

# **CITY OF DANA POINT MEMORANDUM**

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**DATE:** November 21, 2023  
**TO:** Honorable Mayor and City Council  
**FROM:** Brenda Wisneski, Director of Community Development  
**SUBJECT:** Item 11 – Action Document B

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Pages 7-18 of Item 11, Action Document B were omitted from the published staff report. Please find the full proposed ordinance attached for the first reading of an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA22-0002 TO AMEND THE ZONING ORDINANCE IN COMPLIANCE WITH STATE HOUSING LAWS AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

Applicant: City of Dana Point  
File No.: ZTA22-0002/LCPA23-0001

c: City Manager

## **ORDINANCE NO. 23-xx**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA22-0002 TO AMEND THE ZONING ORDINANCE IN COMPLIANCE WITH STATE HOUSING LAWS AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION**

Applicant: City of Dana Point  
File No.: ZTA22-0002/LCPA23-0001

The City Council of the City of Dana Point does hereby ordain as follows:

WHEREAS, in 1993, the City of Dana Point approved, and the California Coastal Commission certified, the Zoning Ordinance of the City of Dana Point; and

WHEREAS, the City seeks to update the Zoning Ordinance by amending or adding various sections regarding: emergency shelter parking, manufactured homes, residential care facilities (six or fewer persons), supportive housing, and low barrier navigation centers; and

WHEREAS, the proposal is for a Local Coastal Plan Amendment (the "LCPA") and Zone Text Amendment (the "ZTA") to update by amending and adding various provisions of the Zoning Ordinance; and

WHEREAS, the ZTA and LCPA will be consistent with and will provide for the orderly, systematic and specific implementation of the General Plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing as prescribed by law on October 23, 2023, to consider said LCPA and ZTA and recommended approval of the proposed amendments to City Council 5-0; and

WHEREAS, the City Council held a duly noticed public hearing as prescribed by law on November 21, 2023, to consider said Zone Text Amendment, and Local Coastal Program Amendment; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to ZTA22-0002, and LCPA23-0001; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dana Point as follows:

- A. That the above recitations are true and correct and incorporated herein by reference;
- B. The revisions to the Zoning Ordinance are attached hereto as Exhibit “A” showing all proposed changes in a strikethrough/underline format, and Exhibit “B” showing a “clean” copy of the proposed modifications and incorporated herein by reference;
- C. That the proposed action complies with all other applicable requirements of state law and local Ordinances;
- D. That the ZTA22-0002 and LCPA23-0001 is in the public interest;
- E. The City Council has reviewed the environmental analysis consistent with the California Environmental Quality Act (CEQA) and determined that the project is exempt from CEQA per Section 15061(b)(3) as these proposed modifications have no potential for causing a significant effect on the environment, thus the proposed amendments are exempt from the provisions of CEQA;
- F. The proposed amendment to the DPZC is consistent with the General Plan;
- G. The City Council adopt Zone Text Amendment ZTA18-0001 for the reasons outlined herein including but not limited to: **update the Zoning Ordinance in compliance with State housing laws and the City’s 2021-2029 Housing Element;**
- H. That the City Council adopt the following findings:
  - 1. That the public and affected agencies have had ample opportunity to participate in the LCPA and ZTA process **in that proper notice in accordance with the LCPA procedures has been followed. Notices were; 1) mailed on October 9, 2023 to notify adjacent agencies that the proposed changes were available for public review, and was published in the Orange County Register on October 9, 2023, 2) published in the Dana Point Times on October 9, 2023 for the Planning Commission Public Hearing, 3) posted at the Dana Point City Hall, the Dana Point Post Office, the Capistrano Beach Post Office, the Dana Point Library, and on the City’s website on October 19, 2023, and 4) published in the Dana Point Times on October 27, 2023 for the City Council Public Hearing.**

