

DRAFT RESOLUTION 2023-___

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING 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-22-003

**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 has included 19 Housing Element Advisory Board (HEAB) public meetings; a joint study session with the HEAB, Planning Commission, and Town Council; four Planning Commission meetings; ten 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 comply 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 Housing Element 2023-2031 (the Housing Element) on January 30, 2023, in compliance with State Housing Element Law; and

WHEREAS, on January 12, 2023, April 14, 2023, and May 30, 2023, the Town received letters from HCD stating that revisions would be needed to conform 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, and November 7, 2023, to discuss proposed edits intended to address HCD's requested changes and obtain preliminary feedback on those edits; and

WHEREAS, the Town conducted additional community outreach, including 19 HEAB public meetings; a joint study session with the HEAB, Planning Commission, and Town Council; four Planning Commission meetings; ten Town Council 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 amended the adopted Housing Element; and

WHEREAS, in accordance with Government Code Section 65585 (b), on February 3, 2023, March 23, 2023, September 22, 2023, and November 17, 2023, 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, and November 28, 2023, the Town submitted proposed Housing Element amendments to HCD for its review; and

WHEREAS, on November 15, 2023, 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, received public comment, and continued the public hearing to a special meeting of November 29, 2023; and

WHEREAS, on November 29, 2023, 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 November 29, 2023, along with any and all subsequent reports and materials and public comments prepared concerning this matter.

WHEREAS, the Planning Commission recommended adoption of the General Plan Amendment amending the Town's Housing Element.

WHEREAS, this matter came before the Town Council for public hearing on December 19, 2023, and was regularly noticed in conformance with State and Town law; and

WHEREAS, Town Council received testimony and documentary evidence from all interested persons who wished to testify or submit documents. Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of material contained in the Council Agenda Report for their meeting on December 19, 2023, along with any and all subsequent reports and materials prepared concerning this matter.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWN COUNCIL 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 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 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, and the adopted Housing Element Update was consistent with the growth projections evaluated in the General Plan EIR. The Town

Council find all potentially significant effects of the proposed amendments to the adopted Housing Element were analyzed adequately in the Town of Los Gatos 2040 General Plan Environmental Impact Report (EIR) and are consistent with the growth projections evaluated in the General Plan EIR, as shown in the Environmental Analysis attached to the staff report as Attachment 2.

3. In accordance with Government Code Sections 65585(e) and (f)(1), the Town Council has considered HCD's findings and the Planning Commission recommendation has found that the Town has proposed changes to the adopted Housing Element to substantially comply with Housing Element Law, as shown in the matrix, attached to this resolution as Exhibit A.
4. 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.

NOW, THEREFORE, THE TOWN COUNCIL RESOLVES AS FOLLOWS:

The Town Council adopts the proposed amendments to the 2023-2031 Housing Element, the associated General Plan Amendment Application (GP-22-003), and the Environmental Analysis attached to the staff report as Attachment 1 and 2.

PASSED AND ADOPTED at a meeting of the Town Council of the Town of Los Gatos, California, held on the 19th day of December 2023, by the following vote:

PLANNING COMMISSIONERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR, LOS GATOS TOWN COUNCIL

DATE: _____