



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/09/2025

ITEM NO: 4

DATE: April 4, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider Making a Recommendation to the Town Council to Adopt a Resolution to Amend the General Plan to Allow 100 Percent Affordable Housing Residential Developments as a Permitted Use in the Mixed-Use Commercial General Plan Land Use Designation and Adopt an Ordinance to Amend Chapter 29 (Zoning Regulations) of the Town Code to Add 100 Percent Affordable Residential Developments as a Permitted Use in the Restricted Commercial Highway (CH) Zone, Pursuant to Implementation Program AB of the 2023-2031 Housing Element. Adoption of this Resolution and Ordinance are Exempt Pursuant to CEQA, Section 15061(b)(3) in that it Can be Seen with Certainty that they Will Not Impact the Environment. General Plan Amendment Application GP-24-004 and Zoning Code Amendment Application A-24-010. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council to adopt a Resolution to amend the General Plan to allow 100 percent affordable residential developments as a permitted use in the Mixed-Use Commercial General Plan Land Use Designation and adopt an Ordinance to amend Chapter 29 (Zoning Regulations) of the Town Code to add 100 percent affordable residential developments as a permitted use in the Restricted Commercial Highway (CH) zone, pursuant to Implementation Program AB of the 2023-2031 Housing Element.

CEQA:

The proposed amendments to the General Plan and Chapter 29 of the Town Code are not subject to the California Environmental Quality Act ("CEQA") because the amendment being proposed are not a project under CEQA pursuant to Section 21065 of the Public Resources Code and Section 15378 of the State CEQA Guidelines. Additionally, the proposed amendments are exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines because it can be seen with

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director and Town Attorney

certainty that the action will not have a significant adverse impact on the environment since the proposed amendments to allow 100 percent affordable residential development as a permitted use would occur on lands currently designated and zoned to allow a residential use in a mixed-use development. Finally, any future 100 percent affordable residential developments that include new construction under a discretionary process would be subject to project specific environmental review under CEQA.

FINDINGS:

- The proposed amendments are not a project under CEQA pursuant to Section 21065 of the Public Resources Code and Section 15378 of the State CEQA Guidelines; are exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the action will not have a significant adverse impact on the environment; any future 100 percent affordable residential developments that include new construction under a discretionary process would be subject to project specific environmental review under CEQA; and
- The proposed amendments to the General Plan and Chapter 29 of the Town Code are consistent with the General Plan because they would allow a residential use on lands currently designated and zoned to allow a residential use in a mixed-use development of the Town Code.

BACKGROUND:

With certification of the 2023-2031 Housing Element, the Town committed to completing the Implementation Programs contained in the Housing Element. The Town is required to report the progress made on the Housing Element Implementation Programs to the California Department of Housing and Community Development (HCD) to demonstrate compliance with the Housing Element and maintain its certification. Implementation Program AB of the Housing Element requires amendments to the Mixed-Use Commercial Land Use Designation of the General Plan and the CH zone (Chapter 29 of Town Code) to allow for 100 percent affordable residential developments as a permitted use. Specifically, Implementation Program AB states the following:

- Amend the General Plan and the Municipal Code to allow for 100 percent affordable residential development without the requirement of commercial uses.

On February 12, 2025, the General Plan Committee (GPC) considered the proposed amendments and forwarded a recommendation to amend the General Plan to allow 100 percent affordable residential developments as a permitted use in the Mixed-Use Commercial General Plan Land Use Designation and amend Chapter 29 (Zoning Regulations) of the Town Code to add 100 percent affordable residential developments as a permitted use in the CH zone. Included with the GPC's recommendation was a request that maps showing where the

proposed amendments would be applicable be provided to the Planning Commission and the Town Council, and that a discussion of height allowances under State Density Bonus Law (SDBL) also be provided. The February 12, 2025, GPC staff report and minutes are included as Exhibits 4 and 5.

DISCUSSION:

Policy HE-3.1 of the 2023-2031 Housing Element, requires the Town to facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance to remove barriers to the production of housing. Consistent with this policy, Implementation Program AB requires amendments to the General Plan and the Town Code to allow for 100 percent affordable residential developments as a permitted use without a commercial component within the Mixed-Use General Plan Land Use Designation and CH zone.

The following is a summary of the required amendments for consideration by the Planning Commission.