2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the Land Use Plan is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act **in that the minor amendments to the Zoning Code are consistent with the Coastal Act policies in that none of the modifications proposed will have impacts to coastal resources or access.**
3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the kind, locations, and intensity of land and water uses **in that the minor amendments to the Zoning Code provide clarification of existing definitions and the addition of two housing use definitions where multifamily uses are permitted. Therefore, the amendments do not result in any changes in location or intensity of existing land uses.**
4. That the level and pattern of development proposed is reflected in the Zoning Code **in that the minor amendments to the Zoning Code related to existing and proposed definitions do not result in any changes in the level and pattern of development.**
5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA **in that the procedures and regulations in Chapter 9.61, Administration of Zoning, constitute minimum standards for LCPAs and ZTAs, with applicable notification and process requirements be applied to subsequent development requests as applicable if these amendments are approved.**
6. That zoning measures are in place which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan **in that these amendments establish new regulations for housing uses where multifamily uses are already permitted, in keeping with Land Use Element Policy 10.3 to minimize the encroachment of resident-serving uses into visitor-serving areas.**
7. The proposed amendment is consistent with the Dana Point General Plan and Local Coastal Program **in that the General Plan 2021-2029 Housing Element Programs 3.1, 3.6, 3.7,**

**3.10, and 6.6 require updates to the Zoning Code where it is noncompliant with recent State housing legislation.**

8. The proposed amendment complies with all other applicable requirements of state law and local ordinances **in that the 2023 Housing Zoning Code Update implements 2021-2029 Housing Element programs required by State housing legislation and the California Department of Housing and Community Development.**

- I. That the City Council includes the following findings submitting the LCPA to the Coastal Commission:

1. The City certifies that with the adoption of these amendments, the City will carry out the Local Coastal Program in a manner fully in conformity with Division 20 of the Public Resources Code as amended, the California Coastal Act of 1976.
2. The City include the proposed LCPA and ZTA for the 2023 Housing Zoning Code Update in its submittal to the Coastal Commission and state that the amendment is to both the land use plan and to the implementing actions.
3. The City certifies that the land use plan is in conformity with and adequate to carry out the Chapter Three policies of the Coastal Act.
4. The City certifies the implementing actions as amended, are in conformity with and adequate to carry out the provisions of the certified Land Use Plan.
5. The Ordinance of the City Council includes the Zone Text Amendment, and Local Coastal Program Amendment numbers ZTA22-0002 and LCPA23-0001 when submitted to the Coastal Commission.
6. The City finds that the Ordinance is exempt from CEQA pursuant to Sections 15061(b)(3) of the CEQA Guidelines.
7. The City certifies that the amendments will be submitted to the Coastal Commission for review and approval as an Amendment to the Local Coastal Program.

- J. That the City Council adopt ZTA22-0002, which would amend the Dana Point Local Coastal Program pursuant to LCPA23-0001, as shown in the attached Exhibit "A" and "B".

- K. That the City Council adopts Zone Text Amendment ZTA22-0002, which would amend the Dana Point Local Coastal Program pursuant to LCPA23-0001. The City Council approves the amendment for the reasons outlined herein and in the City Council Agenda Report, including but not limited to: updating the Zoning Ordinance as regular maintenance ensures policies and requirements are relevant, accurate, and compliant with State law.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mike Frost, Mayor

ATTEST:

\_\_\_\_\_  
Shayna Sharke  
City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE     ) ss  
CITY OF DANA POINT     )

I, SHAYNA SHARKE, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Ordinance No. 23-xx was duly introduced at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2023, and was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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SHAYNA SHARKE, CITY CLERK

ORDINANCE NO. 23-xx

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) ss  
CITY OF DANA POINT    )

AFFIDAVIT OF POSTING  
AND PUBLISHING

SHAYNA SHARKE, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 23-xx, being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT ZTA22-0002 TO MODIFY AND ADD VARIOUS PROVISIONS TO THE ZONING ORDINANCE AND SUBMISSION AS PART OF LOCAL COASTAL PROGRAM AMENDMENT LCPA23-0001 FOR APPROVAL AND CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.**

was published in summary in the Dana Point Times on the \_\_\_\_ day of \_\_\_\_\_, 2023, and in further compliance with City Resolution No. XX-XX-XX-XX on the \_\_\_\_ day of \_\_\_\_\_, 2023, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

