



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 11/29/2023

ITEM NO: 1

ADDENDUM

DATE: November 28, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider and Make a Recommendation to the Town Council on the Draft Revised 2023-2031 Housing Element. Location: Town-Wide. General Plan Amendment Application GP-22-003.

REMARKS:

Exhibit 5 contains a table demonstrating that the Draft Revised Housing Element (November 2023) contains each of the elements mandated by State law.

Exhibit 6 contains a Draft Resolution for adoption by the Planning Commission should a majority vote to recommend adoption of the Draft Revised Housing Element (November 2023) to the Town Council.

On November 16, 2023, the Draft Revised Housing Element (November 2023) was made available for a seven-day review period, ending on November 27, 2023, as required prior to resubmittal to the Department of Housing and Community Development (HCD). Exhibit 7 contains the one public comment letter received from the Los Gatos Community Alliance ("LGCA"). The public comments provided during the seven-day public comment period above were considered and it was determined that no revisions were required to the Draft Revised 2023-2031 Housing Element (November 2023). The following provides staff's response to each public comment submitted.

- 1) LGCA Comment #1, Table 10-3: The method for calculating the percentage of the surplus is consistent with other Santa Clara County jurisdictions who have received certification of their Housing Element. Additionally, this method has been utilized by the Town's Housing Element consultant with approximately 40 jurisdictions who have received certification of their Housing Element. The buffer of 25 percent, as identified in Implementation Program AS is a reflection of the March 2023 version of the Draft Revised Housing Element and could

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Associate Planners

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

REMARKS (continued):

be revised to reflect the November 2023 version of the Draft Revised Housing Element, which provides a 24 percent buffer.

- 2) LGCA Comment #2, Projected ADU Affordability: The income and affordability distribution of ADU's in the Housing Element was based on a technical memorandum prepared by the Association of Bay Area Governments (ABAG), titled 'Using ADU's to Satisfy RHNA Technical Memo.' The ABAG information provided by the LGCA was a draft version. The Town is utilizing the recommended percentages, provided in the final version of the ABAG technical memorandum.
- 3) LGCA Comment #3, SB 330 Impact: The Town has received direction from HCD that No Net Loss law is only applicable once a project has been approved. The preliminary and formal SB 330 applications that the Town has received have not been approved. If and when a formal application is submitted and the project is approved, that will trigger the "no net loss" requirements, and the Town will comply with the "no net loss" requirements.
- 4) LGCA Comment #4, No Net Loss Buffer: As discussed in the response to comment #3, the Town has received direction from HCD that No Net Loss law is only applicable once a project has been approved. The preliminary and formal SB 330 applications that the Town has received have not been approved. If and when a formal application is submitted and the project is approved that will trigger the "no net loss" requirements, and the Town will comply with the "no net loss" requirements.
- 5) LGCA Comment #5, Program References to Town's Affordable Housing In Lieu Fund: The Below Market Price (BMP) housing in-lieu fees must be used for affordable housing purposes and are allocated as directed by the Town Council as part of the budgeting process. Every year the Town Council identifies their strategic priorities as an initial step in the budget development process. The Town Council has made affordable housing partnerships a 2023-2025 Strategic Priority.

On November 28, 2023, the Town resubmitted the Draft Revised Housing Element (November 2023) to HCD for review and comment. Exhibit 8 contains the cover letter included in the resubmittal to HCD. The entirety of the materials provided to HCD can be viewed online at: www.losgatosca.gov/HousingElement.

Exhibit 9 contains a public comment that was erroneously not included in the November 29, 2023, Planning Commission staff report packet.

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SUBJECT: DRAFT REVISED 2023-2031 HOUSING ELEMENT/GP-22-003

DATE: November 28, 2023

EXHIBITS:

Previously received (available online at: www.losgatosca.gov/HousingElement):

1. Environmental Analysis
2. Draft Revised 2023-2031 Housing Element (November 2023)
3. Response Memorandum to the HCD Draft Preliminary Review Matrix

Previously received with the November 29, 2023, Staff Report:

4. Public Comment received between 11:01 a.m., Wednesday, November 15, 2023, and 11:00 a.m., Wednesday, November 22, 2023

Received with this Addendum Report:

5. Substantial Compliance with Housing Element Law (Government Code Title 7, Division 1, Chapter 3, Article 10.6 [65580–65589.11])
6. Draft Resolution for Adoption of the Draft Revised Housing Element (November 2023)
7. Public Comments Received During the Seven-Day Review Period
8. HCD Cover Letter
9. Public Comment Received on November 21, 2023

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