A. Mixed-Use Commercial General Plan Land Use Designation

The Mixed-Use Commercial Land Use Designation within the Town of Los Gatos 2020 General Plan Land Use Element currently permits, among other things, a mixture of retail, office, and residential uses in a mixed-use project. However, a standalone residential use is not permitted unless associated with a commercial use within a mixed-use project.

Housing Element Implementation Program AB requires amending the Mixed-Use Commercial Land Use Designation to also allow a standalone residential use when the development would be 100 percent affordable. The proposed General Plan amendment would affect all Town parcels with a Mixed-Use Commercial Land Use Designation and is not limited to the properties included in the Sites Inventory of the Housing Element. Exhibit 2 provides the draft amendments to the Mixed-Use Commercial General Plan Land Use Designation.

Exhibit 6 shows the locations of the Mixed-Use Commercial General Plan Land Use Designation in the Town. Through Implementation Program AB, these are the areas where a 100 percent affordable residential development would be allowed as a permitted use. These areas are concentrated along Los Gatos Boulevard between Blossom Hill Road and Samaritan Drive, and Los Gatos-Saratoga Road at Alberto Way.

B. Restricted Commercial Highway (CH) Zone

Generally speaking, Town properties with a Mixed-Use Commercial General Plan Land Use Designation are zoned CH, and these properties are located along Los Gatos Boulevard, north of Shannon Road. According to Town Code Section 29.60.415, “the CH or restricted highway commercial zone is intended for development of vehicular-oriented activities and sales along highway frontages, intermingled with compatible retail, service, and administrative activities.”

Housing Element Implementation Program AB would involve amending Town Code Section 29.60.420 (CH Zone – Permitted Uses), adding “100 percent affordable residential developments” as a permitted use in the zone. The proposed Town Code amendment would affect all Town parcels that are zoned CH and is not limited to the properties included in the Sites Inventory of the Housing Element. Exhibit 3 provides the draft amendments to Town Code Section 29.60.420.

Exhibit 7 shows the location of the commercial zones (C-1, C-2, CH, and O) where mixed use developments are allowed with approval of a Conditional Use Permit (CUP).

General Plan Committee

On February 12, 2025, the GPC considered the proposed amendments and forwarded a recommendation to amend the General Plan to allow 100 percent affordable residential developments as a permitted use in the Mixed-Use Commercial General Plan Land Use Designation and amend Chapter 29 (Zoning Regulations) of the Town Code to add 100 percent affordable residential developments as a permitted use in the CH zone. Included with the GPC’s recommendation was a request that maps showing where the proposed amendments would be applicable be provided to the Planning Commission and the Town Council. These maps are included as Exhibits 6 and 7. Additionally, the GPC requested that a discussion of height allowances under SDBL also be provided to the Planning Commission and Town Council. Below is a comparison of the allowances provided for 100 percent affordable residential development submitted under SDBL against other typical projects submitted under SDBL.

State Density Bonus Law

During discussion by the GPC, questions regarding the allowances provided for 100 percent affordable residential developments under SDBL were provided to staff. The following provides a response to the various questions related to SDBL. Staff notes that there are other state laws meant to incentivize and streamline housing production such as SB 35, AB 2011, and SB 6, but SDBL has been the most commonly used in the Town and is evaluated herein.

SDBL created a mechanism to obtain more favorable development requirements for projects with affordable or senior units. To meet the affordable housing goals, developers are entitled to a density bonus that corresponds to specified percentages of units set aside for very-low, low, or moderate-income households. In addition to the density bonus, SDBL provide three provisions that must be granted to qualifying projects:

1. One or more concessions/incentives that provide cost reductions for the development. Under the law, a concession includes a reduction in site development standards and/or regulations when such regulations potentially make the project economically infeasible for the developer to build. These can include a reduction in site development standards or modification of zoning or architectural design requirements that exceed minimum building standards. The number of allowed concessions is determined on a sliding scale based on the percentage of units that will be set aside as affordable units and the household income category of those affordable units.
2. Waivers are reductions or modifications of any development standards and other regulations that would physically preclude the development of a project at the density permitted. Development standards include, but are not limited to, height limitations, setback requirements, FAR, open space requirements, or parking requirement that apply to a residential development pursuant to any ordinance, general plan element, policy, resolution, or regulation. There is no limit in the number of waivers an applicant can request through SDBL.
3. Reductions in parking requirements provided based on the number of bedrooms in each unit.

