

ADDITIONAL INSTRUCTIONS FOR TEMPORARY OVERNIGHT SHELTERS IN CHURCHES

SPECIAL USE PERMIT

A Special Use Permit is required to provide temporary overnight shelter to homeless persons in any legal church. If you have either an existing Conditional Use Permit or Planned Development Permit, you must apply to amend your existing permit. You should understand and follow the instructions on the following pages if you are proposing to provide temporary overnight shelter.

1. **Duration of Use.** Church facilities may be used as temporary shelter once for a maximum of 35 days in any calendar year. Church facilities may provide temporary overnight shelter to no more than 15 persons in one 24 hour period.
2. **Limitations on Existing Buildings.** All persons receiving temporary shelter shall sleep and eat within church buildings. No person shall eat or be housed in tents, lean-tos or other temporary facilities. No church building or structure shall be erected, enlarged or modified for temporary shelter without an approved Development Permit as required by the Zoning Ordinance.
3. **Conformance With Local and State Laws.** A church providing temporary overnight shelter to homeless persons must be operated in conformance with all local and State laws. The City will conduct safety inspections to ensure that:
 - a. The number of persons sheltered in a church facility does not exceed the maximum square footage and occupancy standards contained in Title 17 of the Municipal Code; and,
 - b. The church facility has adequate egress and fire detection systems for life safety.
4. **Completed Application Forms.** A separate application shall be filed for each site. Each application must be signed by one of the following: (1) all owners of the real property included in the site, (2) a person having lawful power of attorney therefore, or (3) church pastor.
5. **Assessor's Parcel Number (APN).** The APN is required on the application form. The APN may be obtained from either (1) the property tax bill, or (2) the County Assessors Office at (408) 299-5500.
6. **Description of Subject Property.** A legal description is required which encompasses the site. It may consist of either (1) lot and tract numbers with a copy of the recorded tract map, or (2) a metes and bounds description prepared by a qualified professional. The legal description may be obtained with either an address or APN from the County Recorder, 70 W. Hedding St., East Wing, San Jose, CA 95110.
7. **Noticing the Neighborhood.** Refer to the Public Outreach Policy for a full description of the City's public notification procedures. Public Hearing notices will be mailed for development proposals at least 10 calendar days before the date set for hearing for a project. Notices will be sent to all property owners and residents within 300 feet for Very Small projects, 500 feet for Standard Development Proposals and a minimum of 1,000 feet for large or controversial projects as detailed in the Public Outreach Policy.
8. **Environmental Review.** A completed application is required for the appropriate environmental review.
9. **Site Plan.** An aerial photograph is required if you are applying for a Special Use Permit to provide temporary overnight shelter to homeless persons in an existing building involving no new construction or additional square footage as follows:

Nine copies of a 200-scale aerial photograph, 8 1/2" x 11", showing the site in the center of the photograph and the following information:

- a. Label the aerial photograph "Site Plan."
- b. Clearly outline and identify the site.
- c. Clearly outline the building where shelter activities will occur.
- d. Clearly label the building where shelter activities will occur as "Temporary Overnight Shelter."
- e. Name each surrounding street.
- f. Indicate north arrow and scale of the aerial photograph.

For information on purchasing an aerial photograph, please call the Department of Public Works at (408) 277-5297.

11. **Photographs.** Photographs are required of (1) the building where shelter activities will occur, and (2) the views from the building to the closest property lines. Label the photographs to indicate what is being viewed. Polaroid photographs are acceptable.
12. **Fees.** Application fees are required for the for Special Use Permit and environmental review applications. Associated Public Noticing Fees are also applicable. Please see the adopted fee schedule.
13. **Management Plan.** A Special Use Permit application for temporary overnight shelter in church facilities must contain a management plan which describes the physical and operational characteristics of the proposed use.

PROCESSING SCHEDULE

Planning Staff:

- Checks the application for completeness.
- Logs in application, assigns a File Number, and collects application fees.
- Reviews application with other City departments and obtains any pertinent information.
- Conducts a field inspection.
- Prepares a recommendation to the Director of Planning.

Director of Planning:

- Reviews the recommendation, and approves, conditionally approves, or denies the requested application.
- An approval, conditional approval, or denial of the Director may be appealed to the Planning Commission within ten (10) days of the decision.

Planning Commission:

- Will consider and act upon the appeal.
- If the appeal is denied, the decision of the Commission shall be final.

If the appeal is granted, the decision shall be effective immediately.

INDEMNIFICATION AGREEMENT
FOR DEVELOPMENT APPLICATIONS

Applicant submitted an application to the City of San José Planning Division on _____, 200____ for the following development approval(s): _____

(the "Project"). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Applicant hereby expressly agrees in connection with the processing of Applicant's Project application(s) to each and every one of the following terms and conditions:

1. Applicant agrees, as part of and in connection with each and any of the application(s), to defend, indemnify, and hold harmless the City of San José ("City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void, or annul:
 - a. Any approvals issued in connection with any of the above described application(s) by City; and/or
 - b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council.

Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by Applicant, City, and/or parties initiating or involved in such proceeding.

2. Applicant agrees to indemnify City for all of City's costs, fees, and damages incurred in enforcing the indemnification provisions of this Agreement.

