

ORDINANCE NO. 3521

AN ORDINANCE ESTABLISHING LOCAL STANDARDS AND PROCEDURES FOR THE DESIGN, SITE DEVELOPMENT, AND OPERATION OF EMERGENCY HOMELESS SHELTERS AT PUBLIC FACILITIES

WHEREAS, on October 2, 2018, the County of San Luis Obispo adopted Resolution No. 2018279 declaring that a shelter crisis existed in San Luis Obispo County pursuant to Government Code §§ 8698 et seq.; and

WHEREAS, on September 28, 2021, the County adopted Ordinance No. 3459 re-declaring that a shelter crisis exists in the County of San Luis Obispo and established local standard for the design, site development and operation of emergency homeless shelters at public facilities; and

WHEREAS, on November 1, 2022, the County adopted Ordinance No. 3479, continuing the shelter crisis declaration and related standards for the design, site development and operation of emergency homeless shelters at public facilities through December 31, 2023; and

WHEREAS, on December 12, 2023, the County adopted Ordinance No. 3502, continuing the shelter crisis declaration and related standards for the design, site development and operation of emergency homeless shelters at public facilities through December 31, 2024; and

WHEREAS, the San Luis Obispo countywide 2024 Point-in-Time Count and Survey identified 1175 homeless individuals of which 375 were sheltered and 800 were unsheltered; and

WHEREAS, although the County has continued to make progress towards combating its homeless situation, San Luis Obispo County continues to find that the number of homes is insufficient, that a significant portion of homeless are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons and there is a continuing need to expand the number of shelters within the County; and

WHEREAS, the County of San Luis Obispo affirms the County's commitment to combatting homelessness and creating or augmenting a continuum of shelter and service options for those living without shelter in our communities.

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: This Ordinance shall be uncodified.

SECTION 2: This Ordinance shall automatically expire on December 31, 2025.

SECTION 3: Pursuant to Government Code § 8698.2, the Board of Supervisors of the County of San Luis Obispo hereby reaffirms that a shelter crisis exists in San Luis Obispo County.

SECTION 4: The local minimum building and life safety standards attached hereto as Attachment 1 are adopted within the County of San Luis Obispo during the pendency of the shelter crisis. These standards and the suspension of law per Government Code § 8698.1(b) shall only apply to emergency shelters installed on property owned or leased by the County of San Luis Obispo. An emergency shelter that is established pursuant to this Ordinance may only be operated for a twelve-month period commencing from the first day an individual uses the shelter for housing. In the event the shelter is proposed to be used longer than twelve months, the local Chief Building Official and Fire Marshall shall have the right to establish more restrictive standards.

SECTION 5: For purposes of this Ordinance, an emergency shelter shall include any “Safe Parking Site” or program wherein homeless individuals may temporarily park their vehicle on property owned or leased by the County of San Luis Obispo for the purpose of providing such individuals with a temporary place to live while they receive case management services with the purpose of attempting to place them in permanent or other transitional housing. In establishing this Section 5, it is the intent and the purpose of the Board of Supervisors to invoke the protections afforded by Government Code §§ 8698.1(a) and 8698.4(2)(A)(ii), as may be amended, related to immunity from negligence and landlord tenant law. For purposes of complying with the minimum building and life safety standards set forth in Attachment 1, it shall be sufficient for such a site to only comply with Sections 1.b, c, f, and i.i-v of Attachment 1.

SECTION 6: The Board of Supervisors hereby finds that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that the adoption of the ordinance is not a project that may have a significant effect on the environment.

