



**"The City With a Heart"**

Jim Ruane, Mayor  
Michael Salazar, Vice Mayor  
Ken Ibarra, Councilmember  
Rico E. Medina, Councilmember  
Irene O'Connell, Councilmember

## **AGENDA – SPECIAL MEETING – STUDY SESSION SAN BRUNO CITY COUNCIL**

**February 26, 2015**

**6:00 p.m.**

**Meeting Location: City Hall, 567 El Camino Real, Room 115, San Bruno, CA**

City Council meetings are conducted in accordance with Roberts Rules of Order Newly Revised and City Council Rules of Procedure. We welcome your participation. In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk's Office 650-616-7058.

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** Individuals allowed three minutes, groups in attendance, five minutes. If you are unable to remain at the meeting, ask the City Clerk to request that the Council consider your comments earlier. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendaized pursuant to State Law.
- 4. CONDUCT OF BUSINESS:**
  - a. Receive Report and Discuss the City's Code Enforcement Program.
  - b. Receive Report and Discuss Potential Locations to Address Emergency Shelter Requirement in Compliance with State Law Regarding General Plan Housing Element.
- 5. ADJOURNMENT:**

The next regular City Council Meeting will be held on March 10, 2015 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



City Council Study Session  
Staff Report

CITY OF SAN BRUNO

**DATE:** February 26, 2015

**TO:** Honorable Mayor and Members of the City Council

**FROM:** David Woltering, Community Development Director

**SUBJECT:** Receive Report and Provide Direction Regarding Potential Locations to Address Emergency Shelter Requirement in Compliance with State Law

**BACKGROUND**

State law requires that all jurisdictions in California designate a zone with sufficient capacity to accommodate each locality's identified need for emergency shelter beds based on a County Homeless Census. Senate Bill No. 2 required that the County Homeless Census conducted in 2009 be used to identify each community's need for emergency shelter beds. San Bruno's identified need was for an additional 32 beds. The City is required to identify and approve such a zone by ordinance to obtain certification of its Housing Element update for 2015-2023 by the California Department of Housing and Community Development (HCD), and to be eligible for several housing, community development and infrastructure funding programs. State law does not require the City to construct an emergency shelter to obtain certification or establish eligibility for these programs, but does require the City to identify a zoning district within which such a facility could be located.

The purpose of this study session is to review alternative locations for a zoning district in which emergency shelters can be permitted by right, i.e., not require discretionary review, but have reasonable and objective standards for compliance as required by state Housing Element law (SB-2). The Study Session will provide background about the homeless population in San Bruno and alternative locations for emergency shelter zoning.

In 2009, as part of its review of the 2009-2014 Housing Element, the City Council identified a portion of the General Plan TOD land use area in Housing Element Program 6-D as an appropriate location for emergency shelters because it allows multiple uses and is located close to public transportation and support services. The TOD area encompasses the commercial properties along El Camino Real from Angus Avenue to the I-380 overpass and along San Bruno Avenue from Huntington Avenue to Camino Plaza (Attachment 1).

On May 6, 2014, the Planning Commission held a public workshop to review a draft zoning code amendment to allow emergency shelter zoning together with other Housing Element implementation actions for San Bruno's 2009-2014 Housing Element. Residents at the meeting questioned the appropriateness of locating emergency shelters in the TOD area, adjacent to residential neighborhoods and in proximity to a 10-bed existing shelter in Saint Bruno's Church on San Bruno Avenue. Residents raised concerns about the potential impacts to public safety, the quality of life and character of the adjacent residential neighborhoods, and property values. They requested the Planning Commission to explore alternative locations for emergency

shelters. The Planning Commission directed staff to prepare a report describing the homeless population in San Bruno and alternative locations for emergency shelter zoning. The minutes of the Planning Commission meeting are included as Attachment 3.

## **DISCUSSION**

The most recent information available for San Bruno's the homeless population is the 2013 County Homeless Census, which helps to understand this complex issue and to guide planning efforts. It is important to note that the City's requirement for zoning to accommodate 32 beds based on the 2009 homeless census was mandated by State law. The San Mateo County Human Services Agency (Center on Homelessness) conducts a Homeless Census and Survey every two years, as required by the U.S. Department of Housing and Community Development (HUD). The Homeless Census provides a point-in-time count of homeless persons living on the streets, in vehicles, homeless shelters, transitional housing, and institutional settings. The Homeless Survey consists of interview with 192 unsheltered homeless people to gather critical information about who is homeless in San Mateo County, providing a profile of the demographic characteristics of the population.

### Characteristics of the Homeless Population

The homeless census counted 108 homeless people in San Bruno on the night of January 23, 2013. Most, 99 people, were unsheltered and living on streets, in vehicles and in homeless encampments. A much smaller number, 9 people, were in emergency shelters, transitional housing, motel voucher programs, and institutions. Among the unsheltered population, 60 people were in vehicles and 40 were on the street or in encampments. The majority of the unsheltered population consisted of adults (85%) with about six families with a total of 14 children. All of the families with children were living in cars or RVs. There was one unaccompanied child under the age of 18.

According to the homeless survey, a typical unsheltered homeless person in San Mateo County is a single white man (71%) with at least one disability. Single adults or adults living with other adults make up the great majority of the population (94%). Veterans make up 11%, which has declined since the last count in 2011, probably due to a greater funding available for homeless veteran services in the last few years. A significant percent have some disability, including mental illness (37%), substance abuse (72%) or physical disability (52%).

A high percentage of unsheltered homeless people (65%) were "chronically" homeless, meaning that they were disabled and had been homeless for longer than 12 months or for 4 times in the past 3 years. The typical homeless person has strong connections to San Mateo County. The survey indicated that 87% were living in San Mateo County at the time they became homeless and 69% indicated that their hometown was in San Mateo County.

### Existing Homeless Shelters in and near San Bruno

In order to understand the shelter options now available in San Bruno, the table below shows the existing facilities for homeless persons in the City and surrounding communities.

Location	Organization, Facility	Facility Type	Capacity
San Bruno	Catholic Workers Hospitality House	Emergency shelter	10
San Bruno	Catholic Workers	2 Transitional homes	8
San Bruno	Latino Commission	2 Transitional homes	7
Burlingame	First Chance.	County detox	40
Brisbane	Latino Commission	Transitional AOD	4
Daly City	Shelter Network, Family Crossroads	Transitional (families)	50
SSF	Samaritan House, Safe Harbor	Transitional	60
SSF	Samaritan House, Safe Harbor	Emergency	30
SSF	CORA	Emergency	4
Total		All Types	213

San Bruno Police - Calls for Service

The San Bruno Police Department ran a records search of calls for service related to homeless persons and transients for the six month period from July 1, 2014 to December 31, 2014. The locations for those calls for service are shown in the table below. There were 247 calls for service during the six-month period. Most were from the downtown (60%) and the residential neighborhoods immediately adjacent to the downtown (16%), and El Camino Real (15%). Fewer calls came from San Bruno Avenue (4%), and other parts of the City (5%). There were no calls in the Belle Air (Avenues) residential neighborhoods and only one in the industrial area along San Mateo Avenue and Montgomery Avenue north of San Bruno Avenue.

**Police Calls for Service Related to Homeless Complaints**

Downtown	60%
Downtown adjacent neighborhoods	16%
El Camino	15%
San Bruno Avenue	4%
Other	5%
Total	100%

Police records for this time period show that a total of 143 people identified themselves as homeless or transient during the six month period. However, just 11 names were the cause of most of the complaints. These 11 individuals have been offered assistance but generally refused to accept help.

San Bruno Police Officers are proactive in offering to help homeless individuals with information about shelters and vouchers at motels. However, most homeless persons want to be left alone. In an effort to improve handling of encounters with homeless persons, San Bruno has sent 10 officers to a one week class on homeless issues as part of the Police Department efforts to address issues and complaints along the commercial corridors. These officers have been assigned to individual homeless persons to try to steer them to shelter and services.

Proposed Locations for Emergency Shelters

The proposed draft ordinance that was presented to the Planning Commission is included in Attachment 4. SB-2 allows flexibility for local governments to apply written, objective

development and management standards for homeless shelters as described in the statute, including the maximum number of beds or persons permitted to be served nightly by the facility. The draft ordinance includes minimum performance standards that would limit the number of new homeless beds to 32 beds in order to accommodate the identified local need. The performance standards include other measures related to parking, on-site management, concentration, length of stay, and lighting.

Staff will incorporate direction from the City Council to revise the draft emergency shelter ordinance. The Planning Commission will then review the draft ordinance at a noticed public hearing and make a recommendation to the City Council. Subsequently, the City Council would introduce then adopt the ordinance at separate noticed hearings. The adopted ordinance would be forwarded to HCD.

**STAFF RECOMMENDS THAT THE CITY COUNCIL CONSIDER THE FOLLOWING TWO ALTERNATIVE ZONING DISTRICTS IN WHICH AN EMERGENCY SHELTER COULD BE LOCATED**

The two districts identified below, in the Transit Oriented Development (TOD) and Light Commercial (M-1) zones, both present viable locations to accommodate San Bruno's need for 32 emergency shelter beds pursuant to State law. This requirement applies to all jurisdictions in San Mateo County, and each one must identify a zone where emergency shelters are allowed by right to accommodate their share of the total 1,299 unsheltered homeless people counted in 2009. Twelve of the 21 jurisdictions in the county also identified TOD or M-1 districts for their emergency shelter zone.

1. TOD Land Use Area. As discussed above, City Council previously selected the General Plan TOD land use area as the location for emergency shelters because it is designated as a multi-use area and is located where a shelter would be in close proximity to public transportation and support services. This approximately 26-acre area is surrounded by residential neighborhoods and includes the location of an existing 10-bed shelter at Saint Bruno's Church on San Bruno Avenue. Neighboring residents have raised concerns about increasing the homeless population in the area if a new shelter were built and the potential negative impacts on safety and quality of life, in an area seeking to improve and revitalize.
2. Industrial zone. The industrial zone along Montgomery Avenue and San Mateo Avenue north of Scott Street includes 45 parcels totaling approximately 5.5 acres. The area is bounded by Tanforan Avenue to the north, San Mateo Avenue to the east, and the railroad tracks to the west. It includes several parcels south of Atlantic Avenue. Current uses include auto repair, contractors, warehouses, and several non-conforming single family homes. Important nearby transportation facilities include San Bruno BART station to the west, Caltrain Station to the south (1/2 mile) and SamTrans bus routes with stops at the BART station (1/4 mile). Nearby services include The Shops at Tanforan and Towne Center (1/3 mile) to the west, and Downtown to the south (1/2 mile). The Belle Air North neighborhood is the closest residential neighborhood, across the railroad tracks to the west. The main Belle Air and San Bruno Park neighborhoods are to south and west of the I-380 elevated freeway.

