

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS TO ADD DIVISION 11, "LOW BARRIER NAVIGATION CENTERS," TO ARTICLE I, "GENERAL" OF CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE

WHEREAS, a Low Barrier Navigation Center (LBNC) is a shelter that helps homeless individuals and families to quickly obtain permanent housing; and

WHEREAS, state Assembly Bill 101 requires that an LBNC be a use by-right in areas zoned for mixed-use and nonresidential zones permitting multi-family uses if it meets specified requirements; and

WHEREAS, one of the Town's required Housing Element Implementation Programs is adoption of an ordinance providing that LBNC's are a use by-right in areas zoned for mixed-use and nonresidential zones permitting multi-family uses so long as the LBNC's meet the requirements specified in state law;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Incorporation of Recitals.

The Town Council finds that the above Recitals are true and correct and are incorporated herein by reference.

SECTION II. Amendments to Chapter 29 of the Town of Los Gatos Town Code.

A Division 11, "Low Barrier Navigation Centers," is added to Article I, "General," of Chapter 29, "Zoning Regulations," to read as follows:

"Division 11, Low Barrier Navigation Centers

Sections

- 29.10.700 Purpose.**
- 29.10.710 Applicability.**
- 29.10.720 Permit required.**
- 29.10.730 Development and Operational Standards.**
- 29.10.740 Definitions.**

Section 29.10.700. Purpose.

The purpose of this Chapter is to establish development standards for low-barrier navigation centers and 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.

Section 29.10.710. Applicability.

The provisions of this Chapter shall apply to all low-barrier navigation center projects.

Section 29.10.720. Definitions.

Low-Barrier Navigation Centers means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Use By-Right has the meaning defined in subdivision (i) of Section 65583.2 of the California Public Resources Code. The California Environmental Quality Act shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low-Barrier Navigation Center constructed or allowed by this Division.

Section 29.10.730. Permit Required.

A planning permit is required prior to establishment of any low-barrier navigation center project. The permit shall be a ministerial action without discretionary review or a hearing. The Community Development Director or Designee shall notify a developer whether the developer’s application is complete within 30 days, pursuant to California Government Code Section 65943. Action shall be taken within 60 days of a complete application being filed.

Section 29.10.740: Development and Operational Standards

A low-barrier navigation center development is a use by-right in areas zoned for mixed-use and nonresidential zones permitting multi-family uses, if it meets the following requirements:

- A. **Connected Services.** It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- B. **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.

- C. Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- D. 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.
- E. Development Standards. It complies with the development standards of the underlying zoning district and any applicable objective design standards.”

SECTION III. Section 29.60.085, “Permitted Uses,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

“Section 29.60.085. Permitted uses.

Activities allowed in the O or office zone must be those which would not unreasonably interfere with residential uses or other activities within the O zone, and which are in the following categories:

- (1) Offices, administrative, professional, medical, dental and optical laboratories associated with a professional use, real estate, insurance, stocks and bonds; and other similar offices characterized by absence of retail sales.
- (2) Retail sales by a pharmacy within a medical building.
- (3) Group classes.
- (4) Personal service businesses.
- (5) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.”

SECTION IV. Section 29.60.210, “Permitted Uses,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

“Section 29.60.210. Permitted uses.

(a) Activities allowed in the C-1 or neighborhood commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:

- (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
- (2) Personal service businesses and service businesses necessary for the conduct of households.

- (3) Office activities.
- (4) Limited manufacturing activities when a majority of sales are made, on site, to the ultimate consumer.
- (5) Activities permitted in the LM zone which were approved on or before February 1, 1993, provided any change of use must be a conforming use in the C-1 zone.
- (6) Group classes.
- (7) Specialty food retail without alcoholic beverages.
- (8) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.

(b) Examples of proper C-1 activities are grocery stores, laundrettes, or dry cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities which are not proper in the C-1 zone are vehicle service and sales, palmists and soothsayers, manufacturing, wholesaling, or laundry.”

SECTION V. Section 29.60.320, “Permitted Uses,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

“Section 29.60.320. Permitted uses.

(a) Activities permitted in the C-2 or Central District Commercial Zone are those involving the conduct of commerce and general business and the sale of commodities necessary for the needs of residents and visitors of the Town, such as:

- (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
- (2) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.
- (3) Reserved.
- (4) Office activities subject to subsection (c) below.
- (5) Limited manufacturing activities when a majority of sales are made, on site, to the ultimate consumer.
- (6) Wholesaling without warehousing on the premises.
- (7) Single-family and two-family uses, in conjunction with the other uses permitted in this section.
- (8) Personal service businesses.
- (9) Specialty food retail without alcoholic beverages.

(b) Examples of proper C-2 activities are apparel stores, antique stores, artist studios, craft studios, auto part sales, artist supply shops, and EV sales, service, and repair. Examples of activities which are not proper in the C-2 zone are manufacturing, warehousing, laundry or dry cleaning plants.

(c) Office activities in the C-2 zone shall not be located on the ground floor along any street, alleyway, or public parking lot except in the areas described below:

- (1) Lyndon Avenue;
- (2) Properties abutting Wood Road;
- (3) The west side of Victory Lane;
- (4) The south side of Los-Gatos-Saratoga Road excluding:
 - a. That portion of the property located at the southwest corner of Los-Gatos Saratoga Road and Santa Cruz Avenue described more precisely as located between a straight line extended northerly along the west side right-of-way line of Santa Cruz Avenue and one hundred forty (140) feet west of that extended line.
 - b. The south side of Los Gatos-Saratoga Road between Santa Cruz Avenue and University Avenue; and
- (5) The east side of South Santa Cruz Avenue directly across the street from Wood Road.
- (6) The north and south side of West Main Street west of Victory Lane.
- (7) Tenant suites located at 114 Royce Street with entries at the rear of the building and that do not have street frontage.

(d) Notwithstanding subsection (c), office activities on ground floors described below shall be considered conforming and shall be allowed to continue so long as the office use is not discontinued for one hundred and eighty (180) consecutive days. If the office use is discontinued for such a period, then the office use shall not be resumed, and token use shall not toll or interrupt a period of discontinuance.

- (1) Office activities existing on June 17, 1991; or
- (2) Office activities in a building under construction on July 16, 1990, if the applicable architecture and site approval specifically stated that the building was approved for office activities.”

SECTION VI. Section 29.60.420, “Permitted Uses,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

“Section 29.60.420. Permitted uses.

(a) Activities allowed in the CH or restricted highway commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:

- (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
- (2) Personal service businesses and service businesses necessary for the conduct of households.
- (3) Office activities.
- (4) Limited manufacturing activities when a majority of sales are made on site to the ultimate consumer.
- (5) Group classes.
- (6) Specialty food retail without alcoholic beverages.
- (7) Low-Barrier Navigation Centers, pursuant to the requirements of Chapter 29, Article I, Division 11.

(b) Examples of proper CH activities are grocery stores, laundrettes or dry-cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities which are not proper in the CH zone are palmists and soothsayers, manufacturing, wholesaling, or laundry or dry-cleaning plants.”

SECTION VII. Sunset Clause.

This Ordinance will remain in effect only until January 1, 2027, or until state Government Code Sections 65660-65668 are repealed, whichever is earlier.

SECTION VIII. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted, or otherwise invalid.

SECTION IX. California Environmental Quality Act (CEQA) Considerations.

The Town Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (the common sense exemption) because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, in that the ordinance merely implements the provisions of

state law and includes no provisions beyond those included in state law that may result in a direct or indirect impact on the physical environment.

SECTION X. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION XI. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of ____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of ____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

ATTEST:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA