

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
TO APPLY THE HOUSING ELEMENT OVERLAY ZONE (HEOZ) TO PROVIDE FOR
INCREASES TO THE ALLOWABLE DENSITY, HEIGHT, FLOOR AREA RATIO, AND LOT
COVERAGE FOR RESIDENTIAL DEVELOPMENT ON THE FOLLOWING SITE: 101 SOUTH
SANTA CRUZ AVENUE**

WHEREAS, the Town of Los Gatos' Housing Element contains a sites inventory that identifies sites with the potential for redevelopment with housing;

WHEREAS, the Town wishes to apply a Housing Element Overlay Zone to the sites identified in the sites inventory in order to encourage redevelopment with housing;

WHEREAS, the Planning Commission met on August 23, 2023, to receive public comments and continued the item to September 13, 2023; and

WHEREAS, the Planning Commission received further public comments and recommended approval of the application of the Housing Element Overlay Zone to the sites identified in the Sites Inventory of the Housing Element adopted on January 30, 2023, and Draft Revised Housing Element at its regular meeting of September 13, 2023; and

WHEREAS, the Town Council met on October 3, 2023, to hold a public hearing and continued the item to November 7, 2023; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on November 7, 2023; and

WHEREAS, the Town Council met on November 7, 2023, to hold a public hearing and voted to delay the rezoning of this item to a time in which there is more certainty that it will be needed in order to certify the Housing Element; and

WHEREAS, on November 7, 2023, staff and the consultant met with the Town's HCD reviewer, received preliminary feedback, and was subsequently provided with a Draft Preliminary Review Matrix on the Draft Revised Housing Element submitted to HCD on October 2, 2023; and

WHEREAS, on November 28, 2023, following the seven-day review period, the Draft Revised Housing Element (November 2023) with modifications in response to HCD's Draft Preliminary Review Matrix, including addressing how submitted public comments were incorporated into the review, if appropriate, were submitted to HCD for an interim review prior

to HCD's December 1, 2023, formal review letter deadline; and

WHEREAS, modifications to the Sites Inventory and Appendix D of the Draft Revised Housing Element (November 2023) include the removal of the subject site, 101 South Santa Cruz Avenue (Site A-2) to ensure that the Draft Revised Housing Element (November 2023) only includes sites that had been rezoned with the HEOZ to meet the January 31, 2024, deadline established by HCD for rezonings;

WHEREAS, the site could be added to a future Draft Revised Housing Element if rezoned by Town Council; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on December 5, 2023; and

WHEREAS, December 5, 2023, the Town Council reviewed and commented on the proposed amendments and the Town Council voted to introduce the Ordinance; and

WHEREAS, the Town Council considered all facts and information related to the request to change the Zoning for the above mentioned properties as shown in Exhibit A; and

WHEREAS, the Town Council directed staff to add the site located at 101 South Santa Cruz Avenue to a future Draft Revised Housing Element Sites Inventory as the additional units will assist in meeting the Town's 6th cycle RHNA and buffer; and

WHEREAS, the Town Council accepted the report of the Planning Commission's recommendation of approval for the proposed Zoning Code amendments; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AS FOLLOWS:

SECTION I. Findings

The Town Council finds as follows:

- A. No further Environmental Analysis is required as an Environmental Impact Report (EIR) was prepared and certified for the 2040 General Plan Update on June 30, 2022, which included the proposed Zoning Code amendments; and
- B. The zone change is consistent with the General Plan and its elements in that the proposed zonings are consistent with the proposed General Plan land use designations; and
- C. That all proceedings have been conducted in compliance with the provisions of Government Code Section 65850 et seq.; and

D. The Town Council considered all facts and information related to a request to change the Zoning for the above-mentioned property as shown in Exhibit A.

SECTION II. Zoning Map of the Town of Los Gatos is hereby amended to the following:

The Housing Element Overlay Zone is hereby applied to the property at 101 South Santa Cruz Avenue as shown in Exhibit A to this ordinance.

SECTION III. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 5th day of December 2023, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of ____ 2023. This ordinance shall take effect 30 days after the date it is adopted. The Town Clerk shall cause this ordinance or a summary thereof to be published in accordance with Section 36933 of the California Government Code.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____

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