The area lies within the flight path of SFO. However the area is not within any noise, safety and airspace protection areas, and is compatible with the 2012 Comprehensive Airport Land Use Compatibility Plan (ALUCP). The area is lies within the 70 decibel SFO Noise Compatibility Zone, where "Transient Lodgings" are conditionally compatible and permitted

under the ALUCP. Such projects must include sound insulation to reduce interior noise levels from exterior sources to CNEL 45 dB or lower and an aviation easement granted to the City and County of San Francisco as operator or SFO. A proposed project would still need to comply with FAA notification requirements.

Staff finds that this portion of the industrial area is suitable for emergency shelter zoning given its proximity to public transit and services, and separation from any residential neighborhoods, minimizing potential impacts on residential neighborhoods.

**RECOMMENDATION**

Receive Report and Provide Direction Regarding the Proposed Zoning Code Amendment to Accommodate Emergency Shelters In Compliance with State Law

**DISTRIBUTION**

None

**ATTACHMENTS**

1. Alternative Locations for an Emergency Shelter Zone
2. Minutes - May 6, 2014 Planning Commission Meeting
3. Public Comments, May 6, 2014 Planning Commission Meeting
4. Draft Emergency Shelter Ordinance

**DATE PREPARED**

February 19, 2015

**REVIEWED BY**

City Manager \_\_\_\_\_





**"The City With a Heart"**

Perry Petersen, *Chair*  
Mary Lou Johnson,  
*Vice Chair*  
Sujendra Mishra  
Kevin Chase  
Joe Sammut  
Rick Biasotti.

**MINUTES  
PLANNING COMMISSION MEETING**

**May 6, 2014**

**7:00 p.m.**

**Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno**

**CALL TO ORDER at 7:01 pm.**

**ROLL CALL**

	<u>Present</u>	<u>Absent</u>
Chair Petersen	X	
Commissioner Sammut	X	
Commissioner Biasotti	X	
Commissioner Mishra	X	
Commissioner Chase	X	
Commissioner Johnson	X	

**STAFF PRESENT:**

Planning Division: Community Development Director: David Woltering  
Long-Range Planning Manager: Mark Sullivan  
Senior Planner: Laura Russell  
Community Development Technician: Brian Paland

Pledge of Allegiance: Commissioner Biasotti

**1. Approval of Minutes**

**Motion to Approve Minutes of March 18, 2014 Planning Commission meeting**

**Chase/Mishra**

VOTE: 5-0

AYES: Chair Petersen, Commissioners Chase, Sammut, Biasotti, Mishra

NOES: None

ABSTAIN: None

**2. Communication –** Community Development Director David Woltering introduced Community Development Technician Brian Paland

**3. Public Comment – None**

**4. Announcement of Conflict of Interest – None**

**5. Public Hearings**

**A. Request for amendments to the Municipal Code to implement programs contained in the adopted 2007-2014 Housing Element:**

1. Add Chapter 12.240 (Reasonable Accommodation) to Title 12 (Land Use) of the San Bruno Municipal Code to establish a process for persons with disabilities to seek a modification to zoning regulations.
2. Add Chapter 12.250 (Density Bonus) to Title 12 (Land Use) of the San Bruno Municipal Code to provide provisions for density bonuses for residential developments with affordable housing units.
3. Amend Section 12.96.110 regulating emergency shelters in the C- General Commercial district and add Section 12.84.220 (Emergency Shelters) to Title 12 (Land Use) of the San Bruno Municipal Code to allow emergency homeless shelters as a permitted use subject to location requirements and performance standards.
4. Amend Section 12.80.445 of Title 12 (Land Use) of the San Bruno Municipal Code to amend the definition of "Special residential care facility" to include transitional housing and supportive housing.

**Long Range Planning Manager Sullivan:** Entered staff report and provided a summary and highlights of the four ordinances.

Staff recommends that the emergency shelter ordinance be separated out from the other three zoning amendments for further consideration beyond tonight's meeting and that the Planning Commission defer action on the Emergency Shelter Ordinance until a later meeting. Staff has prepared a revised resolution that addresses the three other amendments for Planning Commission consideration.

Staff recommends that the Commission receive public comments and discuss the Emergency Shelter ordinance but defer action until a later date. Staff provided a written summary of the comments received prior to the meeting to the Commission and public.

**Chair Petersen:** Clarified that staff is recommending that the Commission hear public comments on all four Code Amendments but only take action on three.

**Long Range Planning Manager Sullivan:** Summarized need for Emergency Shelter ordinance. There were 32 homeless residents in San Bruno identified by the census.

**Commissioner Chase:** Asked staff why it took so long to bring the four amendments before the Commission.

**Community Development Director Woltering:** The Housing Element was adopted in 2010 and covers the period of 2007-2014; the project was essentially put on hold with staff resources being consumed with addressing the PG&E explosion and fire. It was initially intended that these four issues be addressed as part of the zoning code update, but they were removed from that review process so that they could be resolved sooner and the City would continue to be eligible for the streamlined review and the eight year Housing Element update.

**Long Range Planning Manager Sullivan:** Noted that these ordinances must be approved for the City to continue to qualify for grant funding from the state.

