



AGENDA REPORT SUMMARY

Meeting Date: August 22, 2023

Subject: Specialized Housing Regulations

Prepared by: Nick Zornes, Development Services Director

Reviewed by: Jon Maginot, Assistant City Manager
Jolie Houston, City Attorney

Approved by: Gabe Engeland, City Manager

Attachment(s):

1. Draft Ordinance
2. Appendix A
3. Assembly Bill No. 101
4. Assembly Bill No. 101 – HCD Fact Sheet
5. Assembly Bill No. 101 – HCD AB 101 Checklist
6. Assembly Bill No. 2162
7. Assembly Bill No. 2162 – HCD Fact Sheet
8. Health & Safety Code – Section 17021.5
9. Health & Safety Code – Section 17021.6

Initiated by:

City of Los Altos adopted 6th Cycle Housing Element, Program 4.C, 4.D, 4.E, 4.F

Fiscal Impact:

No fiscal impacts are associated with the adoption of these implementing regulations.

Environmental Review:

This Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

Summary:

The draft ordinance incorporates regulations for Low Barrier Navigation Centers, Transitional and Supportive Housing, Employee/Farmworker Housing, and Reasonable Accommodations consistent with State law. The draft ordinance was developed to create a standalone chapter within the Los Altos Municipal Code for the proposed regulations, which will allow for easier access and understanding by internal and external stakeholders.

Reviewed By:

City Manager

GE

City Attorney

JH

Assistant City Manager

JM



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Staff Recommendation:

Introduce & Waive Further Reading of Zoning Ordinance Text Amendments incorporating Chapter 14.63 to the Los Altos Municipal Code to implement Program 4.C allowing Low Barrier Navigation Centers consistent with AB 101, Program 4.D allowing of Transitional and Supportive Housing consistent with State law, Program 4.E allowing Employee/Farmworker Housing consistent with State law, Program 4.F allowing for Reasonable Accommodations for disabled persons' consistent with Federal Fair Housing Act, and California Fair Employment and Housing Act. The proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3) (Commonsense Exemption) of the California Environmental Quality Act (CEQA) Guidelines since there would be no possibility of a significant effect on the environment.

Background:

On January 24, 2023, the Los Altos City Council adopted the City's 6th Cycle Housing Element 2023-2031. As required by law, the adopted housing element has several housing programs contained within. The City of Los Altos identified specific programs in its housing element that will allow it to implement the stated policies and achieve the stated goals and objectives.

Programs must include specific action steps the City will take to implement its policies and achieve its goals and objectives. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the city's specific role in implementation, and (whenever possible) identify specific, measurable outcomes.

Programs 4.C, 4.D, 4.E, 4.F of the adopted 6th Cycle Housing Element were initially required to be implemented during the 5th Cycle Housing Element by development and integration of regulations in the Los Altos Municipal Code. The draft ordinance under consideration implementing Programs 4.C, 4.D, 4.E, 4.F is required to be adopted no later than December 31, 2023. Due to the various requirements and deliverables of the 6th Cycle Housing Element the draft ordinance was prepared early to help ensure that ample time is available to execute several other adopted programs.

Analysis:

The City's adopted 6th Cycle Housing Element 2023-2031, included Program 4.C. The housing program requires the proposed ordinance amendments to *Allow Low Barrier Navigation Centers consistent with AB 101*. The draft ordinance included in this agenda packet effectively completes these deliverables as explicitly called out within the housing program.

Program 4.C: Allow Low Barrier Navigation Centers consistent with AB 101.

The Zoning Code does not address low barrier navigation centers (LBNCs), defined as Housing First, low-barrier, service enriched shelters focused on moving people into permanent housing that provide temporary living facilities while case managers



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connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing (Government Code §65660). State law requires LBNCs to be permitted by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses provided they satisfying the provisions established by AB 101 (see Government Code §65662). This would allow LBNCs in the CD/R3, CN, CD, CRS, CT, and CRS-OAD districts. The City will amend its Zoning Code to explicitly allow LBNCs as provided by State law.

