

APPENDIX F: EMERGENCY SHELTERS

Oakland Emergency Shelter regulations

The Oakland Planning Code was updated in July, 2014, to comply with California State Law Senate Bill 2, to permit emergency shelters by-right in at least one zoning district, and also modify the definitions for transitional and supportive housing, to streamline the approval process for the establishment of future shelters, and transitional and supportive housing development.

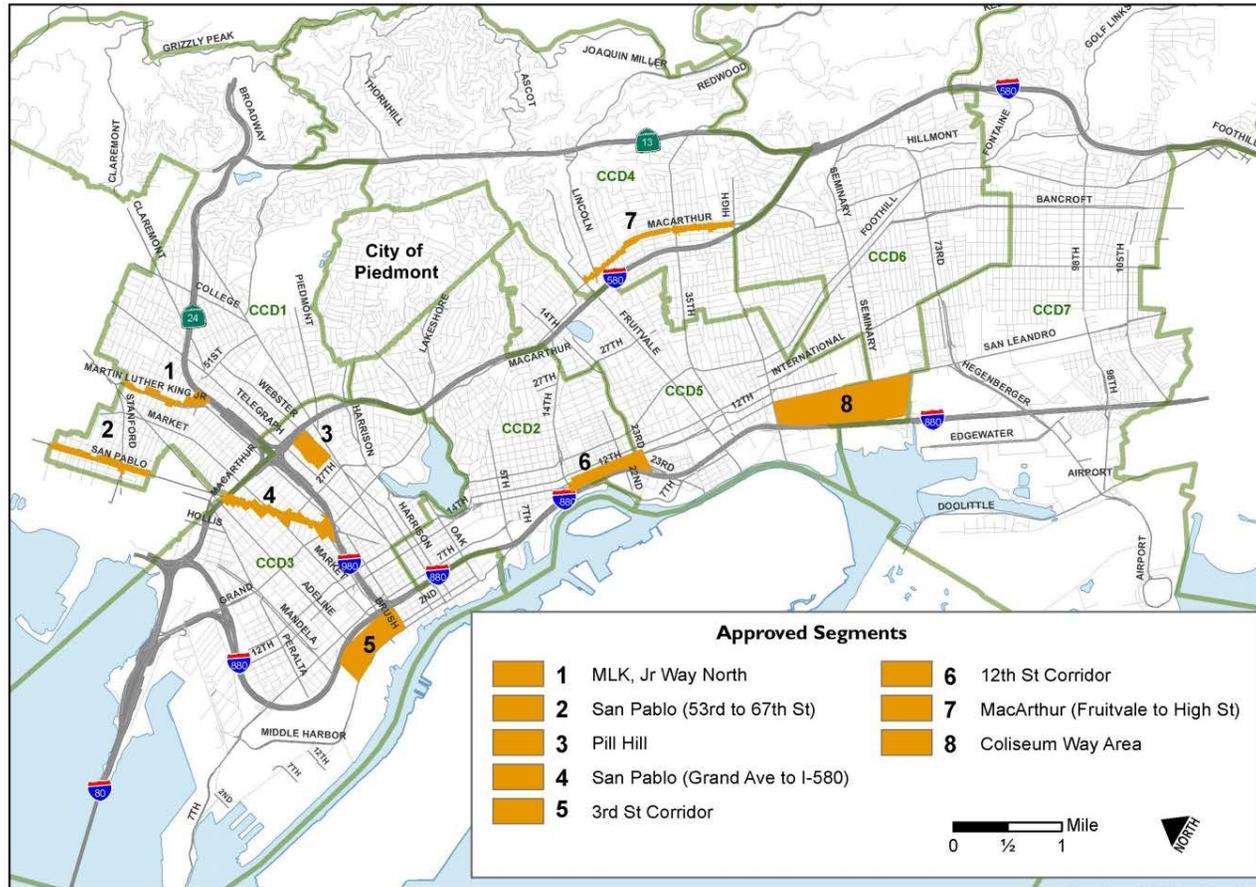
The Ordinance adopted on July, 15, 2014 (C.M.S. 13248) amended the Oakland Planning Code to:

- a) Permit emergency shelters by right (without a conditional use permit or other discretionary action) in limited areas of the following specified zoning districts: residential mixed use, urban residential, neighborhood center, community commercial, Broadway Valdez District Mixed Use Commercial Zone - 4, medical center, housing and business mix, and the CIX-1, CIX2, IG and IO industrial zones. See Figure F-1, below.
- b) Additionally, the ordinance modified existing definitions for transitional and supportive housing to be considered as residential uses of the property, subject only to those restrictions that apply to other residential uses in the same zone. The primary change is a text amendment that makes explicit how the Planning Code treats transitional housing and supportive housing as residential uses, thus demonstrating compliance with SB 2. Any facilities serving six (6) or fewer persons are currently permitted as of right. Further revisions to this newly adopted regulation are being considered by the City, and are expected to be presented to the Planning Commission and City Council before December, 2015.

