

DRAFT RESOLUTION 2024-___

**RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOS GATOS
RECOMMENDING THAT THE TOWN COUNCIL ADOPT A GENERAL PLAN AMENDMENT
AMENDING THE HOUSING ELEMENT OF THE GENERAL PLAN
FOR THE PERIOD OF 2023-2031 IN SUBSTANTIAL COMPLIANCE
WITH STATE HOUSING ELEMENT LAW.**

GENERAL PLAN AMENDMENT APPLICATION: GP-24-001

**PROPERTY LOCATION: TOWN WIDE
APPLICANT: TOWN OF LOS GATOS**

WHEREAS, the California Legislature has found that, “California has a housing supply and affordability crisis of historic proportions” (Gov. Code Section 65589.5); and

WHEREAS, the Legislature has further found that, “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that, “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over seven years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the Town Council adopt a Housing Element for the eight-year period, 2023-2031, to accommodate the Town of Los Gatos (Town) regional housing need allocation (RHNA) of 1,993 housing units, comprised of 537 very low-income units, 310 low-income units, 320 moderate-income units, and 826 above moderate-income units; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the Town mailed a notice to all California Native American tribes provided by the Native American Heritage Commission; and

WHEREAS, no California Native American tribe requested consultation; and

WHEREAS, the Town conducted extensive community outreach beginning in the summer of 2021 and to date, including 20 Housing Element Advisory Board (HEAB) public meetings; a joint study session with the HEAB, Planning Commission, and Town Council; four Planning Commission meetings; 15

Town Council meetings; two community meetings; a community meeting hosted by the Santa Clara County Planning Collaborative; a community meeting hosted by West Valley Community Services; and public engagement at staff hosted information booths; and

WHEREAS, in accordance with Government Code Section 65585 (b), on August 29, 2022, the Town posted the Draft Housing Element and requested public comment for a 30-day review period, and on October 14, 2022, after responding to public comments, the Town submitted the Draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on January 11, 2023, the Planning Commission held a duly and properly noticed public hearing and recommended that the Town Council adopt the Draft Housing Element, the General Plan Amendment Application, and associated Environmental Analysis; and

WHEREAS, on January 12, 2023, the Town received a letter from HCD that provided a list of recommended revisions needed to receive from HCD a finding of substantial compliance with State Housing Element Law; and

WHEREAS, the Draft Housing Element was changed to substantially comply with State Housing Element Law, as described in Town Council Resolution No. 2023-006; and

WHEREAS, the matter came before the Town Council for public hearing on January 30, 2023, and was regularly noticed in conformance with State and Town law; and

WHEREAS, to comply with State Housing Element Law, the Town Council considered HCD's findings and adopted the 2023-2031 Housing Element (the Housing Element) on January 30, 2023, in compliance with State Housing Element Law; and

WHEREAS, on January 12, 2023, April 14, 2023, May 30, 2023, and December 1, 2023, the Town received letters from HCD stating that additional revisions would be needed to receive from HCD a finding of conformance with Housing Element Law; and

WHEREAS, since the receipt of the comment letters, the Town has met with HCD staff on January 27, 2023, February 9, 2023, April 21, 2023, May 10, 2023, June 21, 2023, September 5, 2023, November 7, 2023, December 13, 2023, January 18, 2024, March 1, 2024, and April 26, 2024, to discuss proposed edits intended to address HCD's requested changes and obtain preliminary feedback on those edits; and

WHEREAS, in accordance with Government Code Section 65585 (b), on February 3, 2023, March 23, 2023, September 22, 2023, November 17, 2023, March 7, 2024, and May 9, 2024, the Town posted proposed amendments to the adopted Housing Element and requested public comment for a seven-day review period, and on February 13, 2023, March 31, 2023, October 2, 2023, November 28, 2023, and

March 18, 2024, the Town submitted proposed Housing Element amendments to HCD for its review; and

WHEREAS, on May 3, 2024, the Town received a letter from HCD stating that the draft Housing Element is in substantial compliance with State Housing Element law, and will comply with State Housing Element law when it is adopted; and