Under SDBL, a 100 percent affordable residential development is provided the following:

- A density bonus of 80 percent and, when located within one-half mile of a *major transit stop*, no limit on density [65915 (f)(3)(D)(i)];
- Up to five concessions/incentives [65915 (d)(2)(D)];
- Unlimited waivers to development standards [65915 (e)];
- A height increase of three additional stories, or 33 feet, when located within one-half mile of a *major transit stop* [65915 (d)(2)(D)]; and
- Reductions in parking requirements based on the number of bedrooms in each unit [65915 (p)(1)] and, when located within one-half mile of a *major transit stop*, no parking requirement [65915 (p)(3)].

Staff notes that aside from the additional height allowance summarized above, applicants can request waivers from height standards under SDBL. Additionally, Public Resources Code Section 21064.3 defines a *major transit stop*. Staff has analyzed the definition and determined that there are currently no major transit stops within Town boundaries or within one-half mile of the Town boundary.

SUBJECT: 100 Percent Affordable Housing Developments General Plan and Zoning Code Amendments, Implementation Program AB/GP-24-004 and A-24-010

DATE: April 4, 2025

The following table provides a comparison of projects at different levels of affordability against a 100 percent affordable residential development under SDBL.

State Density Bonus Law Comparison			
	20 Percent Low Income	20 Percent Moderate Income	100 Percent Low Income
Density Bonus	35 percent	15 percent	80 percent
Concessions/Incentives	2	2	5
Waivers	Unlimited	Unlimited	Unlimited

Objective Design Standards

The proposed amendments allow for a 100 percent affordable residential development as a permitted use. These amendments would not eliminate the need for other approvals that may be required, such as Architecture and Site or Subdivision approval. If a 100 percent affordable residential development is proposed that requires Architecture and Site approval, the Town's Objective Design Standards would apply.

CEQA DETERMINATION:

The proposed amendments are not a project under CEQA pursuant to Section 21065 of the Public Resources Code and Section 15378 of the State CEQA Guidelines; are exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the action will not have a significant adverse impact on the environment; any future 100 percent affordable residential developments that include new construction under a discretionary process would be subject to project specific environmental review under CEQA; and

CONCLUSION:

A. Summary

The proposed amendments to the General Plan and Town Code related to 100 percent affordable housing developments respond to Implementation Program AB of the 2023-2031 Housing Element.

B. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the proposed amendments to General Plan and Chapter 29 of the Town Code (Exhibit 2). The

Planning Commission should also include any comments or recommended changes to the proposed amendments in taking the following actions:

1. Make the required finding that the proposed amendments to the General Plan and Chapter 29 of the Town Code included in Exhibits 2 and 3 are not a project under CEQA pursuant to Section 21065 of the Public Resources Code and Section 15378 of the State CEQA Guidelines; are exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the action will not have a significant adverse impact on the environment; and any future 100 percent affordable residential developments that include new construction under a discretionary process would be subject to project specific environmental review under CEQA (Exhibit 1);
2. Make the required finding that the proposed amendments to the General Plan and Chapter 29 of the Town Code included in Exhibits 2 and 3 are consistent with the General Plan because they would allow a residential use on lands currently designated and zoned to allow a residential use in a mixed-use development of the Town Code. (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the proposed amendments to the General Plan (Exhibit 2) and Chapter 29 of the Town Code (Exhibit 3).

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the proposed amendments to the General plan and Town Code with modifications; or
2. Continue the matter to a date certain with specific direction.

COORDINATION:

This report was coordinated with the Town Attorney's office.

EXHIBITS:

1. Required Findings
2. Draft Amendments to the General Plan
3. Draft Amendments to Chapter 29 of the Town Code
4. General Plan Committee Staff Report, February 12, 2025
5. General Plan Committee Draft Minutes, February 12, 2025
6. Map of Mixed-Use Commercial Land Use Designation
7. Map of Commercial Zones

***This Page
Intentionally
Left Blank***

PLANNING COMMISSION – April 9, 2025
REQUIRED FINDINGS FOR:

General Plan Amendment Application GP-24-004

Zoning Code Amendment Application A-24-010

Consider Making a Recommendation to the Town Council to Adopt a Resolution to Amend the General Plan to Allow 100 Percent Affordable Housing Residential Developments as a Permitted Use in the Mixed-Use Commercial General Plan Land Use Designation and Adopt an Ordinance to Amend Chapter 29 (Zoning Regulations) of the Town Code to Add 100 Percent Affordable Residential Developments as a Permitted Use in the Restricted Commercial Highway (CH) Zone, Pursuant to Implementation Program AB of the 2023-2031 Housing Element. Adoption of this Resolution and Ordinance are Exempt Pursuant to CEQA, Section 15061(b)(3) in that it Can be Seen with Certainty that they Will Not Impact the Environment. Project Location: Town Wide. Applicant: Town of Los Gatos.

