



# Memorandum

**TO:** HONORABLE CITY COUNCIL

**FROM:** Mayor Mahan  
Vice Mayor Kamei  
Councilmember Jimenez

**SUBJECT:** SEE BELOW

**DATE:** June 7, 2024

Approved

*Matt Mahan Rosemary Kamei Sergio Jimenez*

Date: 6/7/2024

**SUBJECT: PP24-004 – Emergency Residential Shelters- An Ordinance Amending Various Sections of Title 20 of the San Jose Municipal Code (Zoning Ordinance or Zoning Code) Related to Emergency Residential Shelters**

## RECOMMENDATION

Approve the staff recommendation with modifications to increase the maximum number of beds to 150 before requiring a Conditional Use Permit.

## BACKGROUND

We are grateful to staff for preparing these Zoning Code modifications to comply with state law (AB 2339) and fulfill part of Housing Element program H-14, Emergency Shelters.

As indicated in the staff report, AB 2339 requires that emergency residential shelters be permitted by right in at least one zoning district that allows for residential, including mixed use. The zoning districts proposed to be modified already allow for emergency residential shelters through a use permit and Low Barrier Navigation Centers by right through a different state law (AB 101). Staff appropriately and prudently proposes to align the permitting process for emergency residential shelter and Low Barrier Navigation Center now that state law considers Low Barrier Navigation Centers to be emergency residential shelters.

In the report, staff also clarifies that enough vacant land must be available pursuant to state law to meet the City's deficit of 1,816 shelter beds. There currently is capacity for 4,450 beds in the Combined Industrial Commercial (CIC) Zoning District, but 6,266 unhoused individuals were identified in the 2023 Point in Time Count. The staff recommendation would allow an additional 1,900 beds by right in the zoning districts proposed to be updated, for a total of 6,350 beds.

While the total bed capacity would exceed the number of counted unhoused individuals by 84, in practice it is highly unlikely that this amount of emergency shelter will be constructed. We recommend increasing the maximum number of beds that could be permitted without a Conditional Use Permit (CUP) in one project up to 150. This increase would align with

neighboring cities in Santa Clara County, namely the City of Mountain View. The report indicates that a CUP could cost approximately \$25,000 and require a seven-month review timeline, or longer, significantly hindering the creation of desperately needed emergency shelter. Projects including more than 150 beds would continue to require a CUP.

We appreciate staff's work, look forward to the next phase of work, and urge our colleagues to approve the recommendations in this memo.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*