



# Memorandum

TO: HONORABLE MAYOR AND  
CITY COUNCIL

FROM: Councilmember Sergio Jimenez

SUBJECT: ZONING CODE CHANGES FOR  
INCIDENTAL SHELTER

DATE: June 26, 2017

Approved

Date

6/26/17

## RECOMMENDATION

Approve the Planning Commission's recommendation to revise land use provisions for incidental shelter and include the following modifications:

1. Establish permanent regulations to allow year-round incidental shelter as a permitted use for legally established religious or non-religious assembly. These locations shall not house more than 50 people at time, and must not be used more than 50% of the time as incidental shelter. Additionally, a maximum of 50 % of the building space shall not be used as an incidental shelter.
2. Keep the interim ordinance in place to accommodate places of worship with a setback of less than 150 feet from a residential property line. This would allow shelters for up to 30 individuals, for up to 90 days annually, at any one location to operate without a permit and not be subject to the 150-foot separation, as defined in the ordinance.
3. Direct the Housing Department to return to Council with a revised ordinance in August 2017.

## BACKGROUND

It is well known the City of San José has an affordable housing crisis and is home to many unsheltered individuals. Our places of worship and non-religious assemblies continue to provide temporary shelter to unsheltered individuals, many of whom are vulnerable women, and families. As the City works to create more affordable housing options we must move forward with interim solutions to protect and house our most vulnerable residents from exposure, victimization, and harm. Creating a permanent ordinance that allows for year-round incidental shelter is the right thing to do.