

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO ADDING PROVISIONS TO THE SAN BRUNO MUNICIPAL CODE RELATED TO EMERGENCY SHELTERS FOR THE HOMELESS AND AMENDING THE ZONING MAP OF THE SAN BRUNO MUNICIPAL CODE IDENTIFYING AN EMERGENCY SHELTER OVERLAY DISTRICT

WHEREAS, California State law requires that all local governments adopt a Housing Element as one of the seven mandated elements of the General Plan; and

WHEREAS, the City Council adopted the 2015-2023 Housing Element on April 14, 2015; and

WHEREAS, in 2008, the State legislature passed Senate Bill 2 (California Government Code Section 65583(a)(4)), which requires jurisdictions to identify at least one zone where emergency homeless shelters may be permitted by right with sufficient capacity to accommodate the local need for emergency shelters; and

WHEREAS, the Housing Element carries forward Program 6-D from the prior 2009-2014 Housing Element, requiring amendment to Title 12 of the San Bruno Municipal Code related to provisions for emergency shelters, which must be completed in order to be in compliance with State law; and

WHEREAS, on April 21, 2015 the Planning Commission conducted a duly noticed public hearing and passed a resolution recommending that the City Council adopt said ordinance related to provisions for emergency shelters; and

WHEREAS, on May 26, 2015 the City Council conducted a duly noticed public hearing and the City Council introduced said Ordinance.

NOW, THEREFORE, the City Council of the City of San Bruno hereby ordains as follows:

SECTION 1: Section 12.80.212 [Emergency Shelter] is hereby added to Chapter 12.80 [Definitions] of Title 12 [Land Use] as follows:

Emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code Section 50801(e)).

SECTION 2: Section 12.96.010 [Established (districts)] is hereby amended to include; **(ES) Emergency Shelter Overlay District.**

SECTION 3: Section 12.96.150 (M-1 industrial district) is amended by adding Subsection 12.96.150.B.3 as follows:

- A. Purpose. To establish areas for warehousing, light manufacturing, and fabrication.
- B. Permitted Uses. The following uses, conducted entirely within an enclosed structure, are permitted in the M-1 district:
 1. Warehouses and storage;
 2. Light manufacturing, fabricating.
 3. **Emergency shelters; subject to the provisions set forth in Section 12.96.205.**

[The remainder of Section 12.96.150 remains unchanged.]

SECTION 3: Section 12.96.205 [Emergency Shelter Overlay] is hereby added to Chapter 12.96 [Zoning] of Title 12 [Land Use] of the San Bruno Municipal Code (the San Bruno Zoning Code) to read as follows:

12.96.205 Emergency Shelter Overlay

A. Purpose. *The purpose of this section is to ensure that the development of emergency shelters for the homeless do not adversely impact adjacent parcels or the surrounding neighborhood, and to ensure they are developed in a manner which protects the health, safety, and general welfare of the community.*

B. Description of Area. *The properties as shown in the Emergency Shelter Overlay zone map set out at the end of this chapter, are included within the Emergency Shelter Overlay (ES) district.*

C. Permitted Uses. *See Section 12.96.150(B)*

D. Development Regulations. *An emergency shelter for the homeless shall conform to all site development standards of Section 12.96.150(D), M-1 Industrial District, except as follows:*

1. Property Development Standards. *The construction of and/or renovation of a building for use as an emergency shelter shall conform to all applicable Building and Fire Code standards.*

2. Off-street Parking. *Emergency shelters shall provide one parking space for each employee or volunteer on duty when the shelter is fully open to clients, plus one parking space for every three beds dedicated for family sheltering, plus 0.35 parking spaces for each dedicated non-family bed. The Community Development Director may reduce the parking requirements if the emergency shelter can demonstrate a lower parking demand.*

3. *The emergency shelter shall also provide 0.2 bicycle parking spaces per bed.*

E. Performance standards. *A shelter for the homeless shall conform to all City performance standards.*

1. Maximum number of persons/beds. *No emergency shelter for the homeless shall contain more than 32 beds.*

2. Waiting and client intake areas. *The size of indoor waiting areas shall be sufficient to accommodate the expected number of clients without infringing upon the public right-of-way. Shelters shall provide 10 square feet of interior waiting and client intake space per bed. In addition, there shall be two offices or cubicles for shelters with fewer than 20 beds. For every additional bed there shall be an additional 0.1 office, rounded up. At least 25 percent of the offices, rounded up, shall be private. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.*

3. Facility Requirements. *Each facility shall include a written management plan that uses best practices to address homeless needs (e.g., the latest Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project) and subject to review and approval by the Community Development Director.*

4. On-site management. *On site management shall be provided during the hours that the shelter is in operation. The emergency shelter provider shall submit a written operations plan that includes procedures for screening residents to ensure compatibility with services provided at the facility.*

5. *Hours of Operation.* Clients shall only be on site and admitted to the facility between 5:00 p.m. and 10:00 a.m.

6. *On-site security.* Shelters must maintain a security and emergency plan and train staff about the plan. Shelters must install an indoor/outdoor video surveillance system for security purposes. Security plans shall be submitted to City staff for review and approval prior to issuance of an occupancy permit. Security plans shall be resubmitted to City staff on an annual basis.

7. *Coordination.* The shelter operator shall establish a liaison staff to coordinate with City, Police, School District officials, local businesses, and residents on issues related to the operation of the facility.

8. *Length of stay.* Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.

9. *Lighting.* Adequate external lighting shall be provided for security purposes. The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

10. *Nondiscretionary design review.* In addition to non-discretionary design standards required for other housing in the zone, emergency shelters shall meet the following requirements:

a. *Shelters shall have designated smoking areas that are not visible from the street.*

b. *There shall be no space for outdoor congregating in front of the building adjacent to the street and no outdoor public telephones.*

c. *There shall be a refuse area screened from view.*

11. *Modification to a performance standard may be permitted subject to approval of a use permit by the Planning Commission.*

Section 5. Validity. The City Council of the City hereby declares that should any section, paragraph, sentence or work of this code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the City Council of the City that it would have passed all other portions or provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

Section 6. This Ordinance has been reviewed with respect to applicability of the California Environmental Quality Act (CEQA). The proposed zoning ordinance amendment is an Implementation Actions contained in the current Housing Element to carry out housing programs, as required by State law. The potential environmental impacts of implementation of the Housing Element programs were reviewed as a part of the Negative Declaration prepared for the Housing Element. This document determined that no adverse environmental impacts would result from implementation of the policies and programs outlined in the Housing Element, and the Negative Declaration and Housing Element were approved by the City Council on April 14, 2015.

Section 7. This Ordinance shall be published as required by law and shall be in force 30 days after its adoption.

ATTEST:

Jim Ruane
Jim Ruane, Mayor

Carol Bonner
Carol Bonner, City Clerk

APPROVED AS TO FORM:

Marc Zafferano
Marc Zafferano, City Attorney

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I hereby certify that foregoing **Ordinance No. 1832**
was introduced at a regular meeting of the San Bruno City Council on
May 26, 2015, and adopted by the San Bruno City Council at a regular meeting on
June 9, 2015, by the following vote:

AYES: Councilmembers: Ibarra, Medina, O'Connell, Salazar, Mayor Ruane

NOES: Councilmembers: None

ABSENT: Councilmembers: None



Carol Bonner
Carol Bonner, City Clerk

**I hereby certify this to be a full, true and correct
copy of the document it puports to be, the
original of which is on file in my office.**

Dated: July 14, 2015
Vicky S. Haskin Deputy City Clerk
City Clerk of the City of San Bruno