

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FOSTER CITY ADOPTING TEXT AMENDMENTS TO VARIOUS CHAPTERS WITHIN TITLE 17, ZONING, OF THE FOSTER CITY MUNICIPAL CODE TO IMPLEMENT THE RHNA 6 HOUSING ELEMENT FOR THE 2023-2031 PLANNING PERIOD AND COMPLY WITH RECENT CHANGES IN STATE LAW AND FINDING THAT THE AMENDMENTS ARE WITHIN THE SCOPE OF THE ENVIRONMENTAL IMPACT REPORT PREPARED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE HOUSING ELEMENT AND SAFETY ELEMENT UPDATE (SCH#2022010509). – RZ2024-0012

CITY OF FOSTER CITY

WHEREAS, the Housing Element is an integral part of the Foster City General Plan that identifies the community's housing needs, states the community's goals and objectives regarding housing production, rehabilitation, preservation, and conservation to meet those needs, and defines the policies and programs; and

WHEREAS, Chapter 8, Housing Goals, Policies, and Programs of the Housing Element, forms the housing policy roadmap for the city and describes the implementation measures that the city needs to undertake in the planning period 2023-31; and

WHEREAS, these goals, policies, and programs aim to provide additional housing in a way that is balanced with the community's desires to retain the aspects of Foster City that make it a great place to live, work, and play; and

WHEREAS, the Housing Element Programs include the City's commitment to timeframes for implementation and the Annual Progress Report (APR) to the California Department of Housing and Community Development (HCD), due by April 1 of each year, reports on progress in implementation of these Programs; and

WHEREAS, amendments to Foster City Municipal Code, Title 17, Zoning are required for the implementation of the Housing Element programs, including, H-C-1-b, H-D-6-b, H-D-4-f, H-D-6-c, H-E-9-a, H-E-9-b, H-F-2-e, and H-F-3-b for the year 2024; and

WHEREAS, on September 11, 2024, a Land Use Subcommittee meeting was held to discuss the implementation of the Housing Element programs; and

WHEREAS, on September 19, 2024, a Planning Commission Study Session was held to review and discuss proposed amendments to Title 17, Zoning for the implementation of the Housing Element programs; and

WHEREAS, on October 17, 2024, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider adoption of text amendments to Title 17, Zoning, of the Foster City Municipal Code to implement the RHNA 6 Housing Element for the 2023-2031 planning period and comply with recent changes in State Law and finding that the amendments are within the scope of the

Environmental Impact Report prepared under the California Environmental Quality Act (CEQA) for the Housing Element and Safety Element Update (SCH#2022010509); and

WHEREAS, the proposed amendments within the scope of the Environmental Impact Report prepared under the California Environmental Quality Act (CEQA) for the Housing Element and Safety Element Update (SCH#2022010509); and

WHEREAS, on November 6, 2024, a Notice of Public Hearing was duly posted for consideration of the amendments to various Chapters in Title 17, Zoning, of the Foster City Municipal Code to implement the RHNA 6 Housing Element for the 2023-2031 planning period and comply with recent changes in State Law, and the related CEQA finding, for the City Council public hearing on November 18, 2024; and

WHEREAS, on November 18, 2024, the City Council held a duly noticed public hearing where it carefully reviewed and considered the staff report and all attachments thereto, including the Planning Commission's recommendation regarding the proposed text amendments to Title 17, Zoning, of the Foster City Municipal Code to implement the RHNA 6 Housing Element for the 2023-2031 planning period and comply with recent changes in State Law, as referenced above, as well as the proposed CEQA finding, including any and all timely submitted correspondence, all information submitted at or prior to the public hearing, and all public comment and testimony presented at the public hearing (collectively, the "Record").

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN AS FOLLOWS:

Section 1. The City Council does hereby find and determine based upon the aforementioned Record as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference; and
2. The proposed amendments are internally consistent with all other provisions of the General Plan and do not conflict with any of the previously adopted goals, policies, or programs of the General Plan.
3. The proposed amendments are necessary to implement the goals and policies of the General Plan through the implementation of the Housing Element.
4. The proposed amendments will not be detrimental to the public interest, convenience, and general welfare of the City.
5. The proposed text amendments to various Chapters in Title 17 are contemplated in the scope of the Environmental Impact Report prepared under the California Environmental Quality Act (CEQA) for the Housing Element and Safety Element Update (SCH#2022010509);

Section 2. Amendment. The City Council does hereby amend specified Chapters in Title 17, Zoning of the Foster City Municipal Code as presented in the attached Exhibits A through J, with additions identified by underline and deletions in ~~strikethrough~~, as listed below and attached hereto and incorporated herein:

- Exhibit A: Chapter 17.04 Definitions

- Exhibit B: Chapter 17.16 RT Townhouse Residence District
- Exhibit C: Chapter 17.18 R-3 Medium Density Multiple-Family Residence District
- Exhibit D: Chapter 17.26 C-2 General Business District
- Exhibit E: Chapter 17.28 CM Commercial Mix District
- Exhibit F: Chapter 17.32 PF Public Facilities District
- Exhibit G: Chapter 17.62 Off-Street Parking Regulations
- Exhibit H: Chapter 17.76 Conversion Regulations
- Exhibit I: Chapter 17.78 Accessory Dwelling Units
- Exhibit J: Chapter 17.86 Emergency Shelters, Low-Barrier Navigation Centers, and Supportive Housing.

All other sections and subsections not specifically identified in Exhibits A-J shall remain unchanged.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council does hereby declare that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 5. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 18th day of November 2024, and passed and adopted on the \_\_\_\_ day of \_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
PATRICK SULLIVAN, MAYOR

ATTEST:

\_\_\_\_\_  
PRISCILLA SCHAUS, CITY CLERK

## EXHIBIT A

### Amendments to Chapter 17.04 Definitions

**Chapter 17.04 Definitions** of Title 17, of the Foster City Municipal Code is hereby amended to amend an existing definition as follows:

Navigation Center, Low-Barrier. “Low-barrier navigation center” is a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A Low Barrier Navigation Center may be non-congregate and relocatable. “Low-barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

**Chapter 17.04 Definitions** of Title 17, of the Foster City Municipal Code is hereby amended to amend an existing definition as follows:

“Single-room occupancy (SRO)” means a unit that is a one-room dwelling unit with limited cooking and living facilities designed primarily for one individual, within a multiple-unit structure.

## EXHIBIT B

### Amendments to Chapter 17.16 RT Townhouse Residence District

**Section 17.16.020 Permitted Uses of Chapter 17.16 RT Townhouse Residence District** of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

17.16.020 Permitted uses.

The following uses shall be permitted in the R-T district:

- A. One-family attached residential or townhouse units; provided, that a maximum of six units may be joined together by common walls;
- B. Accessory structures and uses located on the same site as the townhouse unit for which the use is clearly related to the primary unit;
- C. Home occupations as defined in Section 17.04.020;
- D. Common open areas maintained and available for the use of the residents of the development;
- E. Private roads and driveways; provided, that a minimum road width of twenty-four feet shall be maintained where no driveway access occurs, and width of twenty-eight feet shall be minimum where driveways or parking bays occur;
- F. Common recreation facilities including but not limited to community buildings, swimming pools, activity court and the like. A minimum of ten percent of the development shall be devoted to active recreational activity;
- G. Community care facilities including family day care homes, day care centers, residential care facilities, low-barrier navigation centers, transitional housing and supportive housing as defined by Section 17.04.020;
- H. Accessory dwelling units in compliance with Chapter 17.78. (Ord. 674 § 2 (Exh. D), 2024)

## EXHIBIT C

### Amendments to Chapter 17.18 R-3 Medium Density Multiple-Family Residence District

Section 17.18.020 Permitted Uses of Chapter 17.18 R-3 Medium Density Multiple-Family Residence District of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

17.18.020 Permitted uses.

The following uses shall be permitted in the R-3 districts:

- A. Multiple-family dwellings.
- B. Accessory uses which are related to multiple-family dwellings.
- C. Home occupations as defined in Section 17.04.250.
- D. Community care facilities including family day care homes, day care centers, residential care facilities, low-barrier navigation centers, transitional housing and supportive housing as defined by Sections 17.04.020.
- E. Accessory dwelling units in compliance with Chapter 17.78. (Ord. 674 § 2 (Exh. E), 2024)

## EXHIBIT D

### Amendments to Chapter 17.26 C-2 General Business District

**Section 17.26.020 Permitted Uses of Chapter 17.26 C-2 General Business District** of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

17.26.020 Permitted uses.

The following uses shall be permitted in the C-2 districts:

A. Any use which is a permitted use in the neighborhood commercial C-1 districts, except that the following uses are excluded from the C-2 zone: laundromats;

B. Retail stores and services establishments which supply commodities or provide service primarily to meet the needs of residents of the community, such as large department stores, automobile sales agencies, bars and cocktail lounges, sale of antiques and specialty items, costume rental shops, bicycle stores (including rental and repair), hotels and motels (including restaurant and meeting rooms), and other general commercial uses serving the needs of the community as a whole and which, in the opinion of the city planning director, are similar to the above-mentioned uses;

C. Parking lots, open and other than accessory, for the storage of private passenger automobiles and subject to the provisions of Chapter 17.62;

D. Incidental and accessory structures and uses on the same site with and necessary to the operation of a permitted use. (Ord. 674 § 2 (Exh. G), 2024)

E. Community care facilities including family day care homes, day care centers, residential care facilities; single-room occupancy units; low-barrier navigation centers; transitional housing and supportive housing as defined by Section 17.04.020.