FINDINGS

Required Findings for CEQA:

- The proposed amendments are not a project under CEQA pursuant to Section 21065 of the Public Resources Code and Section 15378 of the State CEQA Guidelines; are exempt from CEQA pursuant to 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the action will not have a significant adverse impact on the environment; any future 100 percent affordable residential developments that include new construction under a discretionary process would be subject to project specific environmental review under CEQA.

Required Findings for General Plan:

- The proposed amendments to the General Plan and Chapter 29 of the Town Code are consistent with the General Plan because they would allow a residential use on lands currently designated and zoned to allow a residential use in a mixed-use development of the Town Code.

EXHIBIT 1

***This Page
Intentionally
Left Blank***

Town of Los Gatos 2020 General Plan - Land Use Element

2. Non-Residential Land Use Designations

For non-residential land uses, the specific uses mentioned are illustrative, and other compatible uses, including those authorized in any other Zoning District within the Town, may be permitted where authorized by a Conditional Use Permit or Planned Development Overlay Zone. In a mixed-use project residential uses may be permitted in conjunction with other permitted uses in non-residential Zoning Districts with the exception of the Commercial Industrial and Controlled Manufacturing Zoning Districts. For non-residential land uses, building intensity limits are indicated by either allowable land coverage or floor area ratio (FAR) and a maximum height limit.

[...]

- Mixed-Use Commercial: Up to 50 percent land coverage with a 35-foot height limit
 - The Mixed-Use Commercial designation permits a mixture of retail, office, and residential in a mixed-use project, along with lodging, service, auto-related businesses, non-manufacturing industrial uses, recreational uses, ~~and~~ restaurants, and 100 percent affordable residential developments. Projects developed under this designation shall maintain the smalltown, residential scale and natural environments of adjacent residential neighborhoods, as well as provide prime orientation to arterial street frontages and proper transitions and buffers to adjacent residential properties. This designation should never be interpreted to allow development of independent commercial facilities with principal frontage on the side streets.

[...]

***This Page
Intentionally
Left Blank***

DIVISION 5. - CH OR RESTRICTED HIGHWAY COMMERCIAL ZONE

[...]

Sec. 29.60.420. - Permitted uses.

- (a) Activities allowed in the CH or restricted highway commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:
 - (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
 - (2) Personal service businesses and service businesses necessary for the conduct of households.
 - (3) Office activities.
 - (4) Limited manufacturing activities when a majority of sales are made on site to the ultimate consumer.
 - (5) Group classes.
 - (6) Specialty food retail without alcoholic beverages.
 - (7) 100 percent affordable residential developments.
- (b) Examples of proper CH activities are grocery stores, laundrettes or dry-cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities which are not proper in the CH zone are palmists and soothsayers, manufacturing, wholesaling, or laundry or dry-cleaning plants.

[...]

***This Page
Intentionally
Left Blank***



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/12/2025

ITEM NO: 2

DATE: February 7, 2025

TO: General Plan Committee

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider Forwarding a Recommendation to the Planning Commission to Amend the General Plan to Allow 100 Percent Affordable Housing Projects as a By-Right Use in the Mixed-Use Commercial General Plan Land Use Designation and Amend Chapter 29 (Zoning Regulations) of the Town Code to Add 100 Percent Affordable Housing Projects as a Permitted Use in the Restricted Commercial Highway (CH) Zone Pursuant to Implementation Program AB of the 2023-2031 Housing Element. Adoption of this Resolution and Ordinance are Exempt Pursuant to CEQA, Section 15061(b)(3) in that it Can be Seen with Certainty that they Will Not Impact the Environment. General Plan Amendment Application GP-24-004 and Zoning Code Amendment Application A-24-010. Project Location: Town Wide. Applicant: Town of Los Gatos. Project Planner: Ryan Safty.