**Commissioner Mishra:** What is it that we are voting on tonight as far as emergency shelters? I'm against clustering of uses like this. I want to better understand the demographics being served. It seems counterintuitive to the TOD (transit oriented development) zone.

**Commissioner Chase:** Is the Emergency Shelter Ordinance still up for discussion?

**Chair Petersen:** The Commission will accept comments from the public tonight, but will continue decision making to a meeting at a later date. Is there any further questions or discussion from the Commission?

Public Comment Opened.

**Rich Dondell, Mills Avenue:** Can the area designated on the map to accommodate homeless shelters be smaller and still meet the state requirements? Can it be located in an industrial zone?

**Long Range Planning Manager Sullivan:** The State requires that the City designate an area that can accommodate the number of beds required for the homeless residents. It can be located in an industrial area.

**Emile Peeke, Masson Avenue:** What is the length of time people are allowed to stay in a shelter? From his experience, homeless shelter residents will return to the street and will likely congregate at the new train station.

**Commissioner Chase:** Do we have the ability to set time limitations?

**Commissioner Biasotti:** How many homeless currently in town?

**Long Range Planning Manager Sullivan:** We can limit the stay in a shelter within certain parameters. We currently have one Shelter in town at St. Bruno's Church with 10 beds. We still need 32 to meet the need established in the homeless census.

**Commissioner Mishra:** Asked staff for a definition of homelessness.

**Long Range Planning Manager Sullivan:** Homeless refers to someone who has no place to stay. There have been no new homeless shelters in the County in a number of years. Transitional housing services are provided to the tenants after leaving the shelter.

**Emile Peeke, Masson Avenue:** Suggested moving the vagrants from the park to the homeless shelter. Bringing in new homeless from out of town will not help the area.

**Christine Price, Mills Avenue:** Asked if transitional housing will be located in a traditional home in a residential area. Asked if staff considered industrial zoned areas for locating homeless shelters. Concerned that the homeless will use fountain at the new train station for bathing. She does not see homeless in or around San Bruno; how did staff come up with that number? Asked the Commission how they will help to preserve property values in this area of the City.

**Long Range Planning Manager Sullivan:** At a City Council Study Session in 2009, the industrial area was considered, but the TOD zone was preferred. There was a census done in 2013; 99 homeless residents were identified in San Bruno.

**Community Development Director Woltering:** The industrial area was considered by staff; TOD was chosen for its proximity to services and transportation. Transitional housing would be permitted in all residential districts with up to six beds.

**Commissioner Chase:** Commented that the homeless are the "invisible population" and that 99 is a reasonable number.

**Vaughn Gregory, Green Avenue:** Read a letter and provided it to staff for the record.

**Resident, Hensley Avenue:** Mirrored comments of previous neighbor. There are many homeless people already living in the area. We don't want our kids to play in the front yard. Put more study into this.

**Shirley Allen, Mills Avenue:** Asked Commission to please reconsider. Owners and residents of this area have suffered too much and are considering moving out of the area.

**Michael Chen, Budget Motel:** They will not proceed with their plans to demolish and construct a nice hotel if a homeless shelter is in the area.

Chair Petersen asked for any additional public comments.

None.

Public Comment Closed, opened Commission discussion.

**Commissioner Sammut:** Asked staff to provide Police reports and/or statistical numbers on issues with homeless people from the Catholic Worker House and in general in the downtown area.

**Chair Petersen:** Noted that there were public comments on the shelter and transitional housing ordinance, but not the other items in the proposed ordinances.

**Commissioner Mishra:** Will abstain if the vote includes the shelters. We haven't yet defined what we are trying to resolve. The El Camino Real corridor offers visual surveillance and constant monitoring that the industrial area wouldn't allow. It would serve our community better to study this further.

**Commissioner Johnson:** Supported Commissioner Mishra's comments. There are a range of people who are homeless, from working people who don't have a place to stay and those with mental illness or substance abuse problems. We must take all the comments into consideration and address the issue as a community. She is also not prepared to vote on the shelter ordinance at this time.

**Commissioner Biasotti:** A Homeless Shelter is not consistent with the TOD plan or the General Plan. We need to consider another area.

**Commissioner Chase:** Supported Commissioner Johnson's comments. The homeless population is already here; we are not inviting them in. Isn't transitional housing treated the same as community care facilities?

**Long Range Planning Manager Sullivan:** That is correct. This proposed amendment clarifies that.

*Chair Petersen:* Confirmed that the Commission would like to continue this item to a later date. Asked staff if they have a date in mind.

*Commissioner Mishra:* Is a community workshop warranted?

*Commissioner Chase:* This would need to happen before the end of the year.

*Commissioner Johnson:* Asked staff to provide examples of functioning shelters in other areas. Where are shelters working and why? What factors are involved, such as transportation and design?

*Community Development Director Woltering:* Staff does not have a date in mind. Staff will take comments and discuss options such as a community workshop. Confirmed that this will need to be addressed by the end of the year. Staff will provide examples of functioning homeless shelters in other areas.

*Commissioner Biasotti:* Noticed a change in the definition of Residential Care Facilities and asked that the definition be amended to be more specific. Asked for a definition of inverse condemnation. [Inverse condemnation was mentioned in a public comment letter.]

*Community Development Director Woltering:* The definition of Residential Care Facility is from HCD (Housing and Community Development).