## EXHIBIT E

### Amendments to Chapter 17.28 CM Commercial Mix District

**Section 17.28.030 Permitted Uses of Chapter 17.28 CM Commercial Mix District** of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

17.28.030 Permitted uses.

A. The uses permitted within the C-M district are only those uses consistent with the general plan land use designation and as specified within the use permit required in connection with such district. Other uses may be approved from time to time by the planning commission and found to be similar to the uses previously approved.

B. Cannabis testing laboratories may be an allowable use within the required use permit only in that portion of the C-M district that is located north of California State Highway Route 92, subject to the requirements of Chapter 8.10 and subject to the requirements of this chapter.

C. No use shall be established on a parcel of land which causes the amount of parking required by this title for that parcel to exceed the number of parking spaces provided. Where combined use of parking is requested, the number of parking spaces provided shall not be reduced below the number of spaces required by the maximum user. (Ord. 674 § 2 (Exh. H), 2024)

D. Community care facilities including family day care homes, day care centers, residential care facilities, single-room occupancy units, low-barrier navigation centers, transitional housing and supportive housing as defined by Section 17.04.020.



## EXHIBIT F

### Amendments to Chapter 17.32 PF Public Facilities District

**Section 17.32.020 Permitted Uses of Chapter 17.32 PF Public Facilities District** of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

17.32.020 Permitted uses.

The following uses shall be permitted in the P-F districts:

- A. Buildings and facilities owned, leased or operated (whether in a governmental or proprietary capacity) by the city, the county, the state, or the federal government, any public school district or any other public district within the city.
- B. Emergency shelters and low-barrier navigation centers for the homeless pursuant to Chapter 17.82.
- C. Housing developments in conformance with Government Code Section 65913.16.
- D. On properties owned ~~or occupied~~ by a religious institution or school use, up to four accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) per lot. (Ord. 677 § 3 (Exh. B), 2024; Ord. 657 § 4 (Exh. M), 2023)

E. Single room occupancy, transitional housing and supportive housing as defined by Section 17.04.020.

## EXHIBIT G

### Amendments to Chapter 17.62 Off-Street Parking Regulations

**Section 17.62.060.A.5 of Chapter 17.62 Off-Street Parking Regulations** of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

5. Senior Citizens Rental Housing and Supportive Housing.

a. A housing development designed and maintained as rental housing for senior citizens (persons aged sixty years or older) or supportive housing will be permitted a reduction in the required number of resident off-street parking stalls down to a ratio of ~~one-half~~0.75 off-street parking stalls per bedroom. Required resident parking may be reduced pursuant to Section 17.62.060.D.3.

b. Guest parking shall be provided at a ratio of ~~one-half~~0.25 off-street parking stalls per unit. A passenger drop-off zone provided per Section 17.62.095.A.4 could count towards five (5) guest parking spaces. However, in no case, may the guest parking reduction exceed five (5) spaces.

c. Notwithstanding the requirements for resident and guest parking, if a supportive housing development is located within one-half mile of a public transit stop, pursuant to California Government Code Section 65654, no minimum parking requirements shall be imposed.

**Section 17.62.095 of Chapter 17.62 Off-Street Parking Regulations** of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

17.62.095 Passenger drop-off zone requirements.

A. A minimum of one passenger drop-off zone shall be provided for the following:

1. Any new commercial, hotel, or office building constructed of forty thousand square feet or larger;

2. Any change in occupancy of any commercial or office building or the manner in which any use is conducted that would result in additional occupancy limits.

3. Any new residential building containing fifty or more dwelling units. (Ord. 674 § 2 (Exh. K), 2024)

4. Any senior citizens housing development containing five or more dwelling units.

## **EXHIBIT H**

### **Amendments to Chapter 17.76 Conversion Regulations**

**Chapter 17.76 Conversion Regulations** of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

#### **Chapter 17.76 CONVERSION REGULATIONS\***

Sections:

- 17.76.010 Purpose.
- 17.76.020 Definitions.
- 17.76.030 General requirements.
- 17.76.040 Requirements for tentative map and use permit approval.

\* Editor's Note: The provisions of this chapter supersede Sections 16.36.030, 16.36.070, 17.16.020, 17.56.010, and 17.62.010 of this code insofar as these sections apply to rental apartment conversions.

#### **17.76.010 Purpose.**

In order to provide for the housing needs of all economic segments of the community, and protect the health, safety, and welfare of its residents, the city council finds that the regulation of rental housing conversion is necessary to achieve the following purposes:

- A. To attempt to provide a reasonable balance of rental and ownership housing in Foster City;
- B. To ensure that apartment conversions do not conflict with the goals or policies of the general plan;
- C. To provide tenant and buyer protection relating to displacement and relocation of renters, ensuring purchasers are informed regarding the structural integrity of buildings and ensuring said buildings and utility systems reasonably comply with all current codes which may directly impact the health, safety, and welfare of future residents including codes related to noise and insulation standards;
- D. To reduce and avoid the impact of such conversions on existing and future low and moderate income residents of the community by attempting to maintain an adequate supply of

rental housing which provides the majority of housing opportunity for lower and moderate income households. (Ord. 214 § 1 (part), 1981)

## **17.76.020 Definitions.**

For the purposes of this chapter the words set out in this section shall have the following meanings:

- A. "Apartment" means a building designed for or occupied by two or more families living independently of each other as defined in the ~~state Uniform~~ California Building Code as it shall be amended from time to time, except accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs) on single-family properties.
- B. "Association" means the organization of persons who own a lot, parcel, area, condominium or right of exclusive occupancy in a community housing project.
- C. "Building official" means the chief building official of the city or the designee of the planning community development director.
- D. "Common area" means an entire project excepting all residential dwelling units therein.
- E. "Community apartment." A "community apartment" is where an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.
- F. "Community housing project" means condominium project, as defined in Sections 685 and 686 of the Civil Code, or successor sections, containing two or more condominiums as defined in Section 783 of the California Civil Code, or its successor section; a community apartment project, as defined in Section 11004 of the Business and Professions Code, or successor section, containing two or more rights of exclusive occupancy; a stock cooperative as defined in Section 11003.2 of the Business and Professions Code, or successor section, containing two or more separately owned lots, parcels, or areas; and a planned development as defined in Section 11003 of the California Business and Professions Code, or successor section, containing two or more separately owned lots, parcels, or areas.
- G. "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either an estate of inheritance or perpetual estate; an estate for life; or an estate for years, such as a leasehold or subleasehold.
- H. "Conversion" means a proposed change in the type of ownership of a parcel or parcels of land from a use that is not a community housing or community housing project use, together with the existing or added structures, to any types of ownership defined under community housing and community housing projects regardless of the present or prior use of such land and

structures and whether substantial improvements have been made or are to be made to such structures.

I. "Developer" means the owner or subdivider with a controlling proprietary interest in the community housing project, or the person or organization making application hereunder.

J. "Director" means the planning community development director of the city of Foster City or ~~his/her~~the director's designee.

K. "~~Handicapped Disabled~~". A person is handicapped-disabled who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment and has the following characteristics: an orthopedic disability impairing ability to obtain employment, a physical disability where the person requires special care facilities in the home, or a developmental disability or mental disorder which would render ~~him or her~~them eligible to participate in programs of rehabilitation or social services conducted by or on behalf of a public agency.

L. "Housing market area" means the area that includes the cities of Foster City, San Mateo and Belmont.

M. "~~Lower~~ income" means households with incomes no greater than the maximum income for low income households, as published annually by the California Department of Housing and Community Development (HCD) as the official state income limits pursuant to Health and Safety Code Section 50093 for San Mateo County, adjusted for household size~~tenant or household that earns eighty percent or below of the county or SMSA median income, whichever produces the higher figure.~~

N. "Moderate income" means households with incomes no greater than the maximum income for moderate income households, as published annually by the California Department of Housing and Community Development (HCD) as the official state income limits pursuant to Health and Safety Code Section 50093 for San Mateo County, adjusted for household size~~tenant or household that earns more than eighty percent, but not more than one hundred twenty percent, of the county or SMSA median income, whichever produces the higher figure.~~

O. "Multiple family residential project" means a rental housing development consisting of five or more dwelling units attached to or within one structure.

P. "Organizational documents" means the declaration of restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management or operation of all or any part of the community housing project.

Q. "Planned development" means a real estate development other than a community apartment project as defined in Section 11004 of the Business and Professions Code, a project consisting of condominiums as defined in Section 783 of the Civil Code, or a stock cooperative as defined in Section 11003.2 of the Business and Professions Code, having either or both of the following features:

1. Any contiguous or noncontiguous lots, parcels or areas owned in common by the owners of the separately owned lots, parcels or areas consist of areas or facilities the beneficial use and enjoyment of which is reserved to some or all of the owners of separately owned lots, parcels or areas;

2. Any power existing to enforce any obligation in connection with membership in the owners association as described in Section 11003.1 of the Business and Professions Code, or any obligation pertaining to the beneficial use and enjoyment of any portion of, or any interest in, either the separately or commonly owned lots, parcels or areas by means of a levy or assessment which may become a lien upon the separately owned lots, parcels, or areas of defaulting owners or members, which said lien may be foreclosed in any manner provided by law for the foreclosure of mortgages or deeds of trust, with or without a power of sale.

R. "Stock cooperative" means a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the person having such right of occupancy. The term "stock cooperative" does not include a limited-equity housing cooperative, as defined in Section 11003.4 of the Business and Professions Code or successor section.

S. "Subdivision Map Act". The "Subdivision Map Act" shall refer to the subdivision law of the state of California commencing with Section 66410 of California Government Code, or its successor.

T. "Subdivision ordinance" means an ordinance of the city of Foster City consisting of Title 16 of the Foster City Code and the Estero Municipal Improvement District Code as the same now exists or is hereafter amended. (Ord. 214 § 1 (part), 1981)

U. "Very low income" means households with incomes no greater than the maximum income for very low income households, as published annually by the California Department of Housing and Community Development (HCD) as the official state income limits pursuant to Health and Safety Code Section 50093 for San Mateo County, adjusted for household size.

#### **17.76.030 General requirements.**

A. Conversion Tied to New Rental Construction. In no case shall rental apartment units be converted to a community housing project unless an equal number of new rental apartment units are constructed-completed on or before January 1st of each calendar year. The planning director shall certify the total number of rental apartment units constructed-completed the previous year, commencing on July-January 1st and ending June-December 31st 30th of each year. One hundred percent of the certified one year's total for the previous year will be the allowed number of apartment units eligible for conversion into units of a community housing project in the current fiscal-calendar year. In the event the maximum permitted number of units is not converted in a given fiscal-year, the surplus shall be carried over once to the following year to count towards the number of apartment units eligible for conversion.

1. Selection Procedure. Applicants may submit applications for conversions twice a year, due at the close of business on the last Friday of April, and the last Friday of October. The semiannual number of units approved for conversion shall not exceed one-half the total determined in Section 17.76.030 A, unless, at the previous commission hearing on conversion, there were no applications approved, or those approved did not equal the amount allowed for conversion. These applications must contain all information required for a tentative map application pursuant to this chapter.

~~a. If the applications for the number of units to be converted exceeds the amount allowed for conversion determined in Section 17.76.030.A.1, the The planning director shall conduct a lottery to rank each batch of applications, in accordance with a formula based upon the following criteria:~~

~~a.—The extent to which the proposed conversion will provide housing opportunities that address the goals of the Foster City housing element;~~

~~b.—The extent to which the proposed conversion's deleterious effect on occupying tenants will be mitigated by relocation and other assistance provided by the applicant;~~

~~c.—The extent to which the building is suitable on the basis of its physical condition and other amenities, for conversion to condominiums;~~

~~d.—The extent to which the conversion impacts the local school system.~~

2. Acceptance and Ranking of Applications. The planning commission shall consider the ~~applications in the order of their lottery ranking until the amount of units approved for conversion reaches the number of units allowed for conversion highest ranking acceptable applications and may approve applications from those presented.~~ An application will not be complete and accepted for processing until staff determines that the materials submitted are ~~sufficient~~complete. If an application is not referred to the planning commission for three successive application periods, the applicant may appeal directly to the commission. Upon request, the applicant shall receive from the planning director a written explanation of the rank given to the conversion application, and/or written explanation of the reasons for denial of the conversion application, and/or written information concerning the process for appeal of the ranking or denial of the conversion application. Applicants will be rejected unless it is demonstrated that the proposed project will meet specified minimum requirements with respect to criteria set out in subsection (A)(1)(a) and (A)(1)(b) of this section.

~~3.—Exception. Notwithstanding the foregoing, additional rental units may be converted during the times specified if the city determines that the specific proposed conversions will be in the best interests of the residents of the city. In arriving at this conclusion, the city shall consider the need for ownership opportunities, the rental vacancy rate for the housing market area and/or the city, and any other matter deemed relevant by the city. The burden of proof shall be on the applicant to establish that on balance, the benefits to the community which will result from the specific proposal will substantially outweigh any detriments which may result.~~

B. Conformity with the General Plan. No conversion of multiple family rental units to ownership units shall be permitted unless and until the planning commission finds that the proposed

conversion will not conflict with the goals and policies of the general plan, especially the housing element.

C. Prohibition of Discrimination Against Prospective Buyers with Children. In no case shall a project ~~which can reasonably accommodate children, as determined in each case by the planning commission,~~ limit initial sales to households or individuals without children.

D. Tenant Notification.

1. Notification of Hearing on Use Permit and Tentative Map. Not less than two weeks prior to the public hearing for use permit and tentative map, the applicant shall send all tenants of the building(s) proposed for conversion a written notice. Such notice shall indicate: that the subdivider intends to convert the building to a community housing project; the date and location of the public hearing; the steps and actions the subdivider and others, including governmental agencies, will or must take in order for the building to be converted. Such notice shall further specify:

a. That the tenant will be permitted to terminate any lease or rental agreement without penalty upon notifying the subdivider in writing thirty days in advance of such termination;

b. That no existing tenant's rent will be increased from the level that existed three months prior to the date of application for a tentative map until tenant purchase of the unit, or tenant relocation takes place, or the tentative map application is denied, whichever is later. This period shall not exceed twelve months. The tenant may credit the amount of rent paid in excess of the allowable rent to the rental payment(s) immediately following the approval of the tentative map. Any rent increase following the twelve month period shall not exceed one hundred percent of the increase in the Bay Area Consumer Price Index for the most recent twelve month period;

c. That the provisions for relocation assistance and/or special group considerations are applicable as specified in Section 17.76.040 B; and

d. That no tenant will be evicted during a period beginning with the date of application for tentative map and ending thirty days after the issuance of the notification of termination of tenancy except for just cause.

2. Lease Extension. The developer shall offer a ninety day extension of tenancy after the expiration of a lease or rental agreement which would expire prior to or at the time of commencement of sales or issuance of the final public report by the real estate commissioner.

3. Tenants Right to Purchase. The developer shall provide each tenant an irrevocable, nontransferable, preemptive right to purchase a unit or right of exclusive occupancy at a price no greater than the price offered to the general public for such unit. Such right shall be irrevocable for a period of ninety days after the commencement of sales or the issuance of the final public report by the real estate commissioner. Tenants shall have the right to the unit presently occupied and then to other units in the project only after they have been declined for purchase and vacated by the occupancy tenants. In no case shall an existing tenant have a preemptive right to more than one unit.



4. Notification of Proposed Conversion Prior to Termination of Tenancy Due to Conversion (Notice of Intention to Convert). Each tenant of a conversion project shall be given one hundred eighty days notice of intention to convert prior to termination of ~~his or her~~the tenancy. The subdivider shall, at ~~his/her~~their discretion, establish the date of issuance of the notice of intention to convert. Such notices shall apply to existing and subsequent tenants of units to be converted. Each person who becomes a tenant of a unit for which either a one hundred eighty day notice of intention to convert and/or any other notice required by this chapter has already been issued, shall be informed and given a copy of said notice before entering into any written or oral rental agreement. At that time, such tenant shall also receive, in writing, notification of the number of days remaining before the expiration of the notice of intention to convert previously issued. The ninety day right-of-first-refusal shall terminate no earlier than the expiration date of the notice of intention to convert.

5. Notice to Quit. A notice to quit as authorized by Civil Code Section 1946 must be served by the developer after the expiration date of the notice of intention to convert if a tenant is required to move or if a unit is sold. (Ord. 214 § 1 (part), 1981)

#### **17.76.040 Requirements for tentative map and use permit approval.**

A. General Requirements. Both a tentative map and use permit are required. ~~The planning commission shall adhere to the requirements set forth in Section 17.76.030 in their review and approval or disapproval of tentative maps and use permits.~~ A tentative map and use permit shall be disapproved if any of the following findings are made:

1. That the tentative map and use permit are not consistent with applicable authorities as set forth in Section 17.76.030B;
2. That approval of the tentative map and use permit would be inconsistent with this chapter;
3. That the design or proposed improvements of the subdivision is likely to cause or sustain substantial environmental damage as defined by California Public Resources Code Section 21000 et seq.;
4. That there is an insufficient supply of affordable replacement units in the housing market area available to tenants who will be displaced as a result of the conversion; or
5. The application does not comply with any other provision of this chapter.