RECOMMENDATION:

Consider forwarding a recommendation to the Planning Commission to amend the General Plan to allow 100 percent affordable housing projects as a by-right use in the Mixed-Use Commercial General Plan Land Use Designation and amend Chapter 29 (Zoning Regulations) of the Town Code to add 100 percent affordable housing projects as a permitted use in the Restricted Commercial Highway (CH) Zone pursuant to Implementation Program AB of the 2023-2031 Housing Element.

CEQA:

Adoption of this ordinance and resolution are exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), because it can be seen with certainty that they will not significantly affect the physical environment in that they allow affordable housing as a permitted use in the Mixed-Use Commercial General Plan Land Use Designation and CH zone and residential uses are already allowed in the Mixed-Use Commercial General Plan Land

PREPARED BY: Ryan Safty
Associate Planner

Reviewed by: Community Development Director, Planning Manager, and Town Attorney

Use Designation with a mixed-use project and residential uses are already allowed with a Conditional Use Permit in the CH zone as a part of a mixed-use project.

BACKGROUND:

With certification of the 2023-2031 Housing Element, the Town committed to completing the Implementation Programs contained in the Housing Element. The Town is required to report the progress made on the Housing Element Implementation Programs to the California Department of Housing and Community Development (HCD) to demonstrate compliance with the Housing Element and maintain its certification. Implementation Program AB of the Housing Element requires amendments to the Mixed-Use Commercial Land Use Designation of the General Plan and the CH zone (Chapter 29 of Town Code) to allow for 100 percent affordable residential development in these areas without the need of a commercial component within the Mixed-Use General Plan Land Use Designation and CH zone (Attachment 1). Specifically, Implementation Program AB states the following:

- Amend the General Plan and the Municipal Code to allow for 100 percent affordable residential development without the requirement of commercial uses.

The role of the General Plan Committee (GPC) is to assist the Planning Commission and Town Council on matters relating to the General Plan or any specific plans. As a legislative item, the Planning Commission will make a recommendation to Town Council on the proposed amendments.

DISCUSSION:

The following is a summary of the required amendments for consideration by the GPC.

A. Mixed-Use Commercial General Plan Land Use Designation

The Mixed-Use Commercial Land Use Designation within the Town of Los Gatos 2020 General Plan Land Use Element currently permits, among other things, a mixture of retail, office, and residential uses in a mixed-use project. However, a residential use is not permitted unless associated with a commercial use within a mixed-use project.

Housing Element Implementation Program AB requires amending this Designation to also allow a standalone residential use when the development would be 100 percent affordable. The proposed General Plan amendment would affect all Town parcels with a Mixed-Use Commercial Land Use Designation and is not limited to the properties included in the Sites Inventory of the Housing Element. Attachment 2 shows the draft amendment to the Mixed-Use Commercial General Plan Land Use Designation.

B. Restricted Commercial Highway (CH) Zone

Generally speaking, Town properties with a Mixed-Use Commercial General Plan Land Use Designation are zoned CH, and these properties are located along Los Gatos Boulevard, north of Shannon Road. According to Town Code Section 29.60.415, “the CH or restricted highway commercial zone is intended for development of vehicular-oriented activities and sales along highway frontages, intermingled with compatible retail, service, and administrative activities.”

Housing Element Implementation Program AB would involve amending Town Code Section 29.60.420 (CH Zone – Permitted Uses), adding “100 percent affordable housing developments” as a permitted use in the zone. The proposed Town Code amendment would affect all Town parcels that are zoned CH and is not limited to the properties included in the Sites Inventory of the Housing Element. Attachment 3 shows the draft amendment to Town Code Section 29.60.420.

PUBLIC NOTIFICATION:

Public notification included a legal ad in the paper, published on February 7, 2025.

PUBLIC COMMENTS:

As of the drafting of this report, no comments from the public have been received.

CONCLUSION:

The GPC should consider the draft amendments to the 2020 General Plan Land Use Element and Chapter 29 (Zoning Regulations) of the Town Code regarding 100 percent affordable residential development in the Mixed-Use Commercial General Plan Land Use Designation and the CH Zone of the Town Code, and make a recommendation to the Planning Commission.

