

## ATTACHMENT 5, EXHIBIT B

### Amendments to Chapter 17.82 Emergency Shelters, Low-Barrier Navigation Centers, and Supporting Housing

Chapter 17.82 Emergency Shelters of Title 17, Zoning, of the Foster City Municipal Code is hereby amended as follows:

#### 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.**

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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. 578 § 2 (part), 2013)

#### **17.82.020 Purpose.**

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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. (Ord. 578 § 2 (part), 2013)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 matter 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.

#### **17.82.030 Permit Required.**

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A. Low-Barrier Navigation Centers. A planning permit is required prior to establishment of any low-barrier navigation center project. Within 30 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 Section 65943. Within 60 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 (1. and 2., below). The permit shall be a ministerial action without discretionary review or a hearing. For projects up to 50 units, action shall be taken within 60 days of a complete application being filed; for projects with more than 50 units, action shall be taken within 120 days.

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

2. Supportive housing projects in non-residential zones where all the following requirements are met:

a. Units within the development are subject to a recorded affordability restriction for 55 years.

b. 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. At least 25 percent of the units in the development or 12 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 12 units, then 100 percent of the units, excluding manager unit(s), in the development shall be restricted to residents in supportive housing.

d. Non-residential floor area shall be used for on-site supportive services in the following amounts:

i. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.

ii. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

e. 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. 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

#### **17.82.040 Performance standards.**

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A. Emergency shelters, as defined in Section [17.04.203](#), 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. Property Development Standards. An emergency shelter shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.~~

**21.** 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.

**32.** 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 [17.04.210](#)) 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 0.5 spaces for each bed.

**43.** 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.

**54.** 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.

**65.** Proximity to Other Shelters. No emergency shelter shall be located within three hundred feet of another emergency shelter.

**76.** Length of Client Stay. The maximum length of stay in any emergency shelter shall be limited to no more than sixty total days within one calendar year unless an extension is granted. Extensions up to a total stay of one hundred eighty total days within one calendar year may be

provided if no alternative housing is available. Information on length of client stays shall be provided to the community development director upon request.

~~87.~~ 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.

~~9.—Nondiscretionary Design Standards. In addition to nondiscretionary design standards required for other housing in the zone, emergency shelters shall meet the following requirements:~~

~~a.—Shelters shall have a designated outdoor smoking area not visible from the street.~~

~~b.—There shall be no space for outdoor congregating in front of the building and no outdoor public telephones.~~

~~c.—There shall be a refuse area screened from view.~~

~~d.—Shelters shall provide access for persons with disabilities. (Ord. 578 § 2 (part), 2013)~~

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 Section 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 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.

#### **17.82.050 Definitions.**

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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 paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.