

ORDINANCE NO. 748

CITY OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA

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AN ORDINANCE OF THE CITY OF MILLBRAE
AMENDING CERTAIN SECTIONS OF CHAPTER 10.05 OF TITLE 10
THE MILLBRAE MUNICIPAL CODE REGARDING REASONABLE ACCOMMODATIONS FOR
DISABLED PERSONS, EMERGENCY, TRANSITIONAL, AND SUPPORTIVE HOUSING AND
RELATED DEFINITIONS

Be it ordained by the City Council of the City of Millbrae as follows:

Section 1: RECOMMENDATION OF PLANNING COMMISSION.

The City Council of the City of Millbrae hereby accepts the recommendation of the Planning Commission, as set forth in the November 17, 2014 minutes of that body and presented in the staff report for the City Council agenda of January 27 2015.

Section 2: AMENDMENTS TO SECTION 10.05.0200 IN CHAPTER 10.05, "ZONING," OF THE MILLBRAE MUNICIPAL CODE.

A. Section 10.05.0200, Definitions, of the Millbrae Municipal Code is hereby amended by adding the following definitions:

"Emergency shelter" means housing with minimal support services for homeless persons that is limited to occupancy of six months or less by a homeless person.

"Family" means any individual or group of two or more individuals occupying a dwelling unit where all residents share living expenses, chores, and other household responsibilities, and/or form social, economic, and psychological commitments to each other. A family includes the residents of residential care facilities and group homes for people with disabilities. A family does not include institutional group living situations such as dormitories, fraternities, sororities, monasteries, convents, military barracks, or commercial care facilities such as retirement centers, nursing homes, and the like, or commercial group living arrangements such as boardinghouses, rooming houses, and the like.

"Supportive Housing" means housing occupied by the target population, as defined in subdivision (d) of Section 53260 of the California Government Code, and that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

"Transitional Housing" means one or more buildings physically configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recycling of the assisted units to other eligible program recipients at some predetermined future point in time.

B. Section 10.05.0200, Definitions, of the Millbrae Municipal Code is hereby amended by removing the following definition:

~~"Temporary homeless shelter" means a facility providing short-term housing to indigent, needy, homeless, or transient persons, which may also provide counseling and other incidental services.~~

C. Section 10.05.0200, Definitions, of the Millbrae Municipal Code is hereby amended by revising the following definition:

"Boardinghouse/roominghouse" means a building, or a portion thereof, designed or used exclusively for residential occupancy, including fraternity and sorority houses, but other than a bed and breakfast or commercial lodging, ~~and where lodging is provided for compensation, and~~ which contains one main kitchen and no individual kitchen facilities, and wherein three or more rooms are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agency, or rental manager is in residence. Boardinghouses provide meal service for residents, while roominghouses do not.

Section 3: ADDITION OF SECTION 10.05.0420 IN CHAPTER 10.05, "ZONING," OF THE MILLBRAE MUNICIPAL CODE.

Section 10.05.0420, Reasonable Accommodation, of the Millbrae Municipal Code is hereby added to read as follows:

10.05.0420 Reasonable accommodation.

A. Purpose. To allow the City Manager (or designee) to grant limited exceptions to development standards for minor improvements to existing residences to accommodate access needs for disabled persons.

B. Procedure. Exceptions to existing development standards may be granted by the City Manager (or designee), upon making all of the findings outlined below:

1. The applicant shall submit an application, together with a site plan, elevations and additional supporting information as required by the City Manager to provide sufficient understanding of the request and compliance with development standards.
2. No public notice or hearing is required.
3. Exceptions shall be granted subject to the following restrictions:

- a. The improvements may be made to any existing main residence or accessory living quarters.
- b. Exceptions are not permitted for a proposed new residence.
- c. Improvements shall be restricted to those necessary for enhanced access for disabled persons, including but not limited to, interior access ramps, widening of hallways, or expansion of bathrooms or closets.
- d. Exceptions to development regulations shall be limited by all of the following, over the life of each structure:
 - i. Paved area coverage not greater than 250 square feet in excess of allowable limits for the site;
 - ii. Accessory structures are exempt from the development standards specified in MMC Section 10.05.2000;
 - iii. Encroachment into setbacks not greater than 40 percent of the minimum required ground floor side setbacks and not greater than 80 percent of the minimum required upper floor side setbacks;
 - iv. Increase in house size for a main residence not greater than 10 percent in excess of the maximum FAR for the site.

C. Findings. The City Manager (or designee) shall make all of the following findings in order to grant an exception for minor improvements for disabled access:

- 1. The proposed improvements are necessary to provide for housing access for disabled persons.
- 2. The proposed exception(s) will cause no significant negative environmental impacts to the applicant's property, adjacent properties, or to the surrounding neighborhood and community.
- 3. The proposed exception(s) will cause no significant negative impacts on the privacy of the applicant or adjacent neighbors.

Section 4: AMENDMENT TO SECTION 10.05.0410 IN CHAPTER 10.05, "ZONING," OF THE MILLBRAE MUNICIPAL CODE.