B. Specific Requirements. An application for the conversion of rental housing into a community housing project will require the submittal of the following information, which must be submitted by the developer to the ~~planning~~community development department at the same time the tentative map and use permit application are submitted unless otherwise stated:

1. Streets, Driveways and Parking Areas. All private streets, driveways and parking areas for said community apartment projects shall be improved and constructed with a structural section and site dimensions in accordance with the standards of the city and shall be designed to ensure that access for municipal services shall not be denied any dwelling unit therein by

reason of deteriorated or impassable private streets, driveways, or parking areas, as determined by the public works director ~~or his/her designee~~.

2. Compliance with Codes. The design, improvement and/or construction of a community housing project shall conform to and be in full accordance with all requirements of all building, fire and housing codes, zoning provisions and other applicable local, state or federal laws or ordinances relating to protection of public health, safety, and welfare, in effect and deemed appropriate by the planning commission at the time of the filing of the tentative map and use permit. Also, any violations of the latest adopted edition of the ~~Uniform Housing Code as prepared by the International Conference of Building Officials~~ **California Building Code**, or its successor, relating specifically to provisions protecting health and safety of residents, shall be corrected and any equipment or facilities which the building official determines are deteriorated or hazardous, shall be repaired or replaced. In particular, the developer shall repair or replace any damaged or infested areas in need of repair or replacement as shown in the structural pest report. The interpretation of what constitutes a hazard to public health and safety shall be made by the ~~planning~~ director, ~~or his/her designee~~.

If the proposed project does not comply with the provisions of the state of California **Uniform Building Code**, Foster City Code, and/or the building official identifies items to be corrected as provided in the above, any use permit issued pursuant to this part shall require the developer to furnish a bond, in an amount equal to the building official's estimated cost to bring the project into compliance with said codes, said fire regulations and/or such identified items to be corrected. Said bond shall run in favor of the individual purchasers and the homeowners association and shall provide for reasonable attorney's fees in the event of default by the principal. The city shall hold said bond pending issuance of the certificate of completion.

3. Separate Metering. The consumption of gas and electricity within each dwelling unit shall be separately metered in accordance with the local utility and PUC regulations. In all cases, a water shut-off valve shall be provided for each unit.

4. Impact Sound Insulation. The applicant/owner shall demonstrate that wall and floor ceiling assemblies conform to the sound insulation performance criteria promulgated in Title 25, California Administrative Code, Section 1092, or its successor, and that any floor covering which is replaced similarly provides the same or greater insulation qualities.

5. Storage Requirements. Private, enclosed, weather-proofed and lockable outdoor storage space shall be provided for each dwelling unit according to the following schedule:

No. of Bedrooms	Minimum Space in Cubic Feet
Studio or 1	150
2	200

No. of Bedrooms	Minimum Space in Cubic Feet
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3	250
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The above space shall be provided in the garage or parking area or contiguous to each unit. ~~This requirement may be waived by the planning commission if it is determined that sufficient storage space exists to reasonably fulfill this standard.~~

6. Private and Common Area Open Space. ~~Common open green area and private open green areas shall be provided in conformance with Section 17.96.040.D. The planning commission shall review the adequacy of open space in terms of area, and privacy standards. Private outdoor space shall be provided for each unit, where practical. The amount of space shall be determined in each case by the size of the unit and amount of common open space. Adjoining units shall be redesigned or landscaped in such a manner as to preclude visual intrusion into private outdoor yards or interior spaces, where practical.~~

7. Noise Mitigation. ~~Appropriate site design and construction techniques shall be utilized to ensure isolation from excessive noise sources outside of the project boundary. If the planning director determines that an excessive external noise source exists, the developer shall retain an~~An acoustical engineer ~~to shall~~ evaluate the noise impact of external sources on the proposed units for conversion and develop mitigation measures. The construction shall comply with the city general plan and the applicable ordinances and state codes relating to sound transmission control.

8. Interim Maintenance Standards. The developer shall be responsible for improving and maintaining the structures and landscaping in accordance with the approved architectural and landscaping plans and good maintenance practices prior to turning them over to the homeowners' association. The developer shall furnish a bond satisfactory to the public works director ~~or his or her designee~~ to ensure compliance with this requirement.

9. Off-street Parking. The amount and design of off-street parking shall comply with the requirements of Chapter 17.62 Off-Street Parking Regulations. ~~project shall provide a minimum of one and one-half off-street parking spaces, one of which must be covered, per unit for each unit of one bedroom or less, and a minimum of two off-street parking spaces per unit of which one must be covered for each unit of two bedrooms or more. The applicant/owner shall demonstrate that additional spaces exist to reasonably accommodate guest parking. These requirements may be lessened to the extent that the applicant establishes that additional parking is not needed at the particular site proposed for conversion.~~

10. Applicability of City Ordinance Regulating Parking of Trailers and Recreational Vehicles, etc. Provisions for vehicle and recreation vehicle storage shall comply with Chapter 17.64 Vehicle and Recreational Vehicle Storage. Title 17, the zoning ordinance of the Foster City Code, regulating parking of trailers, repairing vehicles, etc. shall apply to the private street and to all parking along said street. The parking of recreational vehicles such as boats, trailers, etc. shall be prohibited throughout the entire development unless said parking is within an enclosed area. Vehicular curb parking along the private street shall be prohibited except in designated areas. Appropriate "No Parking" signs shall be installed by the applicant.

11. Legal Description. A complete legal description of the property shall be provided.

12. Boundary Map. A boundary map showing the existing topography of the site and the location of all existing easements, structures and other improvements, and trees over four inches in diameter shall be provided.

13. Proposed Organizational Documents. In addition to such covenants, conditions and restrictions that may be required by the department of real estate of the state of California pursuant to Title 6 (condominiums) of the Civil Code or other state laws or policies, the developer shall provide the following organizational documents or information related to:

- a. Conveyance of units;
- b. Assignment of parking and management of common area within the project;
- c. A proposed annual operating budget containing a sinking fund to accumulate reserve funds to pay for major anticipated maintenance, repair or replacement expenses;
- d. FHA regulatory agreement if the project is FHA financed;
- e. The most recent balance sheet of the association.

14. Property and Structural Report. The property and structural report shall describe the physical condition and estimate remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, sprinkler systems for landscaping, utility delivery systems, central or community heating and air conditioning systems, sound insulation, fire protection systems including any automatic sprinkler systems, alarm systems, or standpipe systems, and structural elements. Said report shall also identify any structural elements which are known to be structurally defective or unsafe so as to impose a hazard to the health and safety of the occupants and users of said improvements. Such report shall also include recommendations to ensure the continued useful life of such elements and systems, and be prepared by a registered civil or structural engineer, or a licensed general building contractor or general engineering contractor. The developer shall arrange for project inspections by the building department to verify the accuracy of the structural report. The building official shall prepare a report detailing building code deficiencies or other health or safety deficiencies which must be corrected prior to sale of units or occupancy.

15. Structural Pest Report. The report shall be prepared within sixty days of the date of application by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code, or its successor section, relating to written reports on the absence or presence of wood destroying pests or organisms.

16. Building History Report. The building history report shall be prepared to include the following:

- a. The date of construction of all elements of the project;

- b. A statement of the major uses of said projects since construction;
- c. The date and description of each major repair of any element since the date of construction. For the purposes of this subsection, a "major repair" means any repair for which an expenditure of more than one thousand dollars was made;
- d. The date and description of each major renovation of any element since the date of construction. For the purposes of this subsection, "major renovation" means any renovation for which an expenditure of more than one thousand dollars was made;
- e. Statement regarding current ownership of all improvements and underlying land;
- f. The name, address, and age of present tenants including children, in the project;
- g. Estimated market value of each unit;
- h. Failure to provide information required by subsections (B)(16)(a) through (g) of this section shall be accompanied by an affidavit, given under penalty of perjury, setting forth in detail all efforts undertaken to discover such information and all reasons why said information cannot be obtained.

17. Rental History. The developer shall furnish a report detailing the size in square footage, the current or last rental rate, the monthly rental rate for the preceding two years, and the monthly vacancy over the preceding two years of each rental unit proposed to be converted.

18. Project Organization. A written description shall be furnished regarding the proposed project organization including the use and control of the common elements and recreation facilities within the project. Said statement shall detail any proposed control of common facilities to be retained by the developer or to be owned or maintained by any organization other than the homeowners' association or unit owners.

