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2003 DEC -4 PM 12: 35

CITY OF OAKLAND  
Council Agenda Report

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Vice Mayor Nancy J. Nadel  
DATE: December 16, 2003

RE: REPORT AND RECOMMENDATION REGARDING 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

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### SUMMARY

The Alameda County Continuum of Care recently conducted a homeless count that identified no less than 134 unaccompanied homeless youth living in Oakland, and assessments have shown that this number may vastly underreport the true number of homeless youth in the City. Many people and organizations in Oakland are concerned about the growing problem of homeless youth in the community, and are working to provide help and services for these young people. Covenant House California addresses the needs of homeless and at-risk youth by providing outreach, a safe environment, and comprehensive services to at-risk youth. Specifically, Covenant House has been developing plans for a shelter to serve youth between the ages of 18-23. In order to meet the urgent needs of these youth while Covenant House finds a permanent site for the youth shelter, St. Andrew/St. Joseph Church on 925 Brockhurst St in Oakland has offered to provide space for the shelter this winter. The Homeless and Very Low-Income Housing Task Force, chaired by Vice Mayor Nadel in 1999, explored encouraging churches to use their spaces to accommodate homeless people but had little success in that effort. St. Andrews is the first church to come forward voluntarily to address this serious need.

### FISCAL IMPACT

There is no fiscal impact on the City; the shelter will be run with private funds, foundation support including Lowell Berry Foundation, the San Francisco Foundation and World Savings Bank grants, and support from Alameda County.

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## BACKGROUND

St. Andrew/St. Joseph Church has a diverse parish and long time presence in West Oakland. The parishioners and church neighbors are concerned about the homeless youth in the area, especially young women who turn to street prostitution due to lack of alternatives. The Church has offered its space to fill the gap in emergency housing services for homeless youth in Oakland. Covenant House California (CHC) has been providing services for homeless youth in Oakland since 1998. CHC-Oakland follows the outreach, case management and prevention model that has been successfully developed by other Covenant House sites throughout the country. The development of the shelter is in response to the increasing number of older youth, who are without stable housing, and will serve 20-25 individuals nightly. Shelter youth will receive an evening meal, breakfast and crisis intervention and counseling. During the day, Covenant House will provide transportation for the youth to their Community Service Center on Telegraph Ave. for assistance with a wide array of services. Only youth who are willing to participate in the day programs will be accepted for housing.

## KEY ISSUES AND IMPACTS

CHC is seeking this temporary suspension of planning, zoning and other permit requirements for its 25-bed Youth Crisis Shelter to meet the immediate basic human needs of underserved Oakland youth. CHC and St. Andrew – St. Joseph Church are in the process of obtaining the permits for the current sites but because of the timeline to receive those permits, will need this exemption in order to serve the youth this winter. The Youth Crisis Shelter will serve 25 youth per night, thereby reducing the number of youth, who are at-risk of illness, injury, and exploitation, on the dangerous streets of Oakland. Youth will be referred by CHC's van outreach workers, Community Service Center, through the Covenant House 24-hr. toll-free crisis "Neline," (1-800-999-9999), or by local agencies.


Youth will also have access to the Community Service Center that provides an array of supportive services including:

- Basic needs assistance: food, clothing, showers
- Case management: assessment, case planning, service coordination, referrals
- Individual and group counseling
- Substance abuse workshops
- HIV/AIDS prevention/intervention workshops
- Educational assistance: basic literacy, math, computer skills; GED/ESL Prep
- Employment services: work readiness and retention workshops, resume preparation, vocational and job placement assistance
- Independent living skills classes
- Recreation and community service projects

## RECOMMENDATION

Covenant House has met with local neighborhood groups, residents and church members to explain the project and has gained the support of all these groups. I recommend that the City Council suspend the planning, zoning, building and other permit requirements for the temporary establishment of a winter shelter for homeless youth at 925 Brockhurst St provided that the owner, operator or authorized agent immediately apply for and diligently prosecute and eventually obtain all necessary permits and/or approvals.

Respectfully submitted,

  
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Nancy J. Nadel  
Vice Mayor

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6 VOTES REQUIRED FOR PASSAGE

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY

*Mark P. Wald*  
CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**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.



MPW

**NOTICE AND DIGEST**

**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**

**By this ordinance, the City Council declares a shelter crisis and authorizes a youth shelter to operate at 925 Brockhurst Street on a temporary basis, under certain conditions, without benefit of planning, zoning and other permits.**

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**ORA/COUNCIL**  
**DEC 16 2003**