Areas permitting shelters as of right are distributed throughout the City to prevent over-concentration within any one area or neighborhood of the City, or any selected commercial or industrial corridors. Areas selected for emergency shelters have proximity to job centers and schools for families experiencing momentary lapse of housing, as well as to hospitals for those homeless who need medical services. To identify the appropriate sites, a number of factors were considered by the Planning Commission and City Council, including: a) the location of sensitive uses (i.e. parks, public schools) and support services such as community care facilities and hospitals; b) the location of residentially- zoned properties and zoning districts that currently conditionally permit emergency shelters; c) the presence of large floor plate buildings suitable for conversion to emergency shelters; d) the proximity to retail areas and public transportation; and e) the compatibility with surrounding uses.

A detailed description of each zone and its characteristics is included with Table F-1, below.

**Figure F-1
City Council Approved Locations for Permitting Emergency Homeless Shelter By-Right**



City Council Approved Locations for Permitting Emergency Homeless Shelters By-Right

Planning and Building Department
July 2014

Table F-2
Characteristics of approved locations for permitting emergency homeless shelters by-right

Area	Name	Acres	Zoning	Primary Land Use
1	MLK Jr Way North	20	RM-2, RU-3, CN-3, S-1	High density residential & commercial
2	San Pablo (53rd to 67th St.)	42	CC-2, CN-3	High density residential & commercial
3	Pill Hill	36	S-1, CC-2, D-BV-4	Commercial
4	San Pablo (Grand Ave to I-580)	34	RU-5, CC-2	High density residential & commercial
5	3rd St Corridor	80	CIX-1A, CIX-1B, CIX-1C, IG, M-30, C-40	Industrial
6	12th St Corridor	37	CIX-2, CIX-2/ S-19, HBX-2	Industrial
7	MacArthur (Fruitvale to High St.)	68	RM-3, RM-4, RU-4, RU-5, CN-1, CN-2	High density residential & commercial
8	Coliseum Way Area	227	CIX-2, IG	Industrial

Emergency Shelters Permitted By-Right Areas

1. That portion of Martin Luther King Jr. Way lying between the 51th Street and the City of Oakland City Limits (Area 1):

Parcels in this 20-acre North Oakland area are zoned mainly for residential, commercial and medical uses (RM-2, RU-3, CN-3, S-1). The average parcel size is 0.3 acres. AC Transit bus stops for lines 12 and 18 service this portion of Martin Luther King Jr. Way, while the MacArthur BART station is located approximately a half mile to the south of this area. Essential commercial and community care services include Children’s Hospital facilities at 51st and Martin Luther King Jr. Way and a therapeutic nursery school. Emergency shelters in this area would be more appropriate for serving families, due to its vicinity to Sankofa Academy elementary school on 61st Street, Oakland International High School on 45th Street and Emerson Elementary School on Lawton Ave. There are no identified opportunity sites for new construction in this area, however, there might be capacity to reuse buildings. Neighborhoods around the area are zoned mainly for Mixed Residential Uses (RM-1, RM-2, RM-3).

2. That portion of San Pablo Avenue between 53rd Street and the City of Oakland City Limits (Area 2):

This 42-acre North Oakland area is a commercial and residential district, currently zoned for community commercial and neighborhood center uses (CC-2 and CN-3). There is an average

parcel size of 0.2 acres. The area is served by AC Transit via the 72 bus line, and hosts a variety of commercial activities and core social services (i.e. the Golden Gate Branch Library, Greater Gospel Church food pantry) along the San Pablo Ave corridor. The Aspire Berkeley Maynard Academy and the Golden Gate Playground are located within this zone, making the area suitable for homeless families. There are five identified opportunity sites for new construction in this segment ranging from surface lots to underutilized buildings. The surrounding neighborhoods are zoned for Mixed Residential Uses (RM-2, RM-3, RM-4) and Housing and Business Mix (HBX-2).