*Commissioner Johnson:* Inverse condemnation is a reduction in property values.

*Chair Peterson:* Asks for a motion or discussion on other items in the resolution.

**Motion to continue the proposed ordinance related to Emergency Shelters to a future meeting with the request that staff provide additional information as discussed.**

**Commissioner Chase/Biasotti**

VOTE: 6-0  
AYES: All Commissioners Present  
NOES: None  
ABSTAIN: None

**Motion to adopt Resolution 2014-01 Recommending that the City Council Amend Title 12 (Land Use) to Implement Adopted Policies in the 2007-2014 Housing Element: Add Chapter 12.240 (Reasonable Accommodation), add Chapter 12.250 (Density Bonus), and amend Section 12.80.445 (Special Residential Care Facility).**

**Commissioner Chase/Biasotti**

**ROLL CALL VOTE:** 6-0  
AYES: Chair Petersen, Commissioners Johnson, Chase, Sammut, Mishra, and Biasotti  
NOES: None  
ABSTAIN: None

- 6A.** *Community Development Director Woltering:* Staff is looking for volunteers for the next Architectural Review Committee in June.  
-Chair Petersen, Commissioner Chase, and Commissioner Biasotti volunteer.
- 6B.** Commissioner Chase thanks the public for the participation and comments at the meeting.

## **7. Adjournment**

Meeting was adjourned

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**David Woltering**  
Secretary to the Planning Commission  
City of San Bruno

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**Perry Petersen, Chair**  
Planning Commission  
City of San Bruno

**NEXT MEETING: May 20, 2014**

Summary of Public Comments  
Proposed Municipal Code Amendment Related to Emergency Homeless Shelters  
Submitted Prior to May 6, 2014 Planning Commission Meeting

Staff sent a notice to all property owners within the area where emergency shelters would be permitted and all property owners within 300' of the area. Written comments were received from four residents. All of those letters are attached.

Phone calls were received from five residents. A summary follows:

1. Lillian Fench: Wanted to confirm whether any shelters are currently proposed. (None are proposed at this time.)
2. Vaughn Gregory: Asked questions about whether there are other shelters in the community and how the homeless count was done. Expressed concern about concentrated homeless people in the area. Residents and the City have spent years trying to clean up Forrest Lane Park and it could make it worse if a shelter was located on San Bruno Avenue. She was concerned that her neighborhood has had a lot of impacts over the years for the good of the whole City (BART, Caltrain construction, noise, etc.). This is a lot to expect of this part of the City. Shelters would be more appropriate in another location.
3. Rich Dondo: Emphasized that he is not opposed to shelters, he brings day-old bread to a shelter in San Jose. Through that volunteer work, he has seen impacts around that shelter. People live in cars and hang around the area. This is not an appropriate location for shelters, they should be in industrial zone where it wouldn't impact so many people. (Mr. Dondo also sent a letter, which is attached.)
4. Joe Miller. Homeowner very unhappy with the current situation and concerned about locating new homeless shelters in this neighborhood. Homeless people loiter, drink, make noise, and it will only get worse with new shelters. Feels that there is excessive homeless activity in the neighborhood, does not feel safe at night. Economic development is needed. Abandoned buildings and lack of redevelopment. Wants to see the bank and vacant gas station on San Mateo Ave and Huntington Avenue redeveloped.
5. Homeowner on Green. Strongly opposed to allowing shelters on San Bruno Ave. concerned it will negatively affect her property value. The area already has problems with a concentration of homeless people. She thinks that if we allow emergency shelters, more will come.

Dear Mark Sullivan and the San Bruno Planning Commission,

I am writing this letter to address my concern in regards to the emergency shelter planned in the C-General Commercial District of San Bruno. I purchased my first home in October of 2013 on the 800 block of Mills Avenue in San Bruno. I fell in love with the house, but knew that the neighborhood was less than desirable. Being the optimistic person that I am, I believed that the this area of San Bruno will only get better in the future, especially with the new Cal Train station going in right behind my house. Just a quick description of the area of which I live, so that you can understand why I feel this area is in need of development: At the end of my block, on the corner of Mills and San Bruno Avenue, is an empty lot surrounded by a chain link fence which houses limos and other vehicles. The building is covered with graffiti and broken windows. Turning onto my street as I return home from work every night, I see this deserted space and I remind myself that it will only get better in the future. Even a gas station would be an upgrade here. Or coffee shop, daycare, anything really. Then, around the corner, San Mateo Avenue...I keep hoping to see some improvement here. I have lived in many cities and have never seen such a depressed downtown area...EVER. I actually have come to avoid this street all together. Right now it feels like a trip back to some era which I missed altogether, maybe 1970s? I don't even know how the businesses that are there have managed to stay open, but you can tell that they have little to no motivation to remain open long term. The first time I walked on this street it was about 9 am and it smelled like urine, and I saw a group of old sailor looking men drunk laying outside the front of a bar. The Starbucks here gave me hope that maybe this street will turn around and new businesses will start to go in. It could potentially be a B Street of San Mateo, cute, charming, flourishing. I know changes like this do take time, and like I said, I remain optimistic. Perhaps as the Long Range Planning Manager you have some impact as to how this can be not only a great vision, but a reality.