Dana Point City Hall  
Capistrano Beach Post Office  
Dana Point Post Office  
Dana Point Library

\_\_\_\_\_  
SHAYNA SHARKE, CITY CLERK  
Dana Point, California



## EXHIBIT “A”

### KEY:

Normal Text=Existing unmodified language

~~**Bold Strikethrough Text**~~=Proposed language to be removed

**Bold Underline Text**=Proposed language to be added

#### 9.35.080 Minimum Number of Required Parking Stalls.

Use	Required Number of Stalls
(e)(14)(a) Emergency Shelters	1 stall/ <del>10 beds/persons</del> <b><u>staff person</u></b> <b><u>during peak hours</u></b>

#### 9.07.220 Mobilehomes.

(c) Individual Manufactured Homes on Individual Lots. In compliance with California Government Code Sections 65852.3, et seq., individual manufactured home installation in individual lots zoned for single family residential development shall comply with the following standards in addition to those of the base zoning district. For purposes of this Section, “manufactured home” shall mean mobilehome or modular home.

~~(9) — Manufactured homes are not permitted on single family residential lots which are located within the immediate vicinity of any place, building, structure or other object having special character or special historical interest or value which is listed on the National Register of Historic places, pursuant to California Government Code Section 37361.~~

~~(10)~~ The permanent placement of a manufactured home on a single family lot shall comply with all required procedures from the California Health and Safety Code Section 18551.

#### 9.75.270 Definitions of Use.

Group Home — shall mean any residential care facility for six or fewer persons which is licensed by the State.

Residential Care Facility for the Elderly — shall mean a housing arrangement **for more than six persons** voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. **A residential care facility for the elderly that does not serve six or more persons does not meet the definition of Residential**

**Care Facility for the Elderly set forth in this section but may qualify as a Group Home if licensed by the State.**

Residential Facility — shall mean any family home, group care facility, or similar facility **for more than six persons** determined by the State Director of Social Services, established for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. **A residential facility that does not serve six or more persons does not meet the definition of Residential Care Facility set forth in this section but may qualify as a Group Home if licensed by the State.**

**9.07.260 Supportive Housing.**

**(a) Purpose. The purpose of this section is to establish development standards for supportive housing and to ensure the supportive housing is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 11 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with Government Code Section 65650.**

**(b) Applicability. The provisions of this section shall apply to all supportive housing projects.**

**(c) Planning Approval Required. An application to establish any supportive housing project shall be submitted to the Director of Community Development for review and approval. The decision to approve or deny the application shall be a ministerial in nature, without any discretionary review or a hearing. A decision by the Director of Community Development shall be taken within 60 days of a complete application being filed.**

**(1) Supportive housing projects shall be a use permitted by right in all zones where multifamily and mixed uses are permitted, including non-residential zones permitting multifamily uses. Supportive housing projects are permitted where all the following requirements are met:**

**(A) Units within the development are subject to a recorded affordability restriction for 55 years.**

**(B) One hundred percent of the units, excluding the manager unit(s), within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians.**

**(C) At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population.**

If the development consists of fewer than 12 units, then 100 percent of the units, excluding manager unit(s), in the development shall be restricted to residents in supportive housing.

(D) Non-residential floor area shall be used for on-site supportive services in the following amounts:

(1) For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.

(2) For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

(E) The developer replaces any dwelling units on the site of the supportive housing development to ensure that any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

(F) Units within the development, excluding manager unit(s), include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

(d) Development and Operational Standards. Supportive housing projects shall comply with all the following standards:

(1) The project shall comply with all development standards and any written objective standards or policies required of multifamily developments in the same zone.

(2) The applicant shall submit a plan for providing supportive services, to include all the following items:

(A) Documentation that supportive services will be provided on-site.