ATTACHMENTS:

1. Housing Element Implementation Program AB
2. Draft General Plan Amendment
3. Draft Zoning Code Ordinance Amendment

***This Page
Intentionally
Left Blanks***

10. Housing Element

Programs	
<p>would result amendments to the Municipal Code, as follows :</p> <ul style="list-style-type: none"> Align parking requirements with the preparation of Objective Design Standards. Reduce parking requirements near transit. Remove guest parking requirements for all residential and mixed-use projects in all zones. Allow parking to be unbundled from residential units. 	Responsible Department/Review Authority
	Community Development Department
	Timeframe
	Complete study by January 2025 and implement Town Code changes by June 2025
	Funding Source
	None required
	Quantified Objective
	Zoning Code amendment to reduce parking standards
	Performance Metric(s)
	Zoning Code amendment
<p>AB Allow for 100 Percent Affordable Residential Development in Mixed-Use General Plan Designations</p> <p>Amend the General Plan and the Municipal Code to allow for 100 percent affordable residential development without the requirement of commercial uses.</p>	Implementation
	HE-3.1 Regulatory Incentives for Affordable Housing
	Responsible Department/Review Authority
	Community Development Department
	Timeframe
	Implement General Plan and Municipal Code changes by June 2024
	Funding Source
	None required
	Quantified Objective
	Amend the General Plan and Zoning Code to allow for 100 percent affordable housing development in Mixed-Use General Plan designations
<p>AC SB 35 Process Improvements</p> <p>Develop an SB 35 checklist and written procedures for processing SB 35 applications to ensure efficient and complete application processing.</p>	Performance Metric(s)
	Measure the number of mixed-use units entitled annually
	Implementation
	HE-3.3 Efficient Development Processing HE-3.1 Regulatory Incentives for Affordable Housing
	Responsible Department/Review Authority
	Community Development Department
	Timeframe
	Implement by December 2023
	Funding Source
	Staff Time
	Quantified Objective

***This Page
Intentionally
Left Blank***

Town of Los Gatos 2020 General Plan - Land Use Element

2. Non-Residential Land Use Designations

For non-residential land uses, the specific uses mentioned are illustrative, and other compatible uses, including those authorized in any other Zoning District within the Town, may be permitted where authorized by a Conditional Use Permit or Planned Development Overlay Zone. In a mixed-use project residential uses may be permitted in conjunction with other permitted uses in non-residential Zoning Districts with the exception of the Commercial Industrial and Controlled Manufacturing Zoning Districts. For non-residential land uses, building intensity limits are indicated by either allowable land coverage or floor area ratio (FAR) and a maximum height limit.

[...]

- Mixed-Use Commercial: Up to 50 percent land coverage with a 35-foot height limit

The Mixed-Use Commercial designation permits a mixture of retail, office, and residential in a mixed-use project, along with lodging, service, auto-related businesses, non-manufacturing industrial uses, recreational uses, ~~and~~ restaurants, and 100 percent affordable housing developments. Projects developed under this designation shall maintain the smalltown, residential scale and natural environments of adjacent residential neighborhoods, as well as provide prime orientation to arterial street frontages and proper transitions and buffers to adjacent residential properties. This designation should never be interpreted to allow development of independent commercial facilities with principal frontage on the side streets.

[...]

***This Page
Intentionally
Left Blank***

DIVISION 5. - CH OR RESTRICTED HIGHWAY COMMERCIAL ZONE

[...]

Sec. 29.60.420. - Permitted uses.

- (a) Activities allowed in the CH or restricted highway commercial zone are those which do not unreasonably interfere with nearby residential uses and which are in the following categories:
- (1) Retailing, including formula retail up to ten thousand (10,000) square feet.
 - (2) Personal service businesses and service businesses necessary for the conduct of households.
 - (3) Office activities.
 - (4) Limited manufacturing activities when a majority of sales are made on site to the ultimate consumer.
 - (5) Group classes.
 - (6) Specialty food retail without alcoholic beverages.
 - (7) 100 percent affordable housing developments.
- (b) Examples of proper CH activities are grocery stores, laundrettes or dry-cleaning agencies, drugstores, barbershops, appliance repair shops, and offices. Examples of activities which are not proper in the CH zone are palmists and soothsayers, manufacturing, wholesaling, or laundry or dry-cleaning plants.

[...]

***This Page
Intentionally
Left Blank***



**TOWN OF LOS GATOS
GENERAL PLAN COMMITTEE
REPORT**

MEETING DATE: xx/xx/2025

ITEM NO: 1

**DRAFT
MINUTES OF THE GENERAL PLAN COMMITTEE MEETING
FEBRUARY 12, 2025**

The General Plan Committee of the Town of Los Gatos conducted a meeting on February 12, 2025, at 5:30 p.m.

