3 zone, EC zone, SC zone, C-1 zone, C-2 zone, C-3 zone, C-4 zone, M-1 zone, M-1(S) zone, M-2 zone, M-2(S) zone, MIP zone, MRD zone, M-T zone, H zone, SPX zone, TC zone, or HC zone; and

- i. is more than 500 feet, measured from property line to property line, from any of the following: temporary shelter facility; childcare center; childcare, in-home (family day care home); school, K-12; park; or museum; and

- ii. is not within ½ mile, measured from property line to property line, from any temporary residential shelter; and

2. Is not located on a site that is included on any list compiled pursuant to California Government Code section 65962.5.

B. An administrative permit for a small temporary residential shelter is subject to the development standards in section 17.228.620.

C. Notwithstanding chapter 17.808, small temporary residential shelters within existing lawfully constructed buildings that receive an administrative permit under this ordinance are exempt from site plan and design review.

SECTION 5. Temporary shelter facilities.

A. A “temporary shelter facility” is a facility that provides short-term, temporary shelter to not more than 80 individuals using outdoor tents, park trailers, emergency sleeping cabins, or safe parking lots, which are parking lots that allow individuals living in their vehicles

to park overnight, in compliance with the California Building Code Appendix O, the California Residential Code Appendix X, or any other applicable law.

B. A temporary shelter facility will be granted an administrative permit if it—

1. Is located—

a. In any zone on the site of an existing assembly—cultural, religious, social use; or

b. In the OB zone, OB-2 zone, OB-3 zone, EC zone, SC zone, C-1 zone, C-2 zone, C-3 zone, C-4 zone, M-1 zone, M-1(S) zone, M-2 zone, M-2(S) zone, MIP zone, MRD zone, M-T zone, H zone, SPX zone, TC zone, or HC zone; and

i. is more than 500 feet, measured from property line to property line, from any of the following: another temporary shelter facility; childcare center; childcare, in-home (family day care home); school, K-12; park; or museum; and

ii. is not within ½ mile, measured from property line to property line, from any temporary residential shelter; and

2. Is not located on a site that is included on any list compiled pursuant to California Government Code section 65962.5.

C. An administrative permit for a temporary shelter facility is subject to the following conditions:

1. Setbacks. Tents, park trailers, and emergency sleeping cabins must be set back a minimum of 5 feet from all lot lines and 10 feet from all other temporary structures.

2. Paving. Notwithstanding sections 10.44.010.B and 17.612.020, vehicles may be parked on unimproved surfaces (an unimproved surface includes any surface that is not paved or asphalted).

3. Potable water. The operator of the temporary shelter facility must provide potable water for all occupants.

4. Hours of operation and quiet hours. The temporary shelter facility must always be open for registered occupants. Regular hours for occupant intake and discharge must be posted. The shelter manager shall enforce quiet hours between 10:00 p.m. and 6:00 a.m.

5. On-site personnel. A manager must be onsite when occupants are present and during normal operating hours. The manager's area shall be located near the entry

to the facility. The manager's name, telephone number, and e-mail address must be posted and easily visible to the public.

6. Lighting. Pedestrian pathways and parking lots must be well lit. Lighting must be designed, located, or screened so that it is not directly visible from any residential unit. Any illumination must not produce glare or reflection for occupants of neighboring buildings or on public streets.

7. Waiting area and common space. The temporary shelter facility must provide a waiting area and common space as set forth in subsections G and H of section 17.228.620.

8. Personal storage. Occupants must be provided a safe and secure place to store personal property.

9. Safe parking lots. If the temporary shelter facility is a safe parking lot, it must also comply with the following:

a. The site must have a minimum of one toilet for every fifteen occupants.

b. The site must be maintained in a safe and sanitary condition and free from vermin, vectors, and matter of an infectious or contagious nature.

c. The site must be kept clean and free from debris, filth, garbage, and deleterious matter.

d. All garbage and food waste must be deposited in covered receptacles that are emptied when filled and the contents disposed of in a sanitary manner.

D. Notwithstanding sections 13.04.060.A and 13.04.180, the director of utilities may authorize a lot or parcel with a temporary shelter facility to use an existing metered water service connection of an adjoining lot to provide water service for the temporary shelter facility. The owner of the adjoining lot must consent to the use by the temporary shelter facility and must install backflow protection compliant with City standards at the City point of service. The owner of the adjoining lot served by the existing water service connection shall be liable for all rates, charges, and fees for the water service furnished to the existing water service connection and used by the temporary shelter facility.

E. Operators and occupants of temporary shelter facilities that receive and comply with an administrative permit issued under this ordinance are exempt from the provisions of chapter 12.52 and section 15.140.020.

F. Notwithstanding chapter 17.808, temporary shelter facilities are exempt from site plan and design review.

SECTION 6. Fees.

No fee shall be charged for the review and issuance of an administrative permit described in this ordinance.

SECTION 7. Permit attributes.

Notwithstanding subsection B of section 17.808.470, all administrative permits granted under this ordinance remain in effect only during a shelter crisis as declared by the city council. Upon the expiration or repeal of the city’s shelter crisis declaration, or the repeal of this ordinance, all administrative permits granted under this ordinance expire and all permit holders must immediately cease operations and return the site to its previous condition. Permits issued pursuant to this ordinance are not property, they have no value, do not create vested rights, and cannot confer nonconforming status.

SECTION 8. Violation—Penalty.

A. In addition to any other remedy allowed by law, any person who violates a provision of this ordinance is subject to civil actions and administrative penalties pursuant to chapter 1.28.

B. Violations of this ordinance are hereby declared to be a public nuisance.

C. All remedies prescribed under this ordinance shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

SECTION 9. Notice.

Six months prior to the expiration of the city’s shelter crisis declaration, city staff will report to the city council on the implementation of this ordinance and notify permit holders of the upcoming expiration date.

SECTION 10. Emergency ordinance.

This ordinance is adopted as an emergency measure under City Charter section (32)(g)(2) to take effect immediately upon adoption. The effects of homelessness on an individual’s mental and physical health are profound and the council must act immediately to ameliorate some of these effects. By enacting this ordinance as an emergency measure, some individuals experiencing homelessness may obtain shelter more rapidly than would otherwise be possible.

Adopted by the City of Sacramento City Council on January 19, 2021 by the following vote:

Ayes: Members Ashby, Guerra, Harris, Jennings, Schenirer, Valenzuela, Vang, and Mayor Steinberg

Noes: Member Loloee

Abstain: None

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2021.01.29 12:46:58
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Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: Not applicable
Published: To be published in its entirety
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