19. Copy of Application and Supplemental Questionnaire. The developer shall furnish:

- a. A true copy of each application submitted for issuance of a final public report to the department of Real Estate of the state of California for the project proposed for conversion including all attachments and exhibits thereto required by the department pursuant to Section 11011 of the Business and Professions Code;
- b. A true copy of the statement of compliance (form 643 as amended) pursuant to 10 Cal. AD. Code, Section 2792.9, or its successor, relating to operating and maintenance funds during start-up;
- c. A statement whether the developer will provide any capital contribution to the association for deferred maintenance of the common areas, and if so, the sum and date on which the association will receive said sum; and

d. A true copy of the supplemental questionnaire for apartments converted to condominiums, community apartments, or stock cooperative projects submitted to the Department of Real Estate of the state of California for the project proposed for conversion, and shall include all attachments and exhibits thereto.

Provided, however, that to the extent the information required to be furnished pursuant to subsection (B)(19) of this section is not available at the time of application, any conditional use permit issued under this part shall require the developer to furnish such information to the city within ten days of submission of the same to the Department of Real Estate; provided further, that the developer shall file with the city a true copy of the final public report' within ten days of issuance by the Department of Real Estate.

20. Relocation Displacement or Mitigation Plan. The developer shall submit a relocation displacement plan which shall include the following:

a. Detail tThe number of residents which-who will be displaced as a result of the proposed conversion, noting the number of disabled persons, elderly persons, and households with minor children to be displaced.

b. -and dDocumentation of the availability of comparable replacement housing in the housing market area within a rental range equal to the range which the tenants have paid as detailed in a rental report or within a price range which is equal to or less than thirty percent of the income range of each household to be displaced as a result of the conversion, whichever is higher.

c. -In addition, Documentation that replacement housing must be shown to will meet any special needs, which are presently available in the project, of displaced tenants such as facilities for the handicapped disabled persons, elderly persons, households with children, and availability of public transportation for the disabled persons, elderly persons, disabled, or resident buyers who are temporarily displaced pending completion of improvements to the units being purchased. If the sufficient comparable replacement housing is unavailable, a-developer may-shall meet the above requirements through the provision of mitigating factors to diminish the number and/or aid relocation of displaced tenants within the project. Said mitigating measures may include but are not limited to discounting the project units to tenant buyers, offering a moving allowance, extending leases, or providing below market rate units in addition to the number required by Chapter 17.90. Said mitigating measures shall be equivalent to at least ten years multiplied by the difference between existing rent and rent for comparable replacement housing.

d. Document the inclusion of tTenant protection provisions required by state law.

e. Document the inclusion of tTenant protection provisions required by subsection 21 below.

21. Tenant Protection Provisions. The developer shall indicate he-or-shethey haves provided the following:

a. — Lifetime Leases to Seniors and Handicapped Persons. The developer shall grant lifetime leases to all tenants who are sixty-two years of age and or older and/or handicapped. Such leases, to commence no later than the date of issuance of the final subdivision public report, shall be subject to the following conditions:

~~i.—Tenants shall have the option of cancelling the lease at any time upon thirty days' written notice to the owner;~~

~~ii.—Tenants cannot be evicted except for just cause;~~

~~iii.—Right of occupancy shall be nontransferable;~~

~~iv.—The first years' base monthly rent for the unit shall be set at no more than the rent existing on the unit one year prior to the filing of the tentative map or tentative parcel map increased by no more than one hundred percent of the percentage increase in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland Metropolitan Area, All Items Index (Bay Area CPI) from the date one year prior to the filing of the tentative map or tentative parcel map to the effective date of the lifetime lease;~~

~~v.—Subsequent rent adjustments, if any, may be made no sooner than one year from the effective date of the lifetime lease, shall be limited to no more than one per year, and the percentage increase in rent shall not exceed one hundred percent of the percentage increase in the Bay Area CPI for the most recent twelve-month period;~~

~~vi.—Except as provided hereinabove, terms and conditions of the lifetime lease shall be the same as those contained in tenant's current lease or rental agreement.~~

ab. Families with School Age Children. Families with minor children shall be granted lease extensions until thirty days after the expiration of the current school session.

bc. Relocation Assistance. The developer shall provide monetary relocation assistance, equal to a minimum of two-three months rent, to non-purchasing tenants, apportioned equally among the number of tenants in each unit.

c. Non-monetary Relocation Assistance. The developer shall provide a free one-year subscription to a rental assistance services or relocation assistance services provider.

~~d. Low and Moderate Income Housing. Ten percent of the units proposed for conversion shall be set aside for qualified low and moderate income rental or purchase or to the city or any such entity designated by the city or one percent of the gross sales must be contributed to the city. If rented, the developer shall indicate those units to remain as rentals and the methods of rent increases to ensure the availability of the units to remain as low and moderate income housing. If purchased, prices are not to exceed three times the annual median income for low and moderate income households as currently defined by San Mateo County. If the tenant does not purchase the unit, the subdivider must make the unit available at that price to qualified low or moderate income households or a nonprofit housing agency or authority. The developer shall provide deed restrictions to ensure that any low or moderate income household which purchases a dwelling pursuant to this section shall grant a ninety day right-of-first-refusal to the city or any such other entity that at a future time may be designated by the city, to purchase the dwelling at a price based on the last purchase price plus the cost of any improvements paid for by the owner, plus an increase proportionate to the increases in the housing component of the Bay Area Cost of Living Index, U.S. Department of Labor over the intervening time period. The city or its designated agency shall reconvey such unit to other qualified low or moderate income~~



~~purchasers if the right to purchase is exercised by the city or its designated agent. If the unit is not sold within twelve months to low or moderate income households or the city or its designated agent, the developer may sell to the general public at an unrestricted price. Moderate income housing shall be provided as required by Chapter 17.90 Below Market Rate Inclusionary Housing Program in the same quantity and the same standards as would be required for newly constructed dwelling units. Preferences for purchase of these units shall be based on the following preferences: 1) income qualified existing tenants that have at least one member of the household who is disabled, 2) income qualified existing tenants age 62 or older, 3) income qualified existing tenants with minor children, 4) all other income qualified existing tenants, and 5) all others in the preference order as established by the city to be applied citywide to below market rate units.~~

22. Further Necessary Information. The developer shall provide any other information which the planning commission or director ~~planning department~~ determines is necessary to evaluate the proposed project.

C. Waiver of Application Requirements. The ~~planning~~ director may waive the submission of certain factual items in Section 17.76.040 if it is demonstrated that such information is not available and cannot be obtained. ~~The planning director may waive or grant specific exceptions to any of the requirements of Section 17.76.040 if he/she determines that substantial compliance is not feasible under all of the particular circumstances, as deemed appropriate by the planning director.~~

D. Public Hearings. Applications for the tentative map, use permit and other required city approvals, as well as detailed site improvements should be submitted to the city. City staff will make a recommendation to the planning commission who will hold a public hearing on the project to approve or deny the application. The commission's action on an application may be appealed to or is subject to being called up by the city council. The city council would then hold a public hearing on the application to make a final determination.

E. Buyer Protection. The developer shall furnish each prospective purchaser of a unit, a true copy of the conditional use permit issued under this part and a copy of each of the following documents:

1. Property report;
2. Structural pest control report;
3. Property and structural report and building department report;
4. Building history report;
5. Statement of compliance (Form 643) pursuant to 10 Cal. AD. Code, Section 2792.9, or its successor, relating to operating and maintenance funds during start-up;
6. Soils report as determined in each case by the ~~planning~~ director;



7. The planning director's letter certifying compliance.

F. Letter Certifying Compliance. The ~~planning~~ director shall cause a final inspection of all buildings and structures to be made, upon request by the developer, to determine that the requirements of this section have been fulfilled. The building official shall then mark the inspection report to show the corrections, repairs and replacements which have been made. If complete, the planning director will cause to be issued a letter certifying compliance with all of the conditions and approvals and with this chapter and authorize sale and/or occupancy of said units. No building or unit applied for under this part shall be sold without said letter certifying compliance and approving occupancy. (Ord. 214 § 1 (part), 1981)

## EXHIBIT I

### Amendments to Chapter 17.78 Accessory Dwelling Units

**Chapter 17.78 Accessory Dwelling Units** of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

#### Chapter 17.78 ACCESSORY DWELLING UNITS

Sections:

- 17.78.010 Findings.
- 17.78.020 Purpose.
- 17.78.030 Application.
- 17.78.040 Definitions.
- 17.78.050 Permit application for an accessory dwelling unit.
- 17.78.060 Standards applicable to single-family residence zoning districts.
- 17.78.070 Standards applicable to multifamily residence zoning districts.
- 17.78.080 Parking requirements for accessory dwelling units.
- 17.78.090 Permit issuance.
- 17.78.100 Other provisions.

#### 17.78.010 Findings.

A. The adoption of an accessory dwelling unit ordinance which permits accessory dwelling units by ministerial review in areas zoned to allow residential development is consistent with the goals and policies of the Foster City general plan in that accessory dwelling units would help meet the need for affordable housing. Furthermore, construction of accessory dwelling units is not as costly as new construction, because there are no additional land costs, infrastructure costs are reduced, and an accessory dwelling unit can be added at the cost of an addition to, or remodeling of, the main single-family dwelling.