In seeing that you are now planning to implement this housing shelter within 300' from my house, I cannot help but express not only my frustration, but my concern that this will have on the community which lives here. For now I will continue to think positively that this is not going to go through and be implemented, but I do feel very strongly that it will not have a positive impact for the surrounding inhabitants. I know that if it were to go in here, I will definitely start to consider selling my new home.

Thank you for taking the time to read this. I wish I was able to attend the hearing on Tuesday, May 6 2014, but unfortunately I will be working late that night.

Rebecca Regnart

828 Mills Avenue

Subject : San Bruno Planning, proposed zoning for Homeless shelters

Sunday may 4 2014

Open letter to all residents and business within 300 feet of the proposed zone (San Bruno ave and part of El Camino) I am amazed and shocked that this is happening to both Residents and Business in the area, while I do support the need for shelter for the

Homeless, it should be located in an Industrial area, I have seen surrounding areas near Homeless shelters, people use the facilities for meals and showers, but hang out and even sleep in the cars near the shelters,

Case in point the James Boccardo shelter is San Jose on little Orchard ave.

I personally deliver over bake bread to the shelter on Mondays and can see how it affects the surrounding area, since it is located in an industrial area, residents and Business are not affected,

Can I simply ask if the Planning people would shop and allow their children to walk from Their home to their destination via a shelter??

I hope to have pictures of the blight surrounding the Shelter.

Rich Dondo 831 Mills ave 408-372-4315 or 650 -589-4516

RECEIVED

MAY 06 2014

CITY CLERK'S OFFICE

Nicholas A. Grasso  
The Grasso Family Trust  
233 South Ashton Ave  
Millbrae Ca.94030 650-692-3216

May 6, 2014

City of San Bruno  
Planning Commission  
567 El Camino Real  
San Bruno, Ca. 94066

RE: OBJECTION TO ORDINANCE AMENDING CHAPTER 12.96.110 .

To whom it may concern:

I am the property owner of a six unit residential building, on the corner of San Bruno Ave, at 796 Masson. We are located in the proposed zone.

I object to this proposal because it would have a negative impact to all our property in the neighborhood.

I consulted with my attorney David Butler, regarding the impact of this ordinance on my property; he informed me that it constitutes INVERSE CONDEMNATION.

We implore the Commission to reconsider another location.

Very truly yours,



Nicholas A. Grasso

## Mark Sullivan

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**From:** David Butler [davebutler@sanbrunocable.com]  
**Sent:** Tuesday, May 06, 2014 1:32 PM  
**To:** David Woltering  
**Cc:** Mark Sullivan  
**Subject:** Objection to Proposed Ordinance Amending Chapter 12.96.110

**Attachments:** 5-6-2014 (1).pdf



5-6-2014 (1).pdf (2  
MB)

Mr. Woltering,

Attached is my objection to the proposed ordinance that I would like to be considered by the planning commission at tonight's hearing. I have a calendar conflict tonight, so I won't be in attendance. Please confirm receipt and that it will be submitted to the commission for tonight's hearing. Thanks.

David Butler, Jr.

305 San Bruno Avenue West

San Bruno, CA 94066-3526

(650) 873-3750 (650) 873-3168f

David Butler, Jr.  
305 San Bruno Avenue West  
San Bruno, CA 94066-3526  
Email: [davebutler@sanbrunocable.com](mailto:davebutler@sanbrunocable.com)

RECEIVED  
MAY 08 2014  
CITY CLERK'S OFFICE

May 6, 2014

City of San Bruno  
Planning Commission  
567 El Camino Real  
San Bruno, CA 94066

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RE: OBJECTIONS TO PROPOSED ORDINANCE AMENDING CHAPTER 12.96.110

HEARING DATE: MAY 6, 2014

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To Whom It May Concern:

I am a property owner affected by the proposed ordinance amending Chapter 12.96.110 to allow emergency homeless centers in the C-General Commercial Zoning District of San Bruno ("the zone") as a permitted use.

#### INVERSE CONDEMNATION

I object to this proposed ordinance on the ground that it constitutes inverse condemnation of the privately owned properties in the zone. If the ordinance is enacted, then, the values of the properties inside the zone are likely to decline when the values of properties outside the zone are likely to rise for no other reason than the implementation of the ordinance.

#### NEGATIVE NEIGHBORHOOD IMPACT

The effect on the neighborhood if more homeless shelters are allowed would be negative. We already have the Catholic Worker House at St. Bruno's Church that serves adult homeless, mainly addicts and alcoholics. Those homeless have on many occasions appeared publicly intoxicated and sometimes violent as they wander around the neighborhood near St. Bruno's sometimes panhandling, loitering or trespassing.

Although my property is zoned commercial, it is of mixed use. My office occupies the first floor and my family and I live upstairs. More homeless shelters nearby would be in very close proximity to a liquor store, La Dora Liquors on San Bruno Avenue, which is also included in the zone. Any zone where homeless shelters are permitted by an ordinance amending Chapter 12.96.110 should, at a minimum, not include bars or liquor stores or other establishments where alcohol is sold. Incidentally, there are two other liquor stores within 300 ft. of the zone. They are Chuy's and Huntington Liquors both on Huntington



May 6, 2014

Ave. (See attached.) For the city council to conclude that the proposed zone (TOD) was appropriate because it was close to public transportation and support services, they must not have known of these liquor stores, one in the zone itself, because a liquor store could not possibly be considered a support service.

For these reasons, I object to the adoption of the ordinance amending Chapter 12.96.110.