MEETING CALLED TO ORDER AT 5:30 P.M.

ROLL CALL

Present: Chair Ryan Rosenberg, Vice Chair Emily Thomas, Council Member Maria Ristow, Council Member Rob Rennie, Commissioner Jeffrey Barnett.

Absent: Commissioner Rob Stump.

Chair Rosenberg noted that there are no members of the public in the audience.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approval of Meeting Minutes of June 26, 2024.

MOTION: **Motion by Council Member Ristow to Approve Consent Item. Seconded by Vice Chair Thomas.**

VOTE: **Motion passes (4-1) with Committee Member Barnett recusing.**

PUBLIC HEARINGS

2. Consider Forwarding a Recommendation to the Planning Commission to Amend the General Plan to Allow 100 Percent Affordable Housing Projects as a By-Right Use in the Mixed Use Commercial General Plan Land Use Designation and Amend Chapter 29 (Zoning Regulations) of the Town Code to Add 100 Percent Affordable Housing Projects as a Permitted Use in the Restricted Commercial Highway (CH) Zone Pursuant to Implementation Program AB of the 2023-2031 Housing Element. Adoption of this Resolution and Ordinance are Exempt Pursuant to CEQA, Section 15061(b)(3) in that it Can be Seen with Certainty that they Will Not Impact the Environment. General Plan

Amendment Application GP-24-004 and Zoning Code Amendment Application A-24-010.
Project Location: Town Wide. Applicant: Town of Los Gatos.

Ryan Safty, Associate Planner, presented the staff report.

Committee members discussed the matter.

Jeffrey Barnett

Are these amendment requests consistent with other jurisdictions?

Gabrielle Whelan, Town Attorney

These amendments are unique to Los Gatos' Housing Element.

Rob Rennie

Are there any mixed-use locations that wouldn't make sense to have 100 percent affordable housing? Are there commercial zones that allow this?

Joel Paulson, Community Development Director

The Implementation Program is specific to the mixed-use General Plan Land Use Designation. There are other commercial zones where mixed-use can be allowed with a Conditional Use Permit.

Emily Thomas

It is suggested to provide a map of the locations this Program would apply to or where we can expand it to, and to see if there are any overlaps with other programs when this goes to Planning Commission.

Maria Ristow

This is in our approved Housing Element, so we cannot scale this back, but I would like to see a map of potential locations.

Rob Rennie

Is there a difference in terms of what a developer is entitled to if they do a 100 percent affordable build?

Gabrielle Whelan

I can speak to Density Bonus Statute: With 100 percent affordable, it is a very generous height restriction compared to regular builds. I will clarify the height restrictions before this item goes to Planning Commission.

Emily Thomas

Would our Objective Standards apply?

Joel Paulson

We will be sure to clarify that.

Maria Ristow

It would be useful to have a comparison or list of what kinds of waivers or concessions can be done between 20 or 100 percent affordable housing.

Emily Thomas

Include information in the next staff report on what the consequences are if we don't accomplish these Implementation Programs.

Open Public Comment.

Lee Fagot

Asking for the maps is very helpful for the public, so getting this is great. The more information the public can receive, the better so that we can engage more with the conversations happening.

Closed Public Comment.

Commissioners continued to discuss the matter.

Maria Ristow

Are there additional incentives to offer for 100 percent affordable housing builds?

Joel Paulson

There is an Implementation Program that asks us to provide incentives for 100 percent affordable housing.

MOTION: **Motion by Chair Rosenberg** to recommend approval to the Planning Commission for a General Plan Amendment to allow 100 percent affordable housing projects as a by-right use in the Mixed Use Commercial General Plan Land Use designation and amend Chapter 29 (Zoning Regulations) of the Town Code to add 100 percent affordable housing projects as a permitted use in the Restricted Commercial Highway (CH) Zone pursuant to Implementation Program AB of the 2023-2031 Housing Element. Additionally, it is recommended to include a map and to clarify the height allowed for the 100 percent affordable housing builds when this goes to Planning Commission. **Seconded by Council Member Ristow.**

VOTE: **Motion** passes unanimously.