WHEREAS, on May 9, 2024, the Town published the final draft Housing Element determined to be in substantial compliance by HCD on the Town website and requested public comment on the final draft; and

WHEREAS, on May 22, 2024, the Planning Commission held a duly and properly noticed public hearing to consider the draft amendments to the Housing Element, the General Plan Amendment application, and associated Environmental Analysis; and

WHEREAS, the Planning Commission received testimony and documentary evidence from all interested persons who wished to testify or submit documents and considered all testimony and materials submitted, including the packet of material contained in the Planning Commission Agenda Report for their meeting on May 22, 2024, along with any and all subsequent reports and materials and public comments prepared concerning this matter.

NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING COMMISSION HEREBY FINDS THAT BASED ON SUBSTANTIAL EVIDENCE IN THE RECORD:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. An Environmental Analysis, attached as Exhibit 2 to the staff report, was prepared for the adopted Housing Element Update. Although the adopted Housing Element Update could have a significant effect on the environment, all potentially significant effects were analyzed adequately in the Town of Los Gatos 2040 General Plan Program Environmental Impact Report (EIR), adopted with a statement of overriding considerations on June 30, 2022, pursuant to applicable standards, including CEQA Guidelines Section 15168(c)(2). The Housing Element is consistent with the growth projections evaluated in the General Plan Program EIR and within the scope of the General Plan Program EIR. In accordance with CEQA Guidelines Section 15162, no subsequent EIR is required in that:
 - a. The Housing Element will not result in significant environmental effects not previously analyzed in the Program EIR for the 2040 General Plan or a substantial

increase in those previously identified significant effects, because the density and location of potential development is within the scope of the 2040 General Plan analyzed by the Program EIR.

- b. There are no substantial changes with respect to the circumstances under which the Housing Element is being adopted.
- c. There is no new information of substantial importance showing that:
 - i. The Housing Element will have one or more significant effects not discussed in the Program EIR;
 - ii. Significant effects previously examined will be substantially more severe than shown in the Program EIR;
 - iii. Mitigation measures previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects; or
 - iv. Mitigation measures which are considerably different than those analyzed in the Program EIR would substantially reduce one or more significant effects on the environment.
- 3. The Planning Commission recommends that the Town Council find the proposed amendments to the adopted Housing Element were within the scope of the General Plan amendments covered by the General Plan EIR, in that they are consistent with the growth projections evaluated in the General Plan EIR, and no new environmental document is required, in that the impacts of the Housing Elements amendments were analyzed adequately in the Town of Los Gatos 2040 General Plan Environmental Impact Report (EIR), as shown in the Environmental Analysis attached to the staff report for the May 22, 2024, Planning Commission meeting as Exhibit 2.
- 4. In accordance with Government Code Sections 65585(e) and (f)(1), the Planning Commission has considered HCD's comments and has found that the Town has completed changes to the adopted Housing Element to substantially comply with Housing Element Law, as detailed in the HCD letter dated May 3, 2024, attached to the staff report for the May 22, 2024, Planning Commission meeting as Exhibit 6.
- 5. Based on substantial evidence in the record (contained in Appendix D to the proposed amended Housing Element), including development trends, Property Owner Interest Forms, improvement value to land ratio, floor area ratio, structure age, and building height, the existing uses on the non-vacant sites identified in the site inventory are likely to be

discontinued during the planning period and do not constitute an impediment to planned residential development on the sites during the planning period.

6. The Planning Commission hereby recommends that the Town Council adopt the proposed 2023-2031 Housing Element, the associated General Plan Amendment application (GP-24-001), and the Environmental Analysis attached to the staff report for the May 22, 2024, Planning Commission meeting as Exhibits 1 and 2.

PASSED AND ADOPTED at a meeting of the Planning Commission of the Town of Los Gatos, California, held on the 22nd day of May 2024, by the following vote:

PLANNING COMMISSIONERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

CHAIR, LOS GATOS PLANNING COMMISSION

DATE: _____

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