3. That portion of the area surrounding Webster Street, bounded by 29th Street to the south, the I-580 overpass to the north, Elm Street to the west and Webster Street (parcels fronting Webster Street) to the east (Area 3):

This 36-acre area lies in the “Pill Hill” neighborhood, a commercial and medically - zoned area (CC-2, S-1, D-BV-4). The average parcel size is 0.4 acres. It is very well-served by transit, with numerous AC Transit routes running along Broadway corridor, which is a block away, and Telegraph Avenue, two blocks away. The segment’s northern-western corner is 0.7 miles, or a 17-minute walk, from MacArthur BART station. This area is in close proximity to Downtown Oakland and particularly well-located for medical care services with the Sutter/Alta Bates and Kaiser Permanente hospitals within a few minutes’ walk. This zone would be rather appropriate to serve families in a transitional phase because of its proximity to West Lake Middle School on Harrison Street, Street Academy Alternative School on 29th Street and community care facilities such as the Oakland Early Head Start on Broadway. There are no identified opportunity sites for new construction in this segment, however, there might be capacity to reuse buildings. The neighborhoods bounding the area are zoned mainly for Retail and Community Commercial uses (D-BV, CC-2) as well as Urban Residential (RU-2).

4. That portion of San Pablo Avenue, lying between Grand Avenue and I-580 (Area 4):

This 34-acre West Oakland area is in a high-density residential and commercially-oriented zone (RU-5, CC-2). The average parcel size is 0.2 acres. It is centrally located along AC Transit bus lines on San Pablo Ave, Market Street and Martin Luther King Jr. Way. Two BART stations, 19th Street and 12th Street, are within 12 minutes and 15 minutes walking distance (respectively) from this area’s southern edge. This area is in close proximity to commercial areas and support services like the Society of St. Vincent de Paul. Emergency shelters in this zone would be appropriate for homeless families with children since there are three schools in immediate vicinity (McClymonds High School, Hoover Elementary and Lafayette Elementary School) and surrounding community care facilities focus on supporting children needs (i.e. YMCA of the East Bay, St. Mary’s Center Preschool, Programs for Exceptional Children and Oakland Head Start). Vacant parcels and underutilized buildings of large floor plates could be potential emergency shelter locations. There are two identified opportunity sites for new construction in this segment. The neighborhoods bounding the area are zoned mainly for Mixed Housing Type Residential Uses (RM-2, RM-4).

5. That area surrounding Third Street bounded by Martin Luther King Jr. Way to the east Fifth Street to the north, Embarcadero West to the south and Union Street to the west (Area 5):

This 80-acre West Oakland area along the Third Street industrial corridor is zoned for a variety of industrial uses (CIX-1, IG, M-30) and for Community Thoroughfare Commercial (C-40), with an average parcel size of 0.5 acres. It is near transit with West Oakland BART station being an 8-minute walk (0.4 miles) away from the area’s northern-western corner and AC Transit serving 7th

Street, two blocks away from its northern boundary (5th Street). The area is located relatively close to downtown social services like New Horizons West, St. Vincent's Day Home, Thurgood Marshall Early Head Start and a food pantry on 10th Street and Adeline. Although some parcels are zoned for heavy industry, this area has opportunities for new shelters, due to the presence of large floor plate buildings, as well as surface parking and vacant lots. There is currently one identified opportunity site for new construction in this segment. The surrounding area is zoned mainly for Industrial Uses (IG, M-30, M-40).

