



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Toni J. Taber, CMC, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 29663**", the original copy of which is attached hereto, was adopted on the **8th day of December, 2015**, by the following vote:

AYES: CARRASCO, HERRERA, JONES, KALRA, KHAMIS, M. NGUYEN, T. NGUYEN, OLIVERIO, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **December 8, 2015**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **15th day of December, 2015**.

(SEAL)

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/RMK

ORDINANCE NO. 29663

**AN URGENCY ORDINANCE OF THE CITY OF SAN JOSE
AMENDING PART 17 OF CHAPTER 20.80 OF TITLE 20 OF THE
SAN JOSE MUNICIPAL CODE TO SUSPEND SECTIONS 20.80.1600
AND 20.80.1610 UNTIL JUNE 30, 2016 AND TO AMEND SECTION
20.80.1620 AND SETTING FORTH THE FACTS CONSTITUTING
SUCH URGENCY**

WHEREAS, San José will experience night time temperatures below freezing as the winter begins and National and local weather services are indicating the projected El Niño weather pattern could bring higher than normal storm activity and rainfall to the San José region this winter, including the potential for flash flooding; and

WHEREAS, freezing weather coupled with potential flooding poses a significant threat to the health, safety and well-being of the approximately 2,800 unsheltered San José residents living along the waterways, on the streets, and in other exposed areas; and

WHEREAS, the City's other housing options have previously proved insufficient to provide adequate overnight shelter for the unsheltered homeless population in San José; and

WHEREAS, churches and other groups wish to assist the City in providing temporary shelter to homeless persons this winter; and

WHEREAS, the City has an ordinance allowing churches and other assembly uses to provide temporary shelter to the homeless, but the permitting requirements in Sections 20.80.1600 and 20.80.1610 of the San José Municipal Code are too time consuming to allow these interested parties to provide additional temporary shelter to unsheltered homeless San José residents this winter; and

WHEREAS, the City Council believes it is necessary and in the public interest to amend Sections 20.80.1620 of Part 17 of Chapter 20.80 of Title 20 of the San José Municipal Code and to suspend Sections 20.80.1600 and 20.80.1610 until June 30, 2016; and

WHEREAS, the provisions of this Ordinance have been analyzed and found to be exempt under the California Environmental Quality Act of 1970 ("CEQA"), together with regulations and guidelines promulgated thereunder (including without limitation Section 15301 of the CEQA Guidelines), and it is also exempt from CEQA pursuant to Section 15269 because it is a specific action to mitigate an emergency situation; and

WHEREAS, the City Council of the City of San José ("City") is the decision-making body for this proposed Ordinance; and

WHEREAS, the City Council has read, considered and approves said exemption prior to taking any approval actions on this proposed Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Sections 20.80.1600 and 20.80.1610 of the San José Municipal Code are hereby suspended until June 30, 2016.

SECTION 2. The first two lines of Section 20.80.1620 of the San José Municipal Code are hereby amended to read as follows: " A church/religious assembly which is a legal use may provide temporary shelter to homeless persons subject to each of the following limitations:".

SECTION 3. The City Council of the City of San José hereby finds that there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency measure, which finding is based upon the facts stated above and in the memorandums


to the City Council from the Director of Housing dated November 23, 2015 and from the Director of Housing and the Director of Planning, Building and Code Enforcement dated December 4, 2015.

SECTION 4. This Ordinance is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are all of those certain facts set forth in Section 3 of this Ordinance.


SECTION 5. This Ordinance shall become effective immediately upon its adoption pursuant to Section 605 of the Charter of the City of San José and shall remain in effect until the effective date of a duly adopted superseding ordinance.

ADOPTED this 8th day of December, 2015, by the following vote:

AYES:	CARRASCO, HERRERA, JONES, KALRA, KHAMIS, M. NGUYEN, T. NGUYEN, OLIVERIO, PERALEZ, ROCHA; LICCARDO.
NOES:	NONE.
ABSENT:	NONE.
DISQUALIFIED:	NONE.



SAM LICCARDO
Mayor

ATTEST 

TONI J. TABER, CMC
City Clerk