SECTION 7: If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 8: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 12th day of November, 2024, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 17th day of December, 2024, by the following roll call vote, to wit:

AYES: Supervisors John Peschong, Bruce S. Gibson, Dawn Ortiz-Legg,
Jimmy Paulding and Chairperson Debbie Arnold

NOES: None

ABSENT: None

ABSTAINING: None

/s/ Debbie Arnold

Debbie Arnold

Chairperson of the Board of Supervisors
County of San Luis Obispo State of
California

ATTEST:

MATT PONTES
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Jon Ansolabehere
Assistant County Counsel

Dated: October 16, 2024

ATTACHMENT 1
MINIMUM BUILDING AND LIFE SAFETY STANDARDS FOR
TEMPORARY HOMELESS SHELTERS ON COUNTY PROPERTY

Background and Authority:

During a declared shelter crisis, Government Code Section 8698.1 allows a local agency to suspend state and local statutes, regulations, or ordinances prescribing standards for housing, health, or safety to the extent reasonably necessary to mitigate impacts of the crisis. The statute also encourages agencies to adopt minimum local health and safety standards that will apply in lieu of the California Building Standards Code to additional public facilities used to provide emergency housing.

Typically, use of an existing facility for emergency housing purposes constitutes a change of use for purposes of the California Building Standards Code. However, Section 108 of the 2022 California Building Code grants the local building official some discretion to authorize temporary uses of buildings and structures for a period of 180 days or less.

Application:

This policy outlines the minimum fire and life safety requirements that will apply during a declared shelter crisis in the San Luis Obispo County on properties or facilities owned or leased by the County of San Luis Obispo.

Standards:

1. Emergency homeless shelter facilities shall:
 - a. Have an approved site plan stamped by an architect or engineer, as applicable, which includes the following:
 - i. Electrical plan;
 - ii. Plumbing plan;
 - iii. Stormwater plan; and
 - iv. ADA accessibility.
 - b. Provide adequate access for emergency service vehicles.
 - c. Have a fire safety plan for the facility approved by the local fire authority. At a minimum, the facility shall have fire extinguishers centrally located throughout the facility. Fire extinguishers shall have regularly scheduled servicing and maintenance.
 - d. Provide a minimum of three (3) feet of shelter-to-shelter separation.
 - e. Provide a minimum of five (5) feet separation between any property line and a shelter unit.
 - f. Provide a facility supervisor to monitor compliance with facility rules and regulations, and to notify emergency services in the event of an emergency.
 - g. If pets are allowed, provide a pet management plan that includes a method to manage pet health, secure pets away from other people, store food to prevent rodent attraction, and manage the pet waste to ensure public health protection.
 - h. Be graded so as not to induce excessive storm water runoff or on-site ponding in habitable areas.

- i. Provide for:
 - i. Sanitary facilities, including toilet, handwashing, solid waste containers, and medically necessary medical waste containers.
 - ii. A central location for individuals to eat.
 - iii. Shower facilities.
 - iv. Storage facilities for personal items.
 - v. Source of potable drinking water.
 - vi. An area with usable natural shade or a shade structure.
 - vii. Facilities to wash clothes and linens.
2. Buildings and/or structures used for emergency homeless shelters shall conform to the following:
 - a. Appendix AZ in the 2022 California Residential Code or Appendix P in the 2022 California Building Code, as applicable.
 - b. Have a minimum of seventy (70) square feet for one occupant. The required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of one.
 - c. Have an exit that leads directly to the outdoors/evacuation route.
 - d. Have a means for natural light and natural ventilation.
 - e. Be weatherproof and have a heat/cold barrier of some kind on or in walls and ceiling.
 - f. Have a smoke detector.
4. All construction shall be performed by licensed contractors as applicable.
5. Site and operational plans shall be reviewed in advance by the Department of Planning and Building and Fire Marshall (or local fire authority) and shall be required prior to occupancy. No such approval shall constitute the issuance of a building permit per Section 105 of the California Building Code. Any such approval may be modified or revoked at the reasonable discretion of the Chief Building Official or Fire Marshall.
6. The Chief Building Official and Fire Marshall (or local fire authority) shall have the authority to establish any additional building and life safety standards on a case-by-case or as-needed basis.