



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 02/20/2024

ITEM NO: 12

DESK ITEM

DATE: February 20, 2024

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Approve a Recommendation of the Planning Commission to Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to Define 'By Right Approvals' and Amend the Housing Element Overlay Zone (HEOZ), Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,'" to Clarify Regulations Applicable to "By Right" and "Non By Right" Residential Development in the Housing Element Overlay Zone. An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-24-001. APPLICANT: Town of Los Gatos. PROJECT PLANNERS: Jocelyn Shoopman and Erin Walters.

REMARKS:

Based on State Housing and Community Development (HCD) Department feedback received last week by the City of Sunnyvale and the Town's outside legal counsel, Goldfarb and Lipman LLP, further revisions have been made to the Draft Ordinance as found in Attachment 5 (redline). A proposed Ordinance for adoption with the recommended changes is attached as Attachment 6.

The revision includes removing the phrase "and without a subdivision" in the description of "by right" in Section 29.80.510 (a) and replacing subsection (a)(4) of Section 29.80.510 with the following:

"Any subdivision of sites in the HEOZ shall be subject to all laws, including, but not limited to, Chapter 24, "Subdivision Regulations," and Sections 29.10.067-29.10.087 of the Town Code implementing the Subdivision Map Act."

PREPARED BY: Jocelyn Shoopman, Associate Planner,
Erin Walters, Associate Planner, and
Gabrielle Whelan, Town Attorney

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

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REMARKS (continued):

In addition, a severability clause has been added to the Ordinance. This means that, if any portions of the Ordinance are ruled unlawful, the remaining portions will remain in effect.

Previously Received with the February 20, 2024 Report:

1. Ordinance 2347
2. Draft Ordinance
3. January 24, 2024, Planning Commission Staff Report with Exhibits 1-2
4. January 24, 2024, Planning Commission Verbatim Minutes

Attachments Received with this Desk Item:

5. Revised Draft Ordinance – Redline
6. Revised Draft Ordinance for Adoption

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