

DRAFT ORDINANCE
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29, "ZONING," OF THE TOWN CODE, TO ADD DIVISION 12,
"REPLACEMENT HOUSING UNITS," TO ARTICLE I, "GENERAL"

WHEREAS, Program AU of the Town's certified Housing Element requires that the Town adopt requirements for replacement housing units when housing units are removed from the Town's inventory; and

WHEREAS, these requirements mirror existing state law; and

WHEREAS, state law provides that the replacement unit requirements can be adopted by either ordinance or resolution; and

WHEREAS, staff recommends that the replacement unit requirements be adopted by ordinance in order to ensure eligibility for state grants; and

WHEREAS, staff also recommends the adoption of replacement unit guidelines by resolution;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Incorporation of Recitals.

The Town of Los Gatos Town Council finds that the above Recitals are true and correct and are incorporated herein by reference.

SECTION II. Division 12, "Replacement Housing Units," is added to Article I, "General," of Chapter 29, "Zoning Regulations," to read as follows:

"Division 12, Replacement Housing Units

Sec. 29.10.800. Replacement Unit Requirements.

(a) Replacement housing requirements are established by State Density Bonus Law [Government Code Section 65915(c)(3)]; Housing Element Law [Government Code Section 65583.2(g)(3)], and the Housing Crisis Act of 2019 (Government Code Sections 66300.5 – 66300.6), collectively State Replacement Housing Law.

(b) The Town shall not approve or issue a discretionary or ministerial permit for any development project unless the development project meets all of the requirements of State Replacement Housing Law.

(c) The Town Council may adopt by resolution Guidelines to implement State Replacement Housing Requirements.

(d) If any section of this chapter conflicts with State Replacement Housing Law or other applicable state law, state law shall supersede this chapter. References to state statutes, codes, or regulations include successor provisions and new provisions containing replacement housing requirements."

ATTACHMENT 1

SECTION III. California Environmental Quality Act (CEQA) Considerations.

The Town Council finds that this Ordinance is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (the common sense exemption) because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, in that the ordinance merely implements the provisions of state law and includes no provisions beyond those included in State Density Bonus Law that may result in a direct or indirect impact on the physical environment.

SECTION IV. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses, or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION V. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION VI. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of _____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ___ day of _____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA