

Emergency Residential Shelters Zoning Code Update

Project File No. PP24-004

June 11, 2024

Presenters: Michelle Flores, Supervising Planner
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*Planning, Building and
Code Enforcement*

Background

- Housing Element law requires the identification of adequate sites for emergency shelters for persons experiencing homelessness.
- Housing Element identified 89 parcels in Combined Industrial/Commercial zoning district. The number of persons experiencing homelessness in 2019 was 6,097.
- The Combined Industrial/Commercial sites provided a capacity of 4,450 beds. To address deficit of 1,647 shelter beds, Housing Element included program H-14.

AB 2339 (2022)

- Revises Housing Element law to require the identification of one or more zoning districts that *allow residential uses, including mixed use*, where emergency residential shelters are permitted by right.
- Statutory deadline of one-year post Housing Element adoption: June 20, 2024
- The number of people experiencing homelessness in 2023 was 6,266. Deficit of 1,816 shelter beds.

AB 2339 (2022)

- **Definition**

- Specifies that emergency shelters include other interim interventions, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care.

- **Capacity**

- Requires identification of sufficient sites to accommodate the number of persons experiencing homelessness.

- **Permitted Use**

- Only the number of beds permitted without a discretionary permit can be counted towards capacity.

- **Objective Standards**

- Emergency shelters are limited to only the specified objective standards listed in AB 2339.

Proposed Zoning Code Updates

- **Proposed Changes in Recommendation**

- Update definition to reference Gov §65583
- Allow emergency residential shelters with 100 beds or fewer by right, through a ministerial process, in the identified zoning district
 - CP, CN, CG, PQP, UV, MUN, MUC, UR, TR
- Applicable to sites outside of Airport Influence Area

- **Future Changes Planned**

- Expand definition
- Update objective standards
- Add DC to the list of identified zoning districts
- Take all sites within Airport Influence Area to ALUC

Shelter Bed Capacity

- As of 2023, there are 6,266 persons experiencing homelessness.

	Number of Beds Permitted
Current Zoning Code	4,450
Adding CP, CN, CG, PQP, UV, MUN, MUC	1,900
Total	6,350
<i>Requirement</i>	6,266

Recommendation

Adopt an ordinance amending various sections of Title 20 of the San José Municipal Code to amend the definition of emergency residential shelters, amend the allowed use of emergency residential shelters, through use permit and by right, in the Commercial Pedestrian Zoning District, Commercial Neighborhood Zoning District, Commercial General Zoning District, Public/Quasi Public Zoning District, and Urban Village and Mixed Use Zoning Districts, and amendments to allow a streamlined ministerial approval process for emergency residential shelters.

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