



TOWN OF LOS GATOS
HOUSING ELEMENT ADVISORY BOARD REPORT

MEETING DATE: 03/16/2023

ITEM NO: 2

ADDENDUM

DATE: March 15, 2023

TO: Housing Element Advisory Board

FROM: Joel Paulson, Community Development Director

SUBJECT: Review and Discuss the Town's Revised Draft Housing Element Addressing the California Department of Housing and Community Development's (HCD) Findings/Comment Letter Received by the Town on January 12, 2023.

REMARKS:

In response to a question from a Board Member, a comparison table of the Regional Housing Needs Allocation (RHNA) that includes the proposed number of housing units and buffer percentages for the 6th cycle Housing Element has been provided in Attachment 4.

Attachment 5 contains public comments received between 11:01 a.m., Friday, March 10, 2023, and 11:00 a.m., Wednesday, March 15, 2023.

ATTACHMENTS:

Previously received with the March 16, 2023, Staff Report:

1. January 12, 2023, HCD Findings/Comment Letter
2. Response Memorandum to HCD's Findings Comment Letter
3. Revised Draft Housing Element, Track Changes

Received with this Addendum Report:

4. RHNA Buffer Comparison Table
5. Public Comments received between 11:01 a.m., Friday, March 10, 2023, and 11:00 a.m., Wednesday, March 15, 2023

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

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RHNA Buffer Comparison Table				
Jurisdiction	2023-2031 RHNA	Residential Capacity to Accommodate RHNA	Buffer Over RHNA	
			Housing Units	Percent
Santa Clara County Jurisdictions – Pending Certification by HCD				
Palo Alto	6,086	6,866	780	13%
Saratoga	1,712	1,994	282	16%
Cupertino	4,588	5,375	787	17%
Monte Sereno*	193	227	34	18%
Los Altos Hills*	489	602	113	23%
Gilroy	1,773	2,215	442	25%
San Jose	62,200	77,587	15,387	25%
Milpitas*	6,713	9,397	2,684	40%
Sunnyvale	11,966	16,952	4,986	42%
Mountain View	11,135	16,514	5,379	48%
Morgan Hill*	1,037	1,756	719	69%
Campbell	2,977	5,300	2,323	78%
Santa Clara*	11,632	22,096	10,464	90%
Bay Area Jurisdictions with Certified Housing Elements				
San Francisco*	82,069	94,349	12,280	15%
Alameda*	5,353	6,424	1,071	20%
Oakland *	26,251	34,831	8,580	33%
Emeryville*	1,815	3,687	1,872	103%
Town of Los Gatos – options presented in the March 16, 2023, HEAB Staff Report				
Adopted 2023-2031 Housing Element*	1993	2,312	319	16%
Revised Draft Housing Element (Attachment 3 to March 16, 2023, HEAB Staff Report)	1993	2,494	501	25%
After modification of Revised Draft Housing Element to remove Sites E-3 and F-2	1993	2,353	360	18%

Source: Respective Jurisdiction's Housing Element Update Websites. Town of Los Gatos, Planning Department, March 10, 2023.

*Adopted Housing Element

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3-15-23

To Town Manager, Laurel Prevetti; Town Clerk, Wendy Wood

CC: Gabrielle Whelan, Town Council, Rick Van Hoosen

Re: Review the Updated Version of the Town's Housing Element Agenda Item 2

We have reviewed the timeline of events related to the Town's submission to HCD of its Housing Element. That timeline is as follows:

- October 2022: The Town submitted its Initial Draft Housing Element to HCD.
- January 12, 2023: The Town received HCD's comments on the Draft Housing Element
- January 30, 2023: The Town adopted a revised Housing Element with a finding that the revised Housing Element substantially complied with state law
- February 13, 2023: The newly-adopted revised Housing Element was submitted for certification to HCD. We are now waiting to hear from HCD regarding certification.
- March 2023: The Staff report for the upcoming HEAB is issued with several attachments, including attachment 3. Attachment 3 is a redline markup of the Initial Draft Housing Element. That is the one that was submitted to HCD in October, 2022.

We have several questions and concerns about this process. Specifically:

- Why has the Staff marked up an old version of the Housing Element that is defunct and has no current standing?
- Has the Town Staff now determined that the adopted & submitted Housing Element is not in substantial compliance with State law and that changes are necessary to become compliant and achieve certification?
- If that is the case:
 - when did the Staff arrive at this conclusion
 - what were the new facts that supported this conclusion
 - why not wait until HCD completes its review of the adopted Housing Element so we know all the changes required to obtain certification?
- If that is not the case, why is the Staff proposing to make any changes at all?

Lastly, we remain very concerned about the Town's ability to obtain certification and adopt a compliant housing element by May 31, 2023. The LGCA has expressed this concern several times in the past to Staff and the Town Council.

In walking through the proposed timeline, if the Town submits a revised Housing Element by March 27 (which is immediately after the mandatory 7-day public comment period), the HCD has up to 60 days to provide formal comments. This suggests HCD's comments would be due on May 26, 2023. Assuming HCD is prepared to certify the housing element (which is a questionable assumption), that will allow only 5 days to hold public hearings, have the Planning Commission meet and make a recommendation, and the Town Council to make a final decision.

Based on this, it appears highly unlikely that the Town will be able to meet the May 31, 2023. We are concerned that the Staff memo does not fully outline the timeline for adopting a compliant housing element by May 31, 2023, nor discuss the potential negative consequences of not meeting the statutory deadline.

We would greatly appreciate hearing from you regarding these points.

*Jak Van Nada – In Behalf of:
Los Gatos Community Alliance
Facts Matter; Transparency Matters; Honesty Matters
www.lgca.town*