3. Applicant agrees to defend, indemnify and hold harmless City, its officers, contractors, consultants, attorneys, employees and agents from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if Applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

4. In the event that Applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve:
 - a. The counsel to so defend City; and
 - b. All significant decisions concerning the manner in which the defense is conducted; and
 - c. Any and all settlements, which approval shall not be unreasonably withheld.

City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with Applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where Applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant.

5. Applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

APPLICANT:

By: _____
(Signature)

Date: _____

(Print)

Its: _____
(Title, if any)



CITY OF SAN JOSE
 Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San José, CA 95113-1905
 tel (408) 535-3555 fax (408) 292-6055
 Website: www.sanjoseca.gov/planning

**SPECIAL USE PERMIT APPLICATION
 (TEMPORARY OVERNIGHT SHELTER)**

TO BE COMPLETED BY PLANNING STAFF				
FILE NUMBER SP	COUNCIL DISTRICT	QUAD #	ZONING #	RECEIPT #: _____
PROJECT LOCATION _____ _____ _____			AMOUNT: _____	
			DATE: _____	
			BY: _____	

TO BE COMPLETED BY THE APPLICANT (PLEASE PRINT OR TYPE)	
Pursuant to the Provisions of Part 7 of Chapter 20.100 of the San Jose Municipal Code, application is made to request a Special Use Permit for temporary overnight shelter for homeless persons.	
FOR THE PROPERTY LOCATED AT:	
ASSESSOR'S PARCEL NUMBER(S) (APN)	GROSS ACREAGE
EXISTING USE OF PROPERTY	
PROPOSED USE OF PROPERTY	

SIGNATURE OF CHURCH PASTOR REQUIRED*	
The undersigned hereby declare (1) the information provided herein is true and correct, (2) the City may enter the property from time to time for purposes of inspection of the use subject to the Special Use Permit, and (3) a legal description of subject property, Exhibit A, is attached hereto and made a part thereof by reference.	
PRINT NAME OF CHURCH PASTOR	DAYTIME TELEPHONE #
ADDRESS	CITY STATE ZIP CODE
SIGNATURE * Xerox Copied or Facsimile Signatures will NOT be accepted. X	DATE

CONTACT PERSON		
PRINT NAME		
ADDRESS CITY STATE ZIP CODE		
DAYTIME TELEPHONE # ()	FAX TELEPHONE # ()	E-MAIL ADDRESS

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Temporary Overnight Shelters in Churches.pm65 Rev. 9/19/2005

TEMPORARY OVERNIGHT SHELTER MANAGEMENT PLAN

A Special Use Permit application for temporary overnight shelter in church facilities must contain a management plan which describes the physical and operational characteristics of the proposed use. Answers to the following questions constitute such a management plan. You may attach additional sheets if necessary.

Duration of Use

a. Will church facilities be used as temporary overnight shelter for homeless persons for a maximum of 35 days in any calendar year?

[] YES [] NO

b. Will church facilities provide temporary overnight shelter to homeless persons to no more than 15 persons in one 24-hour period?

[] YES [] NO

c. What dates will the temporary overnight shelter operate?

FROM: _____ TO: _____

Client Selection

d. How are clients selected for the shelter program?

e. What is your target group of clients?

f. What is your criteria to screen clients?

g. Are the clients required to sign a contract prior to acceptance into the shelter program?

[] YES [] NO

Client Supervision

h. Who will operate the shelter program?

Name _____
Phone (_____) _____

Name _____
Phone (_____) _____

Name _____
Phone (_____) _____

Name _____
Phone (_____) _____

i. Who will supervise the shelter program?

Name _____
Phone (_____) _____

Name _____
Phone (_____) _____

Name _____
Phone (_____) _____

j. What are the minimum qualifications for shelter supervisors?

k. Will the clients be supervised at all times?

[] YES [] NO

l. Who will be contacted in the event of an emergency?

Name _____
Phone (_____) _____

Name _____
Phone (_____) _____

Name _____
Phone (_____) _____

m. How will clients who are denied access to the shelter be escorted from the premises?

Call contact listed under I. Call 911

Other _____

n. What are the rules of conduct for clients of the shelter program and how are they enforced?

o. Are the rules of the shelter program visibly posted in the shelter?

YES NO

Transportation

p. How are clients transported to and from the site?

q. How many cars will be parked at the site for clients, supervisors, and volunteers during the hours of shelter operation?

r. How many offstreet parking spaces are available?

s. Where will parking for clients, supervisors, and volunteers be located?

Shelter Operation

t. What are the hours of operation of the shelter?

FROM: _____ TO: _____

u. Where will shelter activities such as eating, sleeping, and smoking be located?

Eating: _____

Sleeping: _____

Smoking: _____

Other: _____

v. Will shelter activities be located in tents, lean-tos, or other temporary structures?

YES NO

Neighborhood Compatibility

w. What are the approximate distances in feet between the buildings housing shelter activities on the site and the property lines of adjacent residential uses?

NORTH _____ SOUTH _____

EAST _____ WEST _____

(If adjacent land uses are not residential, indicate "NR")

x. How will you notify the surrounding neighborhood to solicit input about the proposed shelter?