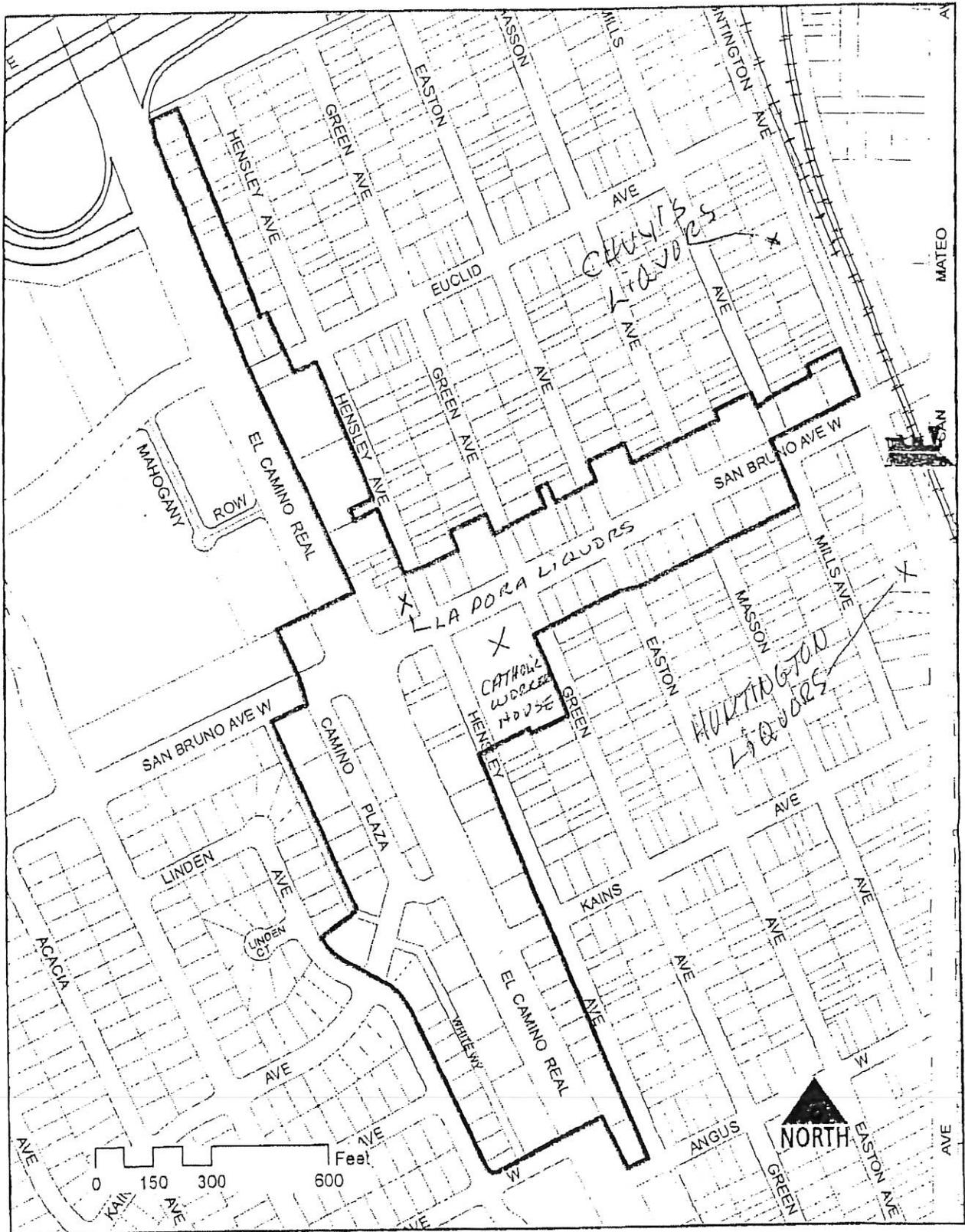
Attached is the letter from the Planning Commission, dated April 25, 2014, which is incorporated herein by reference as marked.

Sincerely,



David Butler, Jr.

CITY OF SAN BRUNO  
Zoning Ordinance Amendment - Emergency Shelter Zoning  
Required by State Law (SB 2)



April 25, 2014

ORDINANCE No. XXXX

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING SECTION 12.96.110  
AND ADDING SECTION 12.84.220 (EMERGENCY SHELTERS) OF TITLE 12  
(LAND USE) OF THE SAN BRUNO MUNICIPAL CODE TO IMPLEMENT  
ADOPTED POLICIES IN THE 2007-2014 HOUSING ELEMENT

The City Council of the City of San Bruno ordains as follows:

**Section 1.** The City Council finds and declares as follows.

1. California State law requires that all local governments adopt a comprehensive General Plan and the Housing Element is one of the seven mandated elements of the General Plan. State law sets forth many content and schedule requirements for the Housing Element.
2. The City Council adopted the 2007-2014 Housing Element on March 23, 2010 and it was certified by the State Department of Housing and Community Development on June 15, 2010. The Housing Element includes programs and implementation actions that must be completed during the 2007-2014 Housing Element period in order to be in compliance with State law.
3. In 2008, the State legislature passed Senate Bill 2, which requires jurisdictions to identify a zoning district where emergency homeless shelters can be permitted without discretionary review.
4. The implementation actions required by Housing Element Program 6-D and Senate Bill 2 require amendments to Title 12 of the San Bruno Municipal Code (the San Bruno Zoning Code) related to emergency shelters.
5. On May 6, 2014 the Planning Commission conducted a duly noticed public hearing and passed a resolution recommending that the City Council adopt said ordinance.
6. On \_\_\_ the City Council conducted a duly noticed public hearing and the City Council introduced said Ordinance.

