



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/05/2024

ITEM NO: 2

DATE: February 29, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to Define 'By Right Approvals' and Amend the Housing Element Overlay Zone (HEOZ), Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,'" to Clarify Regulations Applicable to "By Right" and "Non By Right" Residential Development in the Housing Element Overlay Zone. An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-24-001. APPLICANT: Town of Los Gatos. PROJECT PLANNERS: Jocelyn Shoopman and Erin Walters.

RECOMMENDATION:

Adopt an Ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to define 'By Right Approvals' and amend the Housing Element Overlay Zone (HEOZ), Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,'" to clarify regulations applicable to "by right" and "non by right" residential development in the Housing Element Overlay Zone.

REMARKS:

On February 20, 2024, the Council considered and voted to introduce an Ordinance to effect an amendment to Chapter 29, 'Zoning Regulations,' of the Town Code to define 'By Right Approvals' and amend the Housing Element Overlay Zone (HEOZ), Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,'" to clarify regulations applicable to "by right" and "non by right" residential development in the Housing Element Overlay Zone. The proposed ordinance includes the language recommended by HCD regarding subdivisions as well as a severability clause. Once adopted, the Ordinance (Attachment 1) will take effect in 30 days.

PREPARED BY: Jocelyn Shoopman, Associate Planner and
Erin Walters, Associate Planner

Reviewed by: Town Manager, Community Development Director, Planning Manager, and Town Attorney

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SUBJECT: Housing Element Overlay Zone/Z-24-001

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ENVIRONMENTAL ASSESSMENT:

An Environmental Analysis was prepared for the Housing Element update and available on the Town's Housing Element website at:

<https://www.losgatosca.gov/DocumentCenter/View/32424/Housing-Element-Final-Environmental-Analysis-PDF>. All potentially significant effects have been analyzed adequately in the Town of Los Gatos 2040 General Plan Environmental Impact Report (EIR), pursuant to applicable standards including CEQA Guidelines Section 15168(c)2, because the Housing Element update is consistent with the growth projections evaluated in the General Plan EIR. The HEOZ is an implementation of the Housing Element, and no additional Environmental Analysis is required.

Attachment:

1. Draft Ordinance