6. That portion of E. 12th Street between 14th Avenue and 23rd Avenue (Area 6):
This 37-acre area in Central Oakland is zoned primarily for industrial uses (CIX-2, HBX-2) with an average parcel size of 0.4 acres. AC Transit buses service the area along 12th Street and International Blvd, a block away. Commercial and community services are located nearby including schools such as Garfield Elementary School, International Community School, Rubicon Special Education School and Franklin Elementary School as well as Head Start facilities. There are no identified opportunity sites for new construction in this segment. However, due to the area's somewhat semi-industrial character, there are opportunities for adaptive reuse of buildings, to accommodate emergency shelters that could serve homeless families and single individuals. The surrounding uses are Urban Residential and Industrial.
7. That portion of Macarthur Boulevard between Fruitvale Avenue and High Street (Area 7):
Parcels in this 68-acre area of the Dimond and Laurel neighborhoods are zoned mainly for mixed housing type residential, urban residential and commercial uses (RM-3, RM-4, RU-4, RU-5, CN-1, CN-2). The average parcel size is 0.2 acres. This area extends along the MacArthur Boulevard transit corridor with many choices for public transportation. Other corridors in the area served by AC Transit include High Street, 35th Avenue, Coolidge Avenue, Lincoln Avenue and Fruitvale Avenue. Other services in this area that would support the emergency shelters include schools (e.g. Bret Harte Middle School, Laurel Elementary School), care facilities especially for youth like the Fred Finch Youth Center, and a library. There are currently two identified opportunity sites in this segment; a vacant lot, and a one-story store with surface parking. Neighboring uses are mostly Residential Mixed Uses (RM-2, RM-3).
8. That area of Coliseum Way bounded by San Leandro Street to the north, I-880 to the south, 66th Avenue to the east and High Street to the west (Area 8):
This area in East Oakland totals 227 acres. There is an average parcel size of 1.05 acres. Parcels in this area are zoned for industrial uses (CIX-2, IG) with a wide variety of businesses (generally of a heavy commercial or industrial character) being currently permitted, creating greater off-site impacts than in the other areas. The site's proximity to Coliseum and Fruitvale BART stations, San Leandro Street transit corridor and I-880, makes the entire site highly accessible by public transportation. Parcels on the western edge of the site are within a 0.5 mile distance or a 10-minute walk from Fruitvale BART station while parcels on the eastern edge of the site are within 0.3-0.7 miles, or a 6-14 minute walk, from Coliseum BART station. Commercial uses are located in the High Street and Coliseum Way retail nodes, and neighboring community services include Acts Full Gospel Christian Academy, Lion Creek Crossings Head Start program, and St. Elizabeth preschool and food pantry. Although there are no identified opportunity sites for new construction in this segment, many parcels currently serve as parking lots or are underutilized. In addition, there is an abundance of industrial buildings with large footprints that could be repurposed as emergency shelters. The neighboring uses are primarily industrial.

Emergency Shelters Development Standards

Under SB2, emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone, allowing flexibility for the City to apply standards regarding the maximum number of beds or persons to be served nightly, off-street parking, size and location of onsite waiting and client intake areas, proximity to other emergency shelters, if there is no requirement to be more than 300 feet apart, provision of onsite management, length of stay, lighting and security.

According to the Oakland Planning Code emergency shelters, where permitted by-right, shall comply with the development standards of the underlying zone and be in accordance with the following additional criteria:

1. Compliance with required licenses, permits, and approvals. An emergency shelter shall obtain and maintain in good standing required licenses, permits, and approvals from city, county and state agencies or departments and demonstrate compliance with applicable building and fire codes. An emergency shelter residential facility shall comply with all county and state health and safety requirements for food, medical and other supportive services provided on-site.
2. Number of beds. A maximum of number of 100 beds or persons are permitted to be served nightly by the facility.
3. Off Street Parking. See Sections 17.116.060(B) and 17.103.010(A) for parking-related requirements for emergency shelters.
4. Size and location of exterior onsite waiting and client intake areas. Exterior waiting areas must comply with the Small Project Design Review Checklist Criteria for Facilities with 3 or More Dwelling Units.
5. Restriction on overconcentration of Emergency Shelter Residential Activities. See Section 17.103.010(B) for overconcentration standards for Emergency Shelter Residential Activities. In general, no Emergency Shelter may be located within 300 feet of another shelter or residential care or supportive housing facility.
6. Length of stay. No individual or family shall reside in an emergency shelter for more than 180 consecutive days.
7. External Lighting and Security. Satisfactory completion of the City of Oakland's "Crime Prevention Through Environmental Design (OPTED) Checklist for Residential Projects" is required for all emergency shelters permitted by-right.
8. Additional Requirements. For City of Oakland funded shelters refer to the current "Standard Contract - Service Agreement" that governs the disposition of funds from the City of Oakland, through the Department of Human Services, to a shelter operator.

The Planning Code regulations adopted in July, 2014 seek to provide adequate shelter for the homeless population awaiting permanent housing, to alleviate problematic and expensive alternatives (i.e., hospital emergency room care and jail stays) and reduce the amount of outdoor homeless encampments. Elimination of the requirement for a Conditional Use Permit is intended to also reduce establishment costs for these types of facilities in specific limited locations.