



Frequently Asked Questions

October 2023

2023-2031 Housing Element Overlay Zone

The Draft Revised 2023-2031 Housing Element includes numerous Implementation Programs to implement the Goals and Policies of the Housing Element. Two of these Implementation Programs AQ and AR (formerly BF and BG) include modifications to the Zoning Code and General Plan Land Use Element to ensure that the sites listed in the Sites Inventory have the capacity for sufficient housing to comply with the Town's required Regional Housing Needs Allocation (RHNA) plus buffer. The questions and answers below are intended to walk through the steps for how these programs will be implemented.

The current Draft Revised 2023-2031 Housing Element, related documents, and updates on the status of the update process are available online at <https://www.losgatosca.gov/1735/General-Plan---Housing-Element>.

1. What are the current land use regulations in Town?

Response | While the 2040 General Plan was adopted by the Town Council on June 30, 2022, the 2040 Land Use and Community Design Elements are currently suspended, pending the results of a referendum. While they are on hold, the 2020 Land Use and Community Design Elements are in effect.

2. Can the Housing Element update meet the State requirements under the 2020 Land Use Element?

Response | No. The Draft 2023-2031 Housing Element includes Implementation Programs AQ and AR (formerly BF and BG) which include modifications to the Zoning Code and 2020 Land Use Element to establish new maximum densities to provide for the development of housing for the parcels in the Sites Inventory and implement those in the Zoning Code through a new Housing Element Overlay Zone (HEOZ).

3. How will the HEOZ work?

Response | A draft HEOZ will be reviewed by the General Plan Committee and Planning Commission for recommendation to the Town Council after the certification of the 2023-2031 Housing Element by the California Department of Housing and Community Development (HCD). The initial draft language for the HEOZ will be based on the increased density and modified development regulations, which will be similar to the suspended 2040 General Plan Land Use Element. The regulations of the HEOZ would be applied to only the properties included in the Sites Inventory.

4. Will the Housing Element result in increases in housing throughout Town?

Response | No. Rather than applying the increased densities and heights to all properties in the affected General Plan land use designations, as was done in the adopted 2040 General Plan, these increases would only apply to those parcels listed in the Sites Inventory.

5. How much will the HEOZ change the regulations and how many properties will it be applied to?

Response | The following table includes details of the existing regulations and potential changes under the HEOZ. The table also includes the number of properties from the Sites Inventory and shows how many are within each land use designation category.

Land Use Designations	Zoning	Density Range (du/ac)		Maximum Height		Number of Parcels in the Housing Element Sites Inventory
		2020 General Plan	HEOZ	2020 General Plan	HEOZ	
Hillside Residential	HR	0 to 1	No Change	30	25	0
Low Density Residential	R-1	0 to 5	No Change	30	No Change	7
Medium Density Residential	R-1D and R-M:5-12	5 to 12	5 to 12 and 14 to 22	30	35	2
High Density Residential	CM	12 to 20	30 to 40	30	45	2
Mixed Use Commercial	CH	20	30 to 40	35	45	15
Neighborhood Commercial	C-1	20	10 to 20	35	No Change	5
Central Business District	C-2	20	20 to 30	45	No Change	2
Office Professional	O	20	10 to 20	35	No Change	0
Service Commercial	LM	NA	No Change	35	No Change	0
Light Industrial	CM	NA	No Change	35	No Change	0
Public	Varies	NA	No Change	NA	35	0
Open Space	RC	NA	No Change	NA	30	0
Agriculture	RC	NA	0 to 1	NA	30	0
Albright Specific Plan	Albright Specific Plan	See Specific Plan	No Change	See Specific Plan	No Change	0
North Forty Specific Plan	North 40 Specific Plan	20	30 to 40	35	45	15
Total						48

6. What happens if a property develops with less housing than listed in the Sites Inventory?

Response | The Sites Inventory provides for the RHNA plus a buffer, as mentioned above, with the intent to allow flexibility so that the Town will avoid conflict with “No Net Loss.” This law, Government Code Section 65863, requires that the Town maintain capacity for development of the Town’s RHNA, 1,993 dwelling units, over the eight-year Housing Element cycle. If the buffer is not sufficient to cover under-development of a site, then the Town would transfer sites from our Tier II list onto the Sites Inventory and apply the HEOZ to those sites.