B. The accessory dwelling unit ordinance is intended to permit accessory dwelling units while maintaining the health, safety and welfare of surrounding residents, the character of existing neighborhoods, and the community as a whole. (Ord. 657 § 4 (Exh. P), 2023)

#### 17.78.020 Purpose.

The purpose of this chapter is to allow accessory dwelling units in areas zoned to allow residential development through ministerial permit procedures in compliance with state laws. (Ord. 657 § 4 (Exh. P), 2023)

#### 17.78.030 Application.

The provisions of this chapter shall apply in zoning districts where residential uses are permitted (with or without a planned development combining district). Accessory dwelling units are not permitted in any other district. (Ord. 657 § 4 (Exh. P), 2023)

#### 17.78.040 Definitions.

A. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

1. An efficiency unit.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

C. “Attached accessory dwelling unit” means an ADU that is constructed as a physical expansion (i.e., addition) of an existing single-family residence and shares at least one (1) wall with the single-family residence.

D. “Conversion accessory dwelling unit” means an ADU that is created within existing space, including a portion of a primary dwelling unit or existing non-habitable space in an existing primary or accessory structure.

E. “Detached accessory dwelling unit” means an ADU that is constructed as a separate structure from the primary dwelling unit and does not share any walls with the primary dwelling unit or an existing attached accessory structure.

F. “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

G. “High-quality transit corridor” means a corridor with fixed route bus service with service intervals no longer than fifteen minutes during peak commute hours.

H. “Infeasible” shall mean when applicable development standards are applied, they would physically preclude development of a proposed ADU up to 800 square feet with at least 4 ft. side and rear yard setbacks.

I. “Junior accessory dwelling unit” or “JADU” means a unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

J. “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.”

~~J~~K. “Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure or building.

~~J~~L. “Major transit stop” has the same meaning as defined in Section 21155 of the California Public Resources Code.

~~K~~M. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.

~~L~~N. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public. (Ord. 657 § 4 (Exh. P), 2023)

17.78.050 Permit application for an accessory dwelling unit.

The application for an ADU permit shall be made by the owners of the subject property in writing to the building division in the form designated by the building division and shall contain the following:

A completed building permit application form and applicable fee;

B. Written project description;

C. Courtesy neighbor notification report in a form designated by building official indicating adjacent property owners have been notified of the new ADU (garage conversions are exempt from notification);

D. Plans and drawings as required by the building division;

E. A copy of required deed restriction as included in Section 17.78.100, unless exempt. (Ord. 657 § 4 (Exh. P), 2023)

17.78.060 Standards applicable to single-family residence zoning districts.

The following shall apply to single-family lots in R-1, R-2 and R-1/PD zoning districts:

A. Number of Units. A single-family lot with a primary dwelling unit may have:

Option 1

One JADU (up to 500 SF); or

Option 2

One ADU (conversion, attached, or detached); or

Option 3

One (1) JADU (up to 500 SF); and,  
One (1) conversion ADU; and,  
One (1) newly constructed ADU (up to 800 SF).

Option 4

One (1) JADU (up to 500 SF); and,  
One (1) newly constructed ADU over 800 square feet

Option 5

One (1) JADU (up to 500 SF); and,  
One (1) conversion ADU

B. Junior Accessory Dwelling Units.

1. The number of JADUs shall be limited to one (1) unit per residential lot zoned for single-family residences that includes a proposed or existing single-family residence and may include an expansion of not more than 150 square feet beyond the same physical dimensions as an existing accessory structure.

2. The property owner must reside in either the remaining portion of the primary dwelling unit or the JADU. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

3. The owner must record a deed restriction as outlined in Government Code Section ~~6633365852.22~~, which shall run with the land, and shall include ~~both of~~ the following:

a. A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

b. A restriction on the size and attributes of the JADU that conforms with this chapter.

c. If a JADU is rented, the unit shall not be rented for a period of less than thirty consecutive calendar days.

4. A JADU shall be constructed within the walls of the proposed or existing single-family residence, including attached garages.

5. JADUs shall include a separate entrance from the main entrance to the proposed or existing single-family residence. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

6. The JADU shall include an efficiency kitchen, which shall include all of the following:

a. A cooking facility with appliances.

b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

C. Attached ADUs. One attached ADU per single-family lot is permitted, subject to the following requirements:

1. Size. The total floor area of an attached ADU shall be not more than one thousand two hundred (1,200) square feet or fifty (50) percent of the existing or proposed primary dwelling, whichever is less.

2. Location. Attached ADUs shall not be located in the front yard unless development of an eight hundred (800 sq. ft.) square foot ADU is otherwise infeasible.

3. Setbacks. The side and rear setbacks shall be no less than four (4) feet.

4. Height.

a. An attached ADU shall not exceed twenty-five (25) feet in height, or the height requirement for the primary dwelling, whichever is lower.

b. ADUs shall not exceed two (2) stories in height.

5. Colors. An attached ADU or JADU shall use the same exterior wall and roof colors as the primary dwelling unit.

6. Roof pitch and eaves. An attached ADU or JADU shall have the same roof pitch as the primary dwelling with same eave details but may vary by up to two (2) vertical inches more or less in every twelve (12) horizontal inches.

D. Detached ADUs. One newly constructed detached ADU per single-family lot is permitted, subject to the following requirements:

1. Size. The total floor area of a detached ADU shall not exceed one thousand two hundred (1,200) square feet or fifty (50) percent of the existing or proposed primary dwelling, whichever is less.

2. Location. Detached ADUs shall not be located in the front yard unless development of an eight hundred (800 sq. ft.) square foot ADU is otherwise infeasible.

3. Setbacks.

a. The side and rear setbacks shall be no less than four feet.

b. The separation between the detached ADU and the primary dwelling shall be as per California Residential Code.

4. Height. A detached ADU shall not exceed sixteen (16) feet in height, except in the following cases:

a. A height of eighteen (18) feet is permitted when an ADU is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as defined in this code

section; and, and additional two (2) feet of height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

5. Colors. Detached ADUs shall utilize the same exterior wall and roof colors as the primary dwelling unit.

E. Conversion ADUs. One conversion ADU per single-family lot is permitted, subject to the following requirements:

1. Setbacks. No setbacks shall be required for ADU conversions located within the existing living area or an existing accessory structure, or an ADU that replaces an existing structure and is located in the same location and to the same dimensions as the structure being replaced. A legal accessory building (including a detached garage) may be converted into an ADU provided the side and rear setbacks are sufficient for fire and safety.

~~Notwithstanding the provisions of this section, conversion ADUs shall provide sufficient side and rear setbacks for fire safety.~~

2. Height. A conversion ADU shall not alter the height of the existing structure (single-family dwelling, accessory building, or garage) that is being converted.

3. Other Standards.

a. Conversion ADUs in existing accessory structures may expand the existing dimensions of the structure no more than one hundred fifty (150) square feet to accommodate ingress/egress. Any such expansion shall count towards the size of the ADU.

4. Colors. Conversion ADUs shall utilize same roof and exterior wall colors as the primary dwelling unit.

F. Additional Requirements. These requirements shall apply to all ADUs and JADUs on single-family lots:

1. All JADUs and ADUs shall provide exterior access that is separate from the proposed or existing single-family dwelling.

2. Except as specified in this section, ADUs shall comply with lot coverage, open space, front setbacks, minimum lot size, and other zoning standards applicable to the primary dwelling, except in no event shall the application of any of these standards preclude at least an eight hundred (800) square foot ADU.

3. Windows. Second floor windows facing another residential property, less than ten feet (10') from the property line, and larger than two (2) square feet shall include at least one of the following: a) have obscured glazing, or b) be offset from neighbor's windows to maximize privacy, or c) include splayed windows to avoid direct views, as shown in Figure 1 (applies only to new construction).

