

OFFICE OF THE CITY CLERK
OAKLAND

2003 DEC -4 PM 12:35

6 VOTES REQUIRED FOR PASSAGE

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

Mark P. Ward
CITY ATTORNEY

ORDINANCE NO. 12567 C.M.S.

AN EMERGENCY ORDINANCE, PURSUANT TO CHARTER SECTION 213, DECLARING A SHELTER CRISIS AND SUSPENDING PLANNING, ZONING AND OTHER PERMIT REQUIREMENTS FOR THE TEMPORARY ESTABLISHMENT OF A YOUTH SHELTER FOR THE HOMELESS AT 925 BROCKHURST STREET, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCITON AND ADOPTION

WHEREAS, according to the City of Oakland's Continuum of Care Plan for the homeless, there are 5,000 homeless persons living in Oakland at any given time; and

WHEREAS, during the current fiscal year, the City is able to fund only 275 shelter beds during the entire year with an additional 86 beds being funded through the Winter Relief Program; and

WHEREAS, the cold weather and rain of the winter months causes extreme hardship for those homeless persons who are unable to find shelter; and

WHEREAS, existing shelters must turn homeless persons away every day during the winter months; and

WHEREAS, according to the County wide Homeless Count conducted by the Alameda County Continuum of Care Council no less than 134 unaccompanied homeless youth live in Oakland at any one time; and

WHEREAS, according to the Countywide Homeless Count conducted by the Alameda County Continuum of Care Council stated number of youth is vastly underestimated ; and

WHEREAS, there is no existent youth specific Winter Shelter in Oakland and last year's Youth Winter Shelter operated by Covenant House provided temporary shelter to sixty nine (69) different youth; and

WHEREAS, the cold weather and rain of the winter months causes extreme hardship for these homeless youth and many young women are forced to trade sex for a warm bed and survival; and

WHEREAS, St. Andrew's/St. Joseph's and the Diocese of Oakland has offered to host a youth shelter to address the prevalent issue of youth exploitation and youth violence; and

WHEREAS, Covenant House, an internationally recognized provider of shelter and services to homeless youth, has agreed to run, staff, coordinate, and secure the St. Andrew's/St. Joseph's parish hall for shelter; and

WHEREAS, Covenant House already provides street outreach and a community service center to the population most in need of these services; and

WHEREAS, significant delays in establishing a youth specific winter shelter will prevent essential aid and services from being delivered to homeless youth with no other recourse; and

WHEREAS, existing planning, zoning and other permit requirements would require delays of at least 30-60 days and present other significant obstacles to successfully establishing a winter shelter; and

WHEREAS, all health, safety and accessibility requirements will be met in establishing and operating the youth winter shelter; and

WHEREAS, because of the foregoing, the establishment of the winter shelter is both urgent and essential to the general health, safety, and welfare of the community and its citizens, particularly those who are homeless and in need of shelter during the winter; and

WHEREAS, Section 213 of the City Charter provides that an emergency ordinance declared by the City Council to be necessary for preserving the public peace, health, or safety in an emergency, and containing a statement of the reasons constituting such necessity, may be introduced and adopted at the same meeting if passed by an affirmative vote of a least six Councilmembers; and

WHEREAS, California Government Code Section 8698, et seq., allows the governing body of a city to declare a shelter crisis when a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety; now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 2. The requirements of the California Environmental Quality Act (CEQA) of 1970, as prescribed by the Secretary of Resources, and the City of Oakland's environmental review requirements have been satisfied, and that in accordance with Sections 15061(b)(3), 15301, 15302, or 15303 of the California Code of Regulations, this project is exempt from the provisions of CEQA because it is of limited duration and small in scale.

SECTION 3. The City Council hereby finds that a significant number of persons in Oakland are without the ability to obtain shelter, and that this situation has resulted in an immediate threat to the health and safety of these persons, for the reasons set forth above. The Council therefore hereby declares a shelter crisis in the City of Oakland under the authority set forth in Government Code Section 8698, et seq, City Charter and its police powers. The

Council hereby authorizes the City Manager or his/her designee to allow youth, ages 18-23, unable to obtain housing to occupy designated properties at the 925 Brockhurst St. as a winter shelter during the period of this crisis.

SECTION 4. For the term of this Ordinance, no planning, zoning, building or other permit requirements for the temporary establishment of a winter shelter for homeless youth at 925 Brockhurst St shall be required, provided that the owner, operator or authorized agent immediately apply for and diligently prosecute and eventually obtain all necessary permits and/or approvals. The shelter shall be limited to no more than twenty-five (25) beds

SECTION 5. The City Council hereby expressly finds and declares that the circumstances faced by homeless persons during these winter months constitutes an emergency within the meaning of the term under Charter Section 213. The City Council further finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the proposed suspension of planning, zoning, building, and other permit requirements in order to establish a temporary winter shelter for the homeless Youth at 925 Brockhurst St. Specifically, the City Council expressly finds and declares further that this Ordinance is necessary for protecting the health, safety, and welfare of Oakland Youth who are homeless during the current inclement weather. Urgent action is needed due to:

- the reasons set forth in the recital paragraphs of this Ordinance;
- the potential harm that will come to homeless persons if the winter shelter is not established immediately; and
- the lengthy processes required by or other obstacles contained in the City's Planning Code and/or Municipal Code.

SECTION 6. This Ordinance shall be effective immediately upon its adoption by an affirmative vote of six members of the City Council pursuant to Section 213 of the City Charter, and shall apply to the establishment of a temporary winter shelter for homeless Youth at 925 Brockhurst St., starting December 17, 2003 and ending April 30, 2004 unless extended by the City Manager in his/her discretion due to continuing need.

This Ordinance shall be applicable to all activities primarily devoted to the establishment and operation of a temporary winter shelter for homeless youth at 925 Brockhurst St as delineated above.

SECTION 7. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 and 213 of the Charter of the City of Oakland, and Article XI of the California Constitution, as well as the other provisions of state and local law otherwise cited herein.

SECTION 8. To the extent this Ordinance is inconsistent with any other provisions of the Oakland Municipal Code, the Oakland Planning Code or any other code, regulation ordinance, resolution or policy, this Ordinance shall apply. This Ordinance suspends contrary regulations in the Oakland Municipal Code or Planning Code or requirements of the General Plan or implementing regulations or any other code, regulation ordinance, resolution or policy.

SECTION 9. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

IN COUNCIL, OAKLAND, CALIFORNIA, DECEMBER 16, 20003

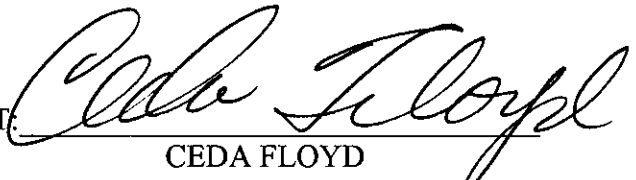
PASSED BY THE FOLLOWING VOTE:

AYES- 7 BROOKS, BRUNNER, CHANG, NADEL, ~~REID~~, QUAN, WAN, AND
PRESIDENT DE LA FUENTE

NOES- 0
ABSENT- 0
ABSTENTION- 0

EXCUSED - 1 REID

ATTEST:



CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California