



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 11/13/2024

ITEM NO: 7

DATE: November 8, 2024
TO: Planning Commission
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Make a Recommendation to the Town Council on an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code to Add Low Barrier Navigation Centers as a By-Right Use in Mixed-Use and Nonresidential Zones, Pursuant to Implementation Program AD of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in that it can be Seen with Certainty that it will not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65660 - 65668. Town Code Amendment Application A-24-006. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code to add Low Barrier Navigation Centers as a by-right use in mixed use and nonresidential zones, pursuant to Implementation Program AD of the 2023-2031 Housing Element.

CEQA:

Adoption of this Ordinance is exempt pursuant to CEQA, Section 15061(b)(3) in that it can be seen with certainty that it will not impact the environment, because the Town is already subject to Government Code Sections 65660 – 65668.

BACKGROUND:

Implementation Program AD states that the Town will amend the Zoning Code to include a definition of Low-Barrier Navigation Center (LBNC) consistent with state law and allow at least two mixed-use zoning districts to permit Low-Barrier Navigation Centers as a by-right use.

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Planning Manager and Community Development Director

A LBNC is a “Housing First,” low barrier, temporary, service-enriched shelter that helps homeless individuals and families to quickly obtain permanent housing. By “Housing First,” the State means that the shelter has the goal of finding permanent housing for the unhoused and does not make housing contingent on participation in services (Welfare and Institutions Code Section 8255).

State Assembly Bill 101 enacted Government Code Sections 65660 - 65668 to require that local jurisdictions allow LBNC’s as “by-right” uses in areas zoned for mixed-use and nonresidential zones permitting multi-family uses, so long as the LBNC’s meet specified requirements. In the Town, those four zoning districts are the O, CH, C-1, and C-2 zones.

To qualify for “by-right” approval, a proposed LBNC must provide access to permanent housing, using a coordinated entry system (in which individuals and families get access to related services), and comply with a state “Housing First” statute. The “Housing First” statute is codified at Welfare and Institutions Code Section 8255.

A “by-right” use is eligible for a ministerial permit and is not subject to the California Environmental Quality Act. The Town is required to notify the developer whether the application is complete within 30 days of receipt of an application. The Town is required to act on the application within 60 days of receipt of a complete application. These new provisions are in addition to current state housing element law regarding planning and approval for emergency shelters, transitional housing, and by-right permanent supportive housing.

In addition to being required by state law, adoption of a LBNC ordinance is required by Implementation Program AD of the Town’s certified 2023-2031 Housing Element. The Town is required to report to the California Department of Housing and Community Development (HCD) when this program has been implemented.

DISCUSSION:

Town staff is proposing that Chapter 29, Article I of the Town’s Zoning Regulations be amended to add Division 11. Additionally, LBNCs would be added as permitted uses in the O, C-1, C-2, and CH zones (Sections 29.60.085, 29.60.210, 29.60.320, and 29.60.420 respectively).

CONCLUSION:

A. Summary

To satisfy the Town’s requirement to implement this ordinance as part of its certified 2023-2031 Housing Element, staff recommends that the Planning Commission review the Draft Ordinance and recommend its approval to the Town Council.

B. Recommendation

Staff recommends that the Planning Commission forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code (Exhibit 4). The Planning Commission should also include any comments or recommended changes to the Draft Ordinance in taking the following actions:

1. Make the finding that the proposed amendment is exempt pursuant to CEQA, Section 15061(b)(3), in that it can be seen with certainty that it will not impact the environment, and because the Town is already subject to Government Code Sections 65660 – 65668 (Exhibit 1);
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the Draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code (Exhibit 4).

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the Draft Ordinance with modifications; or
2. Forward a recommendation to the Town Council for no changes to the Town Code; or
3. Continue the matter to a date certain with specific direction.

COORDINATION:

This report was coordinated with the Community Development Department.

FISCAL IMPACT:

The Town does not anticipate a fiscal impact from this requirement, because the Town will adopt a fee to cover the cost of processing the planning applications.

ENVIRONMENTAL ASSESSMENT:

Adoption of this ordinance is exempt pursuant to CEQA, Section 15061(b)(3) in that it can be seen with certainty that it will not impact the environment, because the Town is already subject to Government Code Sections 65660 - 65668. State law already requires the Town to allow LNBC's as by-right uses in the specified zones so long as they meet the criteria set forth in state law.

PAGE 4 OF 4

SUBJECT: Low-Barrier Navigation Center Ordinance

DATE: November 8, 2024

EXHIBITS:

1. Required Findings
2. Government Code Sections 65660 - 65668.
3. C-1, C-2, CH, and O Zoning Districts Map
4. Draft Ordinance