(B) The name of the proposed entities that will provide supportive services.

(C) The proposed funding sources for the services provided.

(D) Proposed staffing levels

(3) No minimum parking requirements shall be required for the units occupied by supportive housing residents for projects located within one-half mile of a public transit stop.

(e) Definitions. This section includes the definition of terms and phrases used in this section that are technical or specialized, or that may not reflect common usage. If any of the definitions in this section conflict with definitions in other provisions of the Municipal Code, these definitions shall supersede for the purposes of this section. If a word is not defined in this section or is defined and conflicts with another definition of the Municipal Code, the Director shall determine the most appropriate definition.

- (1) “Lower Income Households” shall have the same meaning as defined in Section 50079.5 of the Health and Safety Code.
- (2) “Supportive Housing” shall mean housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.
- (3) “Supportive Services” shall include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.
- (4) “Target Population” shall mean persons, including persons with disabilities, and families who are homeless, as that term is defined by Section 11302 of Title 42 of the United States Code, or who are homeless youth, as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.

#### 9.07.270 Low Barrier Navigation Centers.

(a) Purpose. The purpose of this section 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. This section shall be repealed as of January 1, 2027.

**(b) Applicability.** The provisions of this section shall apply to all low-barrier navigation center projects.

**(c) Planning Approval Required.** An application to establish a low-barrier navigation shall be submitted to the Director of Community Development for review and approval. The decision to approve or deny an application shall be ministerial in nature, without any discretionary review or a hearing. The City shall notify a developer whether the developer's application is complete within 30 days, pursuant to California Government Code Section 65943. A decision by the Director of Community Development shall be taken within 60 days of a complete application being filed.

**(d) Development and Operational Standards.** A low-barrier navigation center development shall be deemed a use that is permitted by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, if it meets the following requirements:

- (1) Connected Services.** It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- (2) 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.
- (3) Code Compliant.** It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- (4) 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) Definitions.** This section includes the definition of terms and phrases used in this section that are technical or specialized, or that may not reflect common usage. If any of the definitions in this section conflict with definitions in other provisions of the Municipal Code, these definitions shall supersede for the purposes of this section. If a word is not defined in this section or is defined and conflicts with another definition of the Municipal Code, the Director shall determine the most appropriate definition.

- (1) “Low-Barrier Navigation Centers” shall mean 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:
- (A) 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.
  - (B) Pets.
  - (C) The storage of possessions.
  - (D) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
- (2) “Use by Right” has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the California Public Resources Code 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 section.

## **EXHIBIT “B”**

### 9.35.080 Minimum Number of Required Parking Stalls.

Use	Required Number of Stalls
(e)(14)(a) Emergency Shelters	1 stall/staff person during peak hours

### 9.07.220 Mobilehomes.

(c) Individual Manufactured Homes on Individual Lots. In compliance with California Government Code Sections 65852.3, et seq., individual manufactured home installation in individual lots zoned for single family residential development shall comply with the following standards in addition to those of the base zoning district. For purposes of this Section, “manufactured home” shall mean mobilehome or modular home.

(9) The permanent placement of a manufactured home on a single family lot shall comply with all required procedures from the California Health and Safety Code Section 18551.

### 9.75.270 Definitions of Use.

Group Home — shall mean any residential care facility for six or fewer persons which is licensed by the State.

Residential Care Facility for the Elderly — shall mean a housing arrangement for more than six persons voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. A residential care facility for the elderly that does not serve six or more persons does not meet the definition of Residential Care Facility for the Elderly set forth in this section but may qualify as a Group Home if licensed by the State.

Residential Facility — shall mean any family home, group care facility, or similar facility for more than six persons determined by the State Director of Social Services, established for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. A residential facility that does not serve six or more persons does not meet the definition of Residential Care Facility set forth in this section but may qualify as a Group Home if licensed by the State.

### 9.07.260 Supportive Housing.

(a) Purpose. The purpose of this section is to establish development standards for supportive housing and to ensure the supportive housing is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 11 of Chapter 3 of Division 1 of Planning and Zoning Law commencing with Government Code Section 65650.