OTHER BUSINESS

3. Election of the Chair and Vice Chair

Chair Nomination:

MOTION: **Motion by Council Member Ristow** to elect Ryan Rosenberg as Chair of the General Plan Committee. **Seconded by Commissioner Barnett.**

VOTE: **Motion passed unanimously.**

Vice Chair Nomination:

MOTION: **Motion by Chair Rosenberg** to elect Emily Thomas as Vice Chair of the General Plan Committee. **Seconded by Council Member Rennie.**

VOTE: **Motion passed unanimously.**

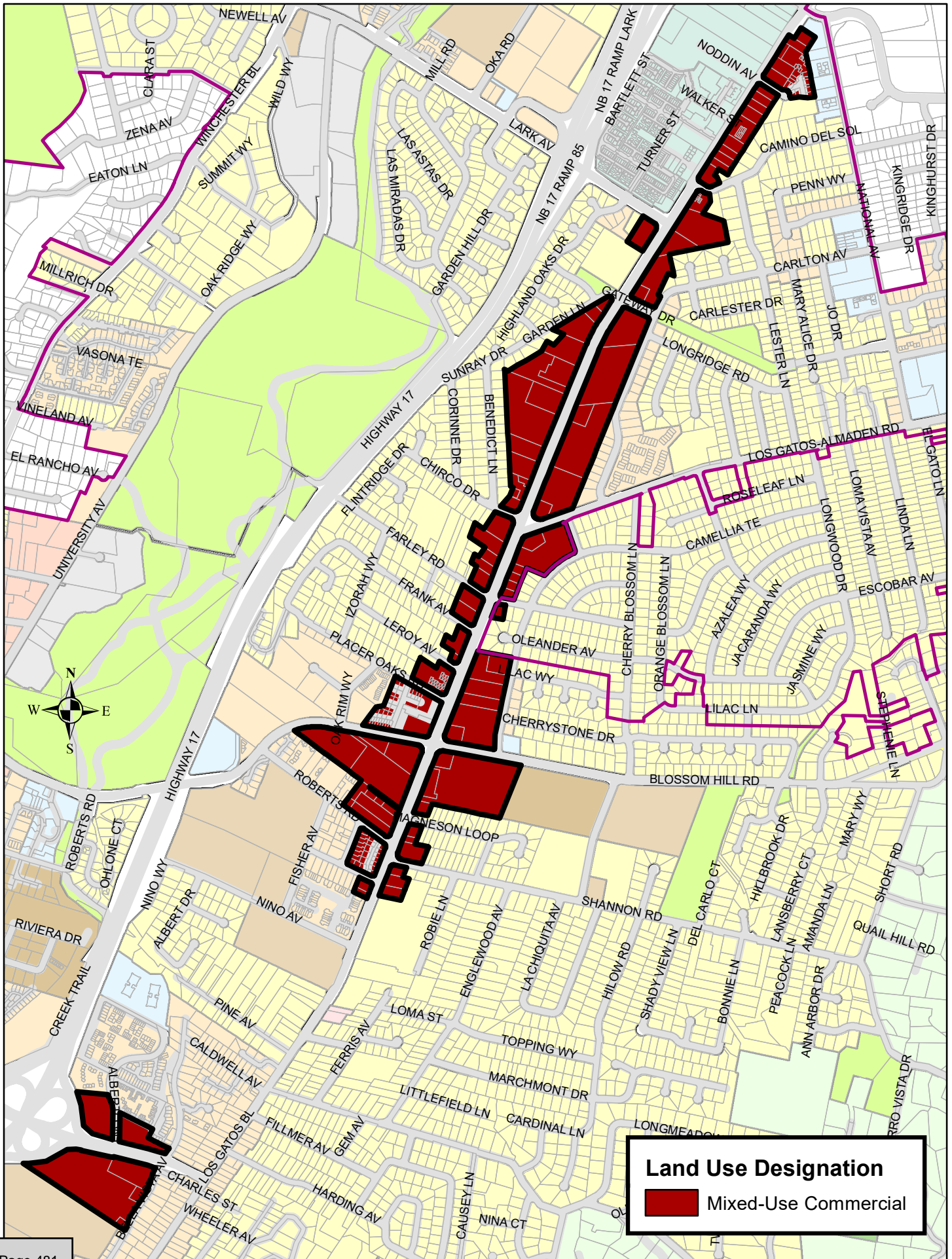
4. 2025 General Plan Committee Meeting Calendar

ADJOURNMENT

The meeting adjourned at 5:55 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the February 12, 2025, meeting as approved by the General Plan Update Advisory Committee.

Joel Paulson, Director of Community Development



***This Page
Intentionally
Left Blank***

***This Page
Intentionally
Left Blank***