




10. Housing Element

The Town Council adopted the 2015-2023 Housing Element for the Town of Los Gatos on May 5, 2015. The adopted Housing Element was certified by the California Department of Housing and Community Development (HCD) on May 20, 2015. The 2015-2023 Housing Element provides a comprehensive assessment of current and projected housing needs for all economic segments in the community. The 2015-2023 Housing Element includes goals, policies, implementation programs, and identifies housing sites adequate to meet the needs of the Town.

The next cycle of Housing Element updates for jurisdictions within the Association of Bay Area Governments (ABAG) region will cover the planning period from January 1, 2023, through December 31, 2031. As part of this process, ABAG will work with the Town and cities within the ABAG region to develop and finalize a Regional Housing Needs Allocation (RHNA). The RHNA numbers provided by ABAG will be used to prepare the 2023-2031 Housing Element update. The final RHNA numbers for Los Gatos are 1,993 units.

To comply with state Housing Element law, the Town must demonstrate that there is adequate capacity to accommodate the development of dwelling units that are affordable for all household income categories (i.e., extremely low, very low, low, moderate, and above moderate-income) as called out in the RHNA.

 *The Town will update the 2015-2023 Housing Element by January 1, 2023, in compliance with State law. The updated Housing Element will demonstrate how the Town will provide adequate sites to meet the RHNA numbers, by income category, by 2031. At this time, this Element only provides information regarding the process that will be followed to conduct this subsequent update. Once the 2023-2031 Housing Element update process is completed, it will be uploaded to the Town's website.*

A copy of the Town's current 2015-2023 Housing Element can be found at this link:
<https://www.losgatosca.gov/1735/General-Plan---Housing-Element>

The Town's 2023-2031 Housing Element update will also address changes in State law that have occurred since the 2015-2023 Housing Element was adopted in 2015. Since the last Housing Element was adopted, the State has passed a number of new housing laws that will impact the analysis and ultimate identification of adequate housing sites. These include, but are not limited to, a law that requires the Town demonstrate that the projected residential development capacity of RHNA sites can realistically be achieved [Gov. Code, Section 65583.2(c)]. According to HCDs "Building Blocks: A Comprehensive Housing-Element Guide," realistic development capacity is based on several factors:

- Existing site use: vacant, underutilized, or appropriate for redevelopment;
- Site's current zoning: a site is either zoned for or allows residential development, or a site is zoned for nonresidential use, but can be rezoned and redeveloped for residential use;

- The cumulative impact of development standards on residential development such as maximum lot coverage, height, open space, and parking;
- Existing development trends;
- A site's general environmental features such as the existence of floodplains, protected wetlands, or oak tree preserves, and demonstration that the presence of such features will not preclude residential development; and
- Adequate public infrastructure capacity, such as water, sewer, and other dry-utilities supply.

In addition, new state law requires no “net loss” of identified RHNA sites for lower and moderate-income dwelling units [i.e., the Town may not take action that would reduce identified affordable housing sites for these income categories without identifying replacement sites (Gov. Code, § 65863)]. Furthermore, the State revised the Housing Accountability Act, which prohibits the Town from lowering the density or denying a project (unless there are specific and unmitigable adverse impacts to health and safety) if the project complies with the Town's General Plan and Zoning Ordinance (Gov. Code, Section 65589.5). Finally, new State law requires ministerial approval of, and provides a statutory CEQA exemption for, affordable housing projects consistent with specified criteria (Gov. Code, Section 65913.4).

The State also has new regulations on Affirmatively Furthering Fair Housing (Assembly Bill 686 (2017)) that require each jurisdiction to administer its programs and activities relating to housing in a manner to affirmatively further fair housing and not take any action that is inconsistent with this obligation.