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Title: ***BILL No. 18 (Intro. 5/21/2020) (For adoption) - Adding California Building Code Title 24 Appendix 0104 To Section 11-102 of the Fresno Municipal Code relating to Amendments to the California Building Code regarding Emergency Sleeping Cabins. (Subject to Mayor's Veto)

Sponsors: Planning and Development Department

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6/11/2020	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

June 11, 2020

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THROUGH: Charles Clark, Chief Building Official and Building Services Manager
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SUBJECT

***BILL No. 18 (Intro. 5/21/2020) (For adoption) - Adding California Building Code Title 24 Appendix 0104 To Section 11-102 of the Fresno Municipal Code relating to Amendments to the California Building Code regarding Emergency Sleeping Cabins. (Subject to Mayor's Veto)

RECOMMENDATION

Staff recommends approval of the Ordinance amending Fresno Municipal Code (FMC) Section 11-102 regarding Emergency Sleeping Cabins.

EXECUTIVE SUMMARY

The proposed Ordinance amends FMC Section 11-102 to include revised standards for Emergency Sleeping Cabins during a shelter crisis in order to meet emergency housing demands for individuals needing essential, safe and sanitary shelter and diversion from homelessness. The proposed revisions would allow for expedited acquisition of Emergency Sleeping Cabins to move homeless individuals out of harsh climates and safely into shelter.

BACKGROUND

On December 6, 2018, the City of Fresno (City) declared a shelter crisis. Since that time, there has not only been a dramatic increase in the homeless population, but also an increase in the amount of human waste, trash, open fires and crime, other harsh conditions in the City.

The City adopted the 2019 California Building Code (CBC) on November 14, 2019, including recommended language contained in Appendix O regarding Emergency Housing. Appendix O provides for Emergency Sleeping Cabins, defined as a relocatable hard-sided structures which may be occupied only for emergency housing, to be a minimum of 70 square feet for single occupancy and 120 square feet for double occupancy.

The proposed local amendment to the CBC would revise the current suggested minimum standards of emergency sleeping cabins during a shelter crisis and allow the City or local non-profit entities to acquire these units and move homeless individuals out of harsh climates and safely into shelter within an accelerated timeline. The proposed amendment would revise the minimum interior floor area as follows:

- Double Occupancy: 120 square feet to 100 square feet
- Quad Occupancy: 220 square feet to 100 square feet

The proposed amendment will limit the interior floor area of the emergency sleeping cabins to 100 square feet and up to 4 occupants. However, during a City-declared public health emergency a maximum of 2 occupants will be allowed within the 100 square foot emergency sleeping cabin. If the floor area is larger than 100 square feet, the CBC's current recommendations of 70 square feet for single occupancy and 50 square feet for each additional occupant, up to 400 square feet will apply. Regardless of the square footage, five percent of all units and no less than one unit will be required to comply with the Americans with Disabilities Act as stipulated in the 2019 CBC Section 11B and Appendix O, Section O107. The remaining recommended minimum standards pertaining to emergency sleeping cabins as set for in Appendix O104 for live loads, ceiling heights, egress and egress window, plumbing, electrical, ventilation, and smoke and carbon monoxide alarms will remain unchanged.

The proposed changes to the minimum interior floor area will continue to meet health and safety standards, in accordance with Health and Safety Code Section 17958.7 and 18941.5, in addition to addressing the following issues:

1. Human lives are at risk.

The Fresno Madera County Continuum of Care 2019 Point in Time (PIT) count reported a total of

1,486 homeless individuals within the City. The 2019 PIT count of persons experiencing homelessness was found to have increased by 16.2% over the 2018 PIT count (1,279). Further, 1,152 of the homeless individuals were unsheltered, representing 23.2% increase in the number of unsheltered persons in the 2018 PIT count (935). As evidenced in the below table, harsh summer and winter climatic conditions in the City placed the health and lives of the unsheltered homeless at risk. These conditions warrant prompt action to provide shelter for the preservation of life and health.

Summer Weather Extremes, 2019	June	July	August	September
Daily High Temperature above 100 degrees (days)	7	15	18	7
Highest Daily Temperature (degrees)	106	107	108	104
Average Monthly High Temperature (degrees)	94	99	99	91
Monthly Precipitation (inches)	0.00	0.00	0.00	0.00
Winter Weather Extremes, 2019	November	December	January	February
Daily Low Temperature below 40 degrees (days)	2	8	8	15
Lowest Daily Temperature (degrees)	35	36	33	32
Average Monthly Low Temperature (degrees)	45	44	44	41
Monthly Precipitation (inches)	0.72	2.16	2.23	3.26

1. The proposed FMC update will extend the use of limited emergency shelter resources. The following table compares the cost of sheltering for a single occupant in an emergency sleeping cabin, as currently recommended under the CBC, compared to the cost of sheltering 4 occupants in the proposed amendment while concurrently meeting the City’s ADA requirement. There is a significant increase in impact resulting from cost savings if the proposed action is approved.

Per Cabin Occupancy	Cost per Emergency Sleeping Cabin	Cost for 30 Cabins	Number of Persons Housed	Cost per person
Existing CBC Language allowing 1 occupant per 100 s.f. cabin	\$ 7,922	\$ 237,660	30	\$ 7,922
Proposed Double occupancy, 30 cabins with 2 occupants per 100.s.f.	\$ 8,102	\$ 243,060	30	\$ 4,051
Proposed Quad occupancy, 28 cabins with 4 occupants per 100 s.f. and 2 ADA compliant cabins with 2 occupants per 100 s.f.	\$ 8,462	\$ 253,860	116	\$ 2,188

In requesting this Ordinance revision, and as a condition to approval, the Poverello House has stipulated that it will: 1) limit occupancy to not more than two persons per emergency sleeping cabin during the COVID-19 emergency; 2) prohibit families with children from occupying the emergency sleeping cabins; and 3) include the Chinatown area in the Santa Clara Street Improvement Plan.

Staff will also create an internal policy regarding families with children, to the extent allowed by law, consistent with Council's direction.

ENVIRONMENTAL FINDINGS

This approval is not a project for the purposes of CEQA Guidelines section 15378. The proposed local amendments to the California Building Code Title 24 Appendix O104 do not commit the City to a definite course of action with regard to carrying out a specific project and do not in and of themselves have the potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment. The proposed amendment does not change the standards for constructing emergency sleeping cabins, and will not result in the approval of any particular structures. Rather, the proposed amendment adjusts the number of persons permitted to occupy a certain square footage from one occupant in 100 square feet to 4 occupants in 100 square feet. Future projects that will use these standards will be required to submit independent applications to the City. As such, adjusting the occupant to square footage ratio, is not a project for the purposes of CEQA Guidelines section 15378 and no further analysis is required.

LOCAL PREFERENCE

Local preference does not apply because this item is an amendment to an existing ordinance.

FISCAL IMPACT

No additional General Fund appropriations are required for this amendment.

Attachment:
Ordinance