

**ORDINANCE NO. 3459**

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. 2018-279 declaring that a shelter crisis existed in San Luis Obispo County pursuant to Government Code §§ 8698 et seq.; and

WHEREAS, the San Luis Obispo countywide 2019 point-in-time count identified 1,483 homeless individuals, of which 311 (21%) were sheltered and 1,172 (79%) were unsheltered; and

WHEREAS, although the County has made 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, 2022.

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: 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 6: 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 7: 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.

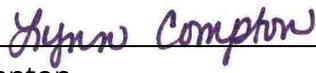
**INTRODUCED** at a regular meeting of the Board of Supervisors held on the 14<sup>th</sup> day of September, 2021, and **PASSED and ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 28<sup>th</sup> day of September, 2021, by the following roll call vote, to wit:

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

NOES: None

ABSENT: None

ABSTAINING: None

  
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Lynn Compton  
Chairperson of the Board of Supervisors  
County of San Luis Obispo, State of California

ATTEST:

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors  
County of San Luis Obispo, State of California

By: T'Ana Christiansen  
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

RITA L. NEAL  
County Counsel

By: /s/ Jon Ansolabehere  
Chief Deputy County Counsel

Dated: September 10, 2021

## **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 2019 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.