(b) Applicability. The provisions of this section shall apply to all supportive housing projects.

(c) Planning Approval Required. An application to establish any supportive housing project shall be submitted to the Director of Community Development for review and approval. The decision to approve or deny the application shall be a ministerial in nature, without any discretionary review or a hearing. A decision by the Director of Community Development shall be taken within 60 days of a complete application being filed.

(1) Supportive housing projects shall be a use permitted by right in all zones where multifamily and mixed uses are permitted, including non-residential zones permitting multifamily uses. Supportive housing projects are permitted where all the following requirements are met:

(A) Units within the development are subject to a recorded affordability restriction for 55 years.

(B) One hundred percent of the units, excluding the manager unit(s), within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians.

(C) At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding manager unit(s), in the development shall be restricted to residents in supportive housing.

(D) Non-residential floor area shall be used for on-site supportive services in the following amounts:

(1) For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.

(2) For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

(E) The developer replaces any dwelling units on the site of the supportive housing development to ensure that any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

(F) Units within the development, excluding manager unit(s), include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.



(d) Development and Operational Standards. Supportive housing projects shall comply with all the following standards:

- (1) The project shall comply with all development standards and any written objective standards or policies required of multifamily developments in the same zone.
- (2) The applicant shall submit a plan for providing supportive services, to include all the following items:
  - (A) Documentation that supportive services will be provided on-site.
  - (B) The name of the proposed entities that will provide supportive services.
  - (C) The proposed funding sources for the services provided.
  - (D) Proposed staffing levels
- (3) No minimum parking requirements shall be required for the units occupied by supportive housing residents for projects located within one-half mile of a public transit stop.

(e) Definitions. This section includes the definition of terms and phrases used in this section that are technical or specialized, or that may not reflect common usage. If any of the definitions in this section conflict with definitions in other provisions of the Municipal Code, these definitions shall supersede for the purposes of this section. If a word is not defined in this section or is defined and conflicts with another definition of the Municipal Code, the Director shall determine the most appropriate definition.

- (1) "Lower Income Households" shall have the same meaning as defined in Section 50079.5 of the Health and Safety Code.
- (2) "Supportive Housing" shall mean housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.
- (3) "Supportive Services" shall include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.
- (4) "Target Population" shall mean persons, including persons with disabilities, and families who are homeless, as that term is defined by Section 11302 of Title 42 of the United States Code, or who are homeless youth, as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.

9.07.270 Low Barrier Navigation Centers.

(a) Purpose. The purpose of this section 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. This section shall be repealed as of January 1, 2027.

(b) Applicability. The provisions of this section shall apply to all low-barrier navigation center projects.

(c) Planning Approval Required. An application to establish a low-barrier navigation shall be submitted to the Director of Community Development for review and approval. The decision to approve or deny an application shall be ministerial in nature, without any discretionary review or a hearing. The City shall notify a developer whether the developer's application is complete within 30 days, pursuant to California Government Code Section 65943. A decision by the Director of Community Development shall be taken within 60 days of a complete application being filed.

(d) Development and Operational Standards. A low-barrier navigation center development shall be deemed a use that is permitted by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, if it meets the following requirements:

- (1) Connected Services. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
- (2) 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.
- (3) Code Compliant. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- (4) 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) Definitions. This section includes the definition of terms and phrases used in this section that are technical or specialized, or that may not reflect common usage. If any of the definitions in this section conflict with definitions in other provisions of the Municipal Code, these definitions shall supersede for the purposes of this section. If a word is not defined in this section or is defined and conflicts with another definition of the Municipal Code, the Director shall determine the most appropriate definition.

- (1) “Low-Barrier Navigation Centers” shall mean 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:

- (A) 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.
- (B) Pets.
- (C) The storage of possessions.
- (D) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

- (2) “Use by Right” has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the California Public Resources Code 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 section.