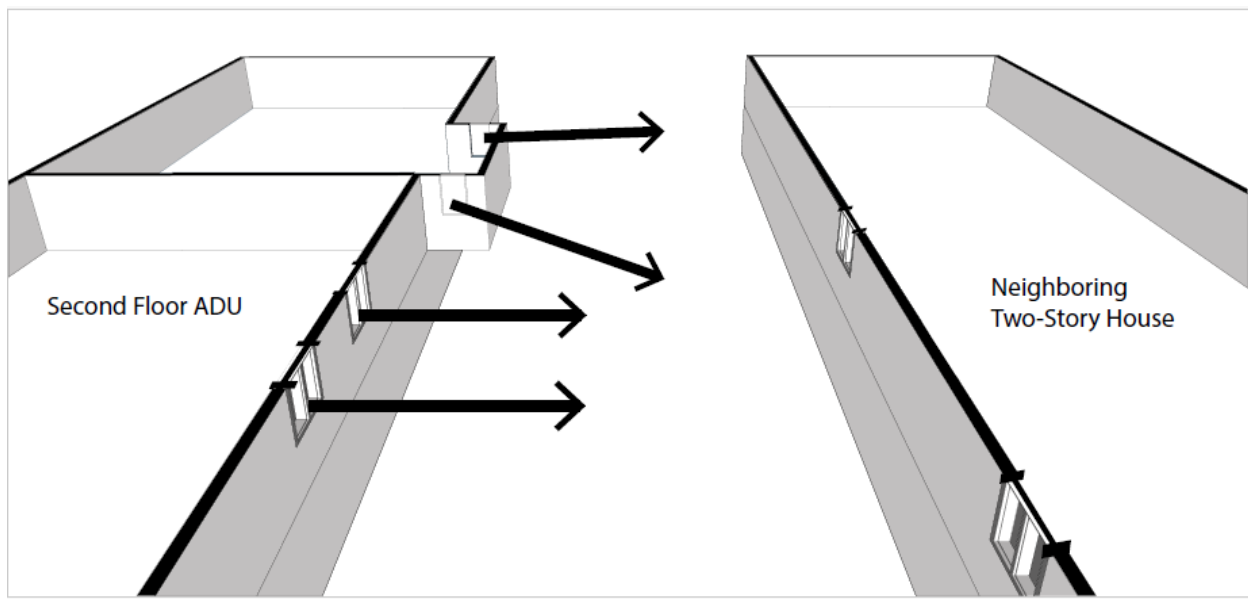


Figure 1: ADU/JADU Window locations for privacy

4. Second floor balconies or decks. Second floor balconies, decks, or roof-top terraces facing another residential property are prohibited (applies only to new construction).

5. Exterior lighting. All exterior lighting shall be mounted no higher than seven feet (7') from grade and directed downwards.

17.78.070 Standards applicable to multifamily residence zoning districts.

The following standards shall apply to multifamily dwelling lots in R-3, R-4, ~~and R-T~~, C-2, and CM (with or without a planned combining district) zoning districts:

A. Conversion ADUs. ADUs are permitted within portions of existing legally permitted multifamily dwelling structures that are not used as livable space including storage rooms, boiler rooms, passageways, attics, basements, and garages, subject to the following requirements:

1. Number of ADUs. At least one ADU within an existing multifamily building and no more than twenty-five percent of the existing multifamily dwelling units shall be permitted.

2. Size. The total floor area of a conversion ADU shall not exceed eight hundred fifty square feet for a studio or one bedroom, or one thousand square feet for an ADU with two or more bedrooms.

3. Existing livable space may not be converted into an ADU.

B. Detached ADUs.

1. Number of ADUs.



a. Up to ~~two-eight~~ (82) detached ADUs are permitted on a multifamily lot with an existing, new, or proposed multifamily building. However, the number of ADUs allowable pursuant to this clause shall not exceed the number of existing dwelling units on the lot; or:

b. On a lot with a proposed multifamily dwelling, not more than two (2) detached ADUs.

2. Size. The total floor area of a detached ADU shall not exceed eight hundred fifty (850) square feet for a studio or one (1) bedroom, or one thousand two hundred (1,200) square feet for an ADU with two (2) or more bedrooms.

3. Setbacks.

a. The side and rear setbacks shall be no less than four (4) feet.

b. The separation between the detached ADU and the primary dwelling shall be as per California Residential Code.

4. Height.

a. Where an detached ADU is on a lot with an existing or proposed multifamily, multi-story dwelling, it shall not exceed eighteen (18) feet in height.

b. Where an attached ADU is on a lot with an existing or proposed multifamily building, it shall not exceed twenty-five (25) feet in height or the height limit limitation for the zoning district, whichever is less.

~~b.c.~~ An ADU may add up to two (2) feet of height to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the multifamily dwelling (for a maximum of twenty (20) feet. (Ord. 657 § 4 (Exh. P), 2023)

#### 17.78.075 Standards applicable to Public Facilities (PF) zoning districts.

The following shall apply to lots in PF (with or without a planned combining district) zoning districts:

A. Number of ADUs. No more than four (4) ADUs and/or JADUs shall be permitted on properties owned or occupied by a religious institution or school use.

B. Conversion ADUs. ADUs are permitted within portions of existing legally permitted structures that are not used as livable space, subject to the following requirements:

1. Size. The total floor area of a conversion ADU shall not exceed eight hundred fifty square feet for a studio or one bedroom, or one thousand square feet for an ADU with two or more bedrooms.

2. Existing livable space may not be converted into an ADU.

B. Detached and Attached ADUs.

1. Size. The total floor area of a detached ADU shall not exceed eight hundred fifty (850) square feet for a studio or one (1) bedroom, or one thousand two hundred (1,200) square feet for an ADU with two (2) or more bedrooms.

## 2. Setbacks.

a. The side and rear setbacks shall be no less than four (4) feet.

b. The separation between the detached ADU and the primary building shall be as per California Residential Code.

3. Height. Where an ADU is on a lot with an existing or proposed building, the height shall not exceed twenty-five (25) feet.

## C. Additional requirements.

1. ADUs and JADUs shall comply with the standards in Section 17.78.060.F with references to primary residence applied to the primary building.

2. Colors. ADUs shall utilize the same exterior wall and roof colors as the primary building.

## 17.78.080 Parking requirements for accessory dwelling units.

A. Parking requirements for newly constructed ADUs shall not exceed one (1) parking space per unit or per bedroom, whichever is less. This space may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback. Exception to the requirement for provision of one parking space may be made per subsection B of this section.

B. Parking is not required in the following instances:

1. The ADU is located within one-half mile walking distance of public transit.
2. When there is an approved car share vehicle for which a Foster City business license has been issued and remains active, located within one block of the accessory dwelling unit.
3. JADU.
4. ADU that only includes a studio with no bedroom.
5. The ADU is located within an architecturally and historically significant area.
6. Where the ADU is part of the proposed or existing primary residence or an accessory structure. (Ord. 657 § 4 (Exh. P), 2023)

7. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of, or is converted to, an ADU, then those off street parking spaces are not required to be replaced.

## 17.78.090 Permit process.

A. Unless otherwise specified in subsection D, pPursuant to Government Code Section 65852.266317 mandating ministerial approval of JADUs and ADUs if all of the applicable standards are met, the chief building official or his/her designee shall approve the JADU and ADU permit within sixty (60) days of the complete application being submitted. If the ADU or JADU is proposed as part of a new or remodeled primary residence, the sixty (60) day timeline shall not commence until the primary residence is permitted. The City may review and

approve the ADU or JADU in conjunction with the new or remodeled primary residence, but the application to create the ADU or JADU shall be considered without discretionary review or hearing.

The chief building official or his/her designee shall approve the ADU permit within 30 days from the date the local agency receives a completed application if the application either:

1. utilizes a plan for an accessory dwelling unit that has been preapproved by the local agency within the current triennial California Building Standards Code rulemaking cycle, or
2. utilizes a plan that is identical to a plan used in an application for a detached accessory dwelling unit approved by the local agency within the current triennial California Building Standards Code rulemaking cycle.

B. If the City disapproves an application for an ADU or JADU, the building division shall return in writing, a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

C. A demolition permit for a detached garage that is to be replaced with an ADU, must be reviewed with the application for the ADU and issued at the same time.

D. In conformance with Government Code section 65852.27, the City shall, by resolution, adopt a program for the preapproval of designs for ADUs, which may be amended from time to time. Any application for an ADU utilizing a design plan for ADUs that has been preapproved pursuant to that program shall be approved or denied within thirty days.

1. The City shall also review accessory dwelling unit plan submissions for preapproval upon an application for such a request and payment of the applicable fee. The City shall approve or deny the preapproval applications, as specified.

17.78.100 Other provisions.

A. ~~Unless exempt from the owner occupancy requirement per subsection B of this section,~~ Prior to obtaining a building permit for an JADU, ~~an owner occupancy a~~ deed restriction, approved by the city attorney, shall be recorded with the county recorder's office, which shall include the pertinent restrictions and limitations of an JADU identified in this section including but not limited to: prohibition of the sale of the JADU separate from the sale of the single-family residence; restrictions on the size and attributes of the JADU; and prohibitions on rentals less than thirty consecutive days. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns.

B. Owner Occupancy. ~~Notwithstanding the foregoing or any other provision of this chapter, Except for the JADU owner-occupancy requirements set forth in this chapter,~~ no owner-occupancy requirement shall be enforced, and no deed restriction shall be required for ADU permit applications ~~except for a JADU.~~

C. ~~Delay in Enforcement of~~ Permitting of Existing Unpermitted ADUs ~~or JADUs.~~ For any unpermitted or substandard ADU ~~or JADU~~ built before January 1, 2020, upon an owner's request, the city's chief building official shall not deny the permit unless they make a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code or the building is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code, pursuant to California Government Code Section 66332 ~~delay enforcing any building standards if the building official determines that the~~

~~unpermitted ADU meets health and safety standards. This provision shall sunset on January 1, 2030; however, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay.~~

D. Any ADU may be leased for a period not fewer than thirty (30) consecutive days.

E. Fire flow and fire department access must comply with the California Fire Code as amended by the San Mateo Consolidated Fire Department, or an alternate means shall be proposed.

