

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE ADDING 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

WHEREAS, the 2023-2031 Housing Element, which was adopted on June 4, 2024, and subsequently found in compliance with housing element law on July 10, 2024, by the California Department of Housing and Community Development, provides that the Town will amend Chapter 29 (Zoning Regulations) of the Town Code regarding 100 percent affordable housing projects; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 9, 2025, at which time the Commission considered the public testimony, the Staff Report prepared for that meeting, and all other documentation related to the Town Code amendment, and forwarded a recommendation of approval to the Town Council; and

WHEREAS, the amendments are consistent with the General Plan and its Elements; and

WHEREAS, the amendments are consistent with Chapter 29, "Zoning Regulations" of the Town Code.

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

SECTION I. Incorporation of Recitals.

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

SECTION II. Subsection (a) of Section 29.60.420, "Permitted uses," of Chapter 29, "Zoning Regulations," is amended to read as follows:

- (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.

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

SECTION IV. California Environmental Quality Act (CEQA).

The Town Council finds that 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.

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 Town 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 6th day of May 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of ____ 2025, 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