Responsible Body: Development Services Department, Planning Commission, City Council

Funding Source: General Fund

Time Frame: December 2023

The City's adopted 6th Cycle Housing Element 2023-2031, included Program 4.D. The housing program requires the proposed ordinance amendments to *Allow transitional and supportive housing consistent with State law*. The draft ordinance included in this agenda packet effectively completes these deliverables as explicitly called out within the housing program.

Program 4.D: Allow transitional and supportive housing consistent with State law.

Allow transitional and supportive housing by right in all zones which allow residential uses, subject only to those restrictions and standards that apply to other residential dwellings of the same type in the same zone, consistent with State law. Additionally, transitional, and supportive housing that qualifies under AB 2162 will be allowed by right in zones where multi-family and mixed uses are allowed, including nonresidential zones that allow multi-family uses, consistent with AB 2162 (Government Code §65651).

Responsible Body: Development Services Department, Planning Commission, City Council

Funding Source: General Fund

Time Frame: December 2023

The City's adopted 6th Cycle Housing Element 2023-2031, included Program 4.E. The housing program requires the proposed ordinance amendments to *Allow employee/farmworker housing consistent with State law*. The draft ordinance included in this agenda packet effectively completes these deliverables as explicitly called out within the housing program.

Program 4.E: Allow employee/farmworker housing consistent with State law.

The City will amend the Zoning Code to allow employee housing consistent with Health and Safety Code §17021.5 and 17021.6.



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Responsible Body: *Development Services Department, Planning Commission, City Council*

Funding Source: *General Fund*

Time Frame: *December 2023*

The City's adopted 6th Cycle Housing Element 2023-2031, included Program 4.F. The housing program requires the proposed ordinance amendments to *Reasonably accommodate disabled persons' housing needs*. The draft ordinance included in this agenda packet effectively completes these deliverables as explicitly called out within the housing program.

Program 4.F: Reasonably accommodate disabled persons' housing needs.

Both the federal Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. The Zoning Code does not currently contain procedures for reasonable accommodations. The City will adopt reasonable accommodation procedures compliant with State and federal law.

Responsible Body: *Development Services Department, Planning Commission, City Council*

Funding Source: *General Fund*

Time Frame: *Adopt an ordinance by December 2023; report to City Council on number of reasonable accommodations requests submitted and the status of each (i.e., approved, denied (and reason for denial), or under review), Annually.*

Objective: *The City will adopt a reasonable accommodation ordinance and process request as submitted with the target of approving at least three reasonable accommodation requests by January 31, 2031.*

Discussion:

The actions included within the attached draft ordinance are requirements pursuant to the City's adopted 6th Cycle Housing Element. Once a jurisdiction takes final action by adopting its housing element this requires immediate action in order to remain compliant with State housing law. The City of Los Altos Housing Element contains 26 major action items or milestones that must be completed within the first 12-months post adoption. The draft ordinance will effectively accomplish the majority of 4 of the 26 items or milestones to be achieved in the first 12-months.



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Planning Commission Consideration:

On August 3, 2023, the Los Altos Planning Commission reviewed the draft ordinance which incorporates Chapter 14.63 to the Los Altos Municipal Code to implement Program 4.C allowing Low Barrier Navigation Centers consistent with AB 101, Program 4.D allowing of Transitional and Supportive Housing consistent with State law, Program 4.E allowing Employee/Farmworker Housing consistent with State law, Program 4.F allowing for Reasonable Accommodations for disabled persons' consistent with Federal Fair Housing Act, and California Fair Employment and Housing Act.

The Planning Commission received a presentation from the Development Services Director, asked clarifying questions, opened the Public Hearing to receive testimony (although no public comments were received), and discussed the item. The item was unanimously recommended to proceed as presented with no modifications to the City Council for Introduction and Adoption.