F. Fire Sprinklers.

1. An ADU shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

2. The construction of an ADU shall not trigger a requirement of fire sprinklers to be installed in the existing primary dwelling.

G. ADUs that are seven hundred fifty square feet or smaller are exempt from impact fees.

H. Notwithstanding the provisions of this ~~section~~chapter, the requirements for newly constructed ADUs shall not preclude constructing one ADU of at least eight hundred square feet, which is not more than sixteen feet in height, and at least four feet setback from the side and rear property lines.

I. Notwithstanding any other provision of this code, an applicant shall not be required to correct nonconforming conditions on the subject property as a condition of obtaining permits to construct an ADU or JADU.

J. Any properties with ADUs built or developed by a nonprofit corporation may qualify to be sold or conveyed separately from the primary residence, pursuant to California Government Code Section ~~6634165852.26~~. A qualified nonprofit corporation is a nonprofit corporation which is organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

K. All JADUs and ADUs shall comply with the current Title 24 California Code of Regulations, as adopted by the city and all related safety codes except as otherwise permitted pursuant to Government Code section 66332.

## EXHIBIT J

**Chapter 17.82 Emergency Shelters, Low-Barrier Navigation Centers, and Supportive Housing of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:**

### Chapter 17.82 EMERGENCY SHELTERS, LOW-BARRIER NAVIGATION CENTERS, AND SUPPORTIVE HOUSING

#### Sections:

- 17.82.010 Findings.
- 17.82.020 Purpose.
- 17.82.030 Permit required.
- 17.82.040 Performance standards.
- 17.82.050 Definitions.

#### 17.82.010 Findings.

A. Emergency Shelters. Through the passage of SB2, the state requires all jurisdictions to provide zoning to permit homeless shelters “by right” as a permitted use without requiring use permits or other discretionary approvals.

B. Low-Barrier Navigation Centers. Through the passage of AB101, the state requires all jurisdictions to provide zoning to permit low-barrier navigation centers “by right” as a permitted use without requiring use permits or other discretionary approvals.

C. The city has considered the needs for programs to address homelessness in the housing element and has included policies and implementation programs in the housing element to include provisions in this title to address emergency shelters and low-barrier navigation centers for the homeless. (Ord. 666 § 3 (Exh. B), 2023; Ord. 657 § 4 (Exh. Q), 2023)

#### 17.82.020 Purpose.

A. The purpose of the emergency shelter regulations is to provide standards that will encourage and facilitate the development of, or conversion of existing facilities to, an emergency shelter.

B. The purpose of the low-barrier navigation center regulations is to ensure this use is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with California Government Code Section 65660.

C. The purpose of the supportive housing regulations is to ensure that supportive housing is constructed and operated in a manner consistent with the requirements and allowances of state law, specifically Article 11 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with Government Code Section 65650. (Ord. 666 § 3 (Exh. B), 2023; Ord. 657 § 4 (Exh. Q), 2023)

#### 17.82.030 Permit required.

A. Low-Barrier Navigation Centers. A planning permit is required prior to establishment of any low-barrier navigation center project. Within thirty days of receipt of an application for a low-barrier navigation center development, the local jurisdiction shall notify a developer whether the developer's application is complete pursuant to Government Code Section 65943. Within sixty days of receipt of a completed application for a low-barrier navigation center development, the local jurisdiction shall act upon its review of the application.

B. Supportive Housing. A planning permit is required prior to establishment of any supportive housing project ~~meeting either of the following criteria (subsections (B)(1) and (2) of this section)~~. The permit shall be a ministerial action without discretionary review or a hearing. ~~Supportive housing shall be subject to a streamlined process providing that f~~For projects up to fifty units, action shall be taken within sixty days of a complete application being filed; for projects with more than fifty units, action shall be taken within one hundred twenty days.

~~1. Supportive housing projects if all of in all zones where multifamily and mixed uses are permitted.~~

~~2. Supportive housing projects in nonresidential zones where all~~ the following requirements are met:

~~a~~1. Units within the development are subject to a recorded affordability restriction for fifty-five years.

~~b~~2. One hundred percent of the units, excluding the manager unit(s), within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians.

~~c~~3. At least twenty-five percent of the units in the development or twelve units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than twelve units, then one hundred percent of the units, excluding manager unit(s), in the development shall be restricted to residents in supportive housing.

~~d~~4. Nonresidential floor area shall be used for on-site supportive services in the following amounts:

~~a~~i. For a development with twenty or fewer total units, at least ninety square feet shall be provided for on-site supportive services.

~~b~~ii. For a development with more than twenty units, at least three percent of the total nonresidential floor area shall be provided for on-site supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

~~e~~5. The developer replaces any dwelling units on the site of the supportive housing development to ensure that any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

~~f~~6. Units within the development, excluding manager unit(s), include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator. (Ord. 666 § 3 (Exh. B), 2023; Ord. 657 § 4 (Exh. Q), 2023)

2. The community development director shall establish application requirements for streamlined review of supportive housing projects as required by California Government Code Section 65654 for projects that satisfy the requirements of Section 65651.

17.82.040 Performance standards.

A. Emergency shelters, as defined in Section 17.04.020, shall be allowed in any district where they are listed as a permitted use without discretionary permits or approvals, provided they comply with the following standards:

1. Maximum Number of Persons/Beds. An emergency shelter shall contain a maximum of twenty-five beds and shall serve no more than twenty homeless persons.
2. Minimum Parking Requirements. 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 family (as defined in Section 17.04.020) sheltered and 0.35 parking spaces for each nonfamily bed; provided, that these standards do not require more parking than other residential or commercial uses within the same zone. The community development director shall reduce the parking requirements if the shelter can demonstrate a lower need. The shelter shall also provide bicycle parking of at least one-half space for each bed.
3. Size and Location of Interior On-Site Waiting and Client Intake Areas. Emergency shelters shall provide at least ten square feet of interior waiting and client intake space per bed. In addition, there shall be a minimum of one private office. Waiting and intake areas may be used for other purposes as needed during operations of the shelter, including communal space.
4. Provisions of On-Site Management and Security. On-site management shall be present at all times that the emergency shelter is in operation. Before opening, shelters shall develop and implement a management plan that addresses all points that pertain to emergency shelters in the latest quality assurance standards developed by the San Mateo County HOPE quality improvement project and meets at least the minimum standards, except where other standards are provided by this chapter. Shelters must prepare and implement a security and emergency plan as part of the management plan and train staff about the plan. A copy of the management plan shall be provided to the community development director for approval. The community development director shall approve the management plan if it meets the minimum requirements in the latest quality assurance standards developed by the San Mateo County HOPE quality improvement project.
5. Proximity to Other Shelters. No emergency shelter shall be located within three hundred feet of another emergency shelter.
6. Lighting. There shall be a minimum of ten candlefoot power at the door of the emergency shelter and extending in an unobstructed direction outward five feet. There shall be a minimum of two candlefoot power in other areas accessible from the street. The lighting shall be stationary and directed away from adjacent properties and public rights-of-way. These lighting requirements shall be in effect from thirty minutes after sunset until thirty minutes before sunrise. Shelters may propose an alternate lighting plan, which must be agreed to by the community development director. The alternate lighting plan must provide adequate external lighting for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.

B. A low-barrier navigation center development is a use by right in certain zones, if it meets the following requirements:



1. Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. Coordinated Entry System. It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
3. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local homeless management information system, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

C. Supportive housing projects shall comply with all the following standards:

1. The project ~~may~~ shall be required to comply with any written objective standards or policies also required of multifamily developments in the same zone.
2. The applicant shall submit a plan for providing supportive services, to include all the following items:
  - a. Documentation that supportive services will be provided on site.
  - b. The name of the proposed entities that will provide supportive services.
  - c. The proposed funding sources for the services provided.
  - d. Proposed staffing levels.
3. No minimum parking requirements shall be required for the units occupied by supportive housing residents for projects located within one-half mile of a public transit stop. (Ord. 677 § 3 (Exh. G), 2024; Ord. 666 § 3 (Exh. B), 2023; Ord. 657 § 4 (Exh. Q), 2023)

#### 17.82.050 Definitions.

The following definitions shall pertain to this section only:

- A. Lower Income Households. This term shall have the same meaning as defined in Section 50079.5 of the Health and Safety Code.
- B. Supportive Services. Services would include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.
- C. Target Population. Persons, including persons with disabilities, and families who are homeless, as that term is defined by Section 11302 of Title 42 of the United States Code, or



who are homeless youth, as that term is defined by Section 11139.3(e)(2) of the Government Code. (Ord. 666 § 3 (Exh. B), 2023; Ord. 657 § 4 (Exh. Q), 2023)