Section 10.05.0410, Land Use Table, of the Millbrae Municipal Code is hereby amended as follows:

Change "temporary homeless shelters" to "emergency, transitional, and supportive housing."

Allow "emergency, transitional, and supportive housing" as a permitted use in the "C" (Commercial Zone).

Section 5: AMENDMENT TO SECTION 10.05.1010 (A) 10 IN CHAPTER 10.05, "ZONING," OF THE MILLBRAE MUNICIPAL CODE.

Section 10.05.1010, Uses, of the Millbrae Municipal Code is hereby amended to add "emergency, transitional, and supportive housing" to the list of permitted uses in Subsection A.

Section 6: ADDITION OF SECTION 10.05.1030 IN CHAPTER 10.05, "ZONING," OF THE MILLBRAE MUNICIPAL CODE.

Section 10.05.1030, Emergency, Transitional, and Supportive Housing, of the Millbrae Municipal Code is hereby added to read as follows:

10.05.1030 Emergency, Transitional, and Supportive Housing.

A. Purpose. The purpose of this provision is to allow for the development of needed emergency, transitional, and supportive housing.

B. Requirements. All emergency, transitional, and supportive housing facilities shall be subject to the following requirements:

1. No individual or household may be denied emergency shelter because of an inability to pay.
2. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet to another emergency shelter.
3. Vehicle Parking. An emergency shelter shall provide off-street parking spaces at the ratio of 0.35 parking spaces for every bed, rounded up to the nearest whole parking space; plus one parking space for each employee who is working at the same time as another employee; plus all parking spaces required under the Americans with Disabilities Act.
4. Bicycle Parking. An emergency shelter shall provide a minimum of one bicycle space for every five beds.
5. Shelter Capacity. No emergency shelter shall contain more than ten beds. The maximum number of beds in all emergency shelters in the city shall not be less than the number of unsheltered homeless persons in Millbrae as determined in San Mateo County's most recent Homeless Survey.

6. Client Waiting Areas. Client waiting areas shall be sized and located appropriately to keep clients from waiting in the public right-of-way.

7. Length of Stay. The length of stay per individual in an emergency shelter shall not exceed six (6) months in any consecutive 12-month period, unless no other suitable housing is available.

8. Screening of Outdoor Uses. An emergency shelter shall not allow or include any of the following to occur in any location incidental to the shelter that is visible from adjoining properties or the public right-of-way, unless entirely screened from public view: designated outdoor smoking area; outdoor waiting and client intake area; outdoor public telephones; and outdoor refuse area.

9. Exterior Lighting. Lighting in or on an emergency shelter shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity that is consistent with existing lighting in the surrounding area in which the shelter is located.

10. Laundry Facilities. An emergency shelter shall provide laundry facilities to serve the persons residing in the shelter.

11. Personal Property Storage. An emergency shelter shall provide secure areas for temporary storage of personal property of the persons residing in the shelter.

C. Facility Management Plans. All emergency, transitional, and supportive housing facilities shall have a facility management plan subject to the following requirements:

1. The operator of an emergency shelter shall prepare and submit to the City Manager (or designee) for approval, a management plan that includes all the following:

a. a staff training program to meet the needs of the emergency shelter residents;

b. adequate security measures to protect emergency shelter residents and the neighboring land uses;

c. on-site management and security personnel who must be present at all times when the emergency shelter is in operation; and

d. a list of services provided to assist emergency shelter residents with obtaining permanent housing and income.

2. The operator shall, at all times, comply with and perform all terms and conditions of the approved management plan.

3. All emergency, transitional, and supportive housing facilities shall be in, and shall maintain at all times, good standing with City, County, and/or State licenses, as may be required by these jurisdictions for the owner(s), operator(s), and/or staff of the proposed facility.

Section 7: ENVIRONMENTAL FINDINGS.

The City Council finds and determines that there is no possibility that a significant impact on the environment will result from the adoption of this Ordinance and directs staff to file a Notice of Exemption under the California Environmental Quality Act with the County Clerk to this effect.

Section 8: EFFECTIVE DATE; PUBLICATION; POSTING.

This Ordinance shall be in full force and effect thirty days from and after its passage. At least five days prior to its adoption and within fifteen days after its adoption, a summary of this Ordinance shall be published once in a newspaper of general circulation in the County of San Mateo and City of Millbrae.

INTRODUCED at a regular meeting of the City Council of the City of Millbrae held on January 27, 2015.

PASSED and ADOPTED at a regular meeting of the City Council of the City of Millbrae held on February 10, 2015.



MAYOR

ATTEST:

CITY CLERK

I do hereby certify that the foregoing Ordinance was duly and regularly passed and adopted by the City Council of the City of Millbrae this 10th day of February 2015, by the following vote:

AYES:	COUNCILMEMBERS:	Gottschalk, Oliva, Holober, Colapietro, and Lee
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
EXCUSED:	COUNCILMEMBERS:	None


CITY CLERK