**Section 2.** Title 12 of the San Bruno Municipal Code (the San Bruno Zoning Code) is amended by adding the text shown in bold italics (***example***) and deleting the text shown in ~~strikeout~~ (~~example~~), [Text in brackets [example] is explanatory and is not part of the ordinance.] as follows.

1. Section 12.96.110 (C-1, C-2, and C-C general commercial districts) is amended by adding Subsection 12.96.110.B.13 as follows:

A. Purpose. These districts are intended to serve the market area of the whole community. They generally encompass retail stores, food stores, personal and professional services, professional and administrative offices, furniture stores, newspapers and printing plants, and motion picture theaters. Auto related uses are conditional uses within the district.

B. Permitted Uses. The following uses, conducted entirely within an enclosed structure and provided there is an architectural review permit, are permitted in the C-1, C-2, and C-C districts:

1. All permitted uses in the C-N district;
2. Personal services;\*
3. Miscellaneous retail,\* except adult bookstores;
4. Professional, administrative, medical/dental and business offices;
5. Eating places, except drive-in eating places;
6. Furniture, home furnishings and equipment stores;\*
7. Business services, except equipment renting and leasing;\*
8. Newspaper, printing and lithography plants;
9. Motion picture theaters, except drive-in and adult theaters;
10. Miscellaneous services;\*
11. Adult bookstores, adult entertainment facilities, adult motion picture theaters and massage establishments; subject to the provisions set forth in Chapter 12.84;
12. Churches which were constructed prior to December 1961, provided that such facilities shall be governed by the development regulations set forth in Section 12.96.060 D;
13. ***Emergency shelters; subject to the provisions set forth in Section 12.84.220;***

~~13-14~~ Any other use which the planning commission finds is similar in nature, function, or operations to the listed permitted uses.

[The remainder of Section 12.96.110 remains unchanged.]

2. Chapter 12.84 (General Provisions, Conditions and Exceptions) is amended by adding new Section 12.84.220 as follows:

**12.84.220 Emergency Shelters**

A. Purpose and Intent. The purpose of this section is to comply with California Government Code Section 65583(a)(4), which requires that emergency shelters be permitted by

right in at least one zone with sufficient capacity to accommodate the local need for emergency shelters.

B. Applicability. Standards for emergency shelters contained in this section shall apply to all emergency shelters where permitted by the Zoning Ordinance.

C. Definition. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

D. Location

1. Emergency shelters shall be a permitted use in the C- General Commercial Zoning District, limited to the following locations:
  - a. El Camino Real: 600, 700, 800, and 900 blocks;
  - b. San Bruno Avenue West: north side of 100 block, 200, 300, 400, 500, 600, and 700 blocks;
  - c. Camino Plaza: 700 block;
  - d. Kains Avenue: 700 block;
  - e. White Way: 600 block;
  - f. Hensley Avenue: 811, 815, and 819.
2. An emergency shelter shall not be located within 300 feet of other emergency shelters.

E. Minimum Performance Standards.

1. The number of beds shall be limited to twenty.
2. Parking requirements shall be either one space per 300 square feet of habitable floor area, or sufficient to serve the parking demand determined in a study prepared by the applicant and approved by the Community Development Director.
3. The size of outdoor waiting areas shall be sufficient to accommodate the expected number of clients without infringing upon the public right-of-way.
4. On-site management shall be provided during the hours that the emergency shelter is in operation.
5. The length of stay for each individual at any emergency shelter shall not exceed 90 days, unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation programs. The total length of stay shall not exceed six months.
6. Exterior lighting of the property shall be designed to provide a minimum maintained horizontal illumination of at least one foot-candle of light on parking surfaces and walkways that serve the facility. Illumination shall not extend across property lines.
6. Security shall be provided during the hours that the emergency shelter is in operation. Security plans shall be submitted to City staff for review and approval prior to issuance of an occupancy permit. Security plans shall be resubmitted to City staff on an annual basis.

**Section 3. Validity.** The City Council of the City hereby declares that should any section, paragraph, sentence or work of this code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the City Council of the City that it would have passed all other portions or provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

**Section 4.** This Ordinance has been reviewed with respect to applicability of the California Environmental Quality Act (CEQA). The proposed zoning ordinance amendment is an Implementation Action contained in the current Housing Element to carry out housing programs. The potential environmental impacts of implementation of the Housing Element programs were reviewed as a part of the Negative Declaration prepared for the Housing Element. This document determined that no adverse environmental impacts would result from implementation of the policies and programs outlined in the Housing Element, and the Negative Declaration and Housing Element were approved by the City Council on March 23, 2010.

**Section 5.** This Ordinance shall be published as required by law and shall be in force 30 days after its adoption.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

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I hereby certify that the foregoing Ordinance No. XXXX was introduced on \_\_\_\_\_, 2014 and adopted at a regular meeting of the San Bruno City Council on \_\_\_\_\_, 2014, by the following vote:

AYES: \_\_\_\_\_ COUNCILMEMBERS: \_\_\_\_\_