

RESOLUTION 2023-006

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING A GENERAL PLAN AMENDMENT AND ADOPTING THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 IN SUBSTANTIAL COMPLIANCE WITH STATE HOUSING ELEMENT LAW. GENERAL PLAN AMENDMENT APPLICATION: GP-22-003

WHEREAS, the California Legislature has found that, “California has a housing supply and affordability crisis of historic proportions” (Gov. Code Section 65589.5); and

WHEREAS, the Legislature has further found that, “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration” (Gov. Code Section 65589.5); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that, “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the Town Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the Town of Los Gatos (Town) regional housing need allocation (RHNA) of 1,993 housing units, comprised of 537 very-low income units, 310 low-income units, 320 moderate-income units, and 826 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the Town has prepared Housing Element 2023-2031 (the Housing Element) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the Town’s RHNA; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the Town mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission; and

WHEREAS, no California Native American tribe requested consultation; and

WHEREAS, the Town conducted extensive community outreach beginning in the summer of 2021, including 13 Housing Element Advisory Board (HEAB) public meetings; a joint study session with the HEAB, Planning Commission, and Town Council; four Town Council meetings; two community meetings; and public engagement at staff hosted information booths; and

WHEREAS, in accordance with Government Code Section 65585 (b), on August 29, 2022, the Town posted the Draft Housing Element and requested public comment for a 30-day review period, and on October 14, 2022, after responding to public comments, the Town submitted the Draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, the Town's deadline to adopt a Housing Element that is in substantial compliance with State Housing Element law is January 31, 2023; and

WHEREAS, on January 11, 2023, the Planning Commission held a duly and properly noticed public hearing and recommended that the Town Council adopt the Draft Housing Element, the General Plan Amendment Application, and associated Environmental Analysis; and

WHEREAS, on January 12, 2023, the Town received a letter from HCD that provides a list of recommended revisions that will be necessary to comply with State Housing Element Law;

WHEREAS, HCD's primary recommended revision was that the Town revise its sites inventory to assume that properties will be developed at their minimum density;

WHEREAS, the Town has revised its sites inventory to assume that properties will be developed at their minimum density and added two additional sites to the sites inventory so that the Town can satisfy its Regional Housing Needs Allocation;

WHEREAS, with that revision to the sites inventory, the Town believes that the Draft Housing Element substantially complies with State Housing Element Law for the reasons stated in the Findings below;

WHEREAS, the Housing Element will return to the Town Council with the additional information requested by HCD in its comment letter; and

WHEREAS, the Town Council requested the opportunity to consider adopting the Housing Element in January in order to meet the January 31st deadline for adoption of a Housing Element that is in substantial compliance with State Housing Element Law, and anticipate amending the adopted Housing Element subsequent to adoption in order to add the information recommended by HCD; and

WHEREAS, this matter came before the Town Council for public hearing on January 30, 2023, and was regularly noticed in conformance with State and Town law; and

WHEREAS, Town Council received testimony and documentary evidence from all interested persons who wished to testify or submit documents. Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of material contained in the Council Agenda Report for their meeting on January 30, 2023, along with any and all subsequent reports and materials prepared concerning this matter.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWN COUNCIL HEREBY FINDS THAT BASED ON SUBSTANTIAL EVIDENCE IN THE RECORD:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. An Environmental Analysis was prepared for the Draft Housing Element. Although the Housing Element Update could have a significant effect on the environment, all potentially significant effects have been analyzed adequately in Town of Los Gatos 2040 General Plan Environmental Impact Report (EIR), adopted with statement of overriding considerations on June 30, 2022, pursuant to applicable standards, including CEQA Guidelines Section 15168(c)2, and the Draft Housing Element is consistent with the growth projections evaluated in the General Plan EIR.
3. In accordance with Government Code Section 65585(f)(1), the Town has changed the draft Housing Element to substantially comply with Housing Element Law by revising the sites inventory to assume development at minimum density and adding

two additional sites to insure that the Town meets its Regional Housing Needs Allocation.

4. In addition, in accordance with Government Code Section 65585(f)(2), despite HCD's findings, the Town believes that the Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 et seq., in that it:
 - a. Contains all provisions required by State Housing Element Law;
 - b. Includes an assessment of housing needs, and an inventory of resources and constraints upon the provision of housing;
 - c. Includes a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing;
 - d. Identifies adequate sites for housing to accommodate the Town's RHNA allocation because:
 - i. the Town's RHNA allocation is 1,993 units and sites accommodating [2,312 units] have been identified; and
 - ii. the Sites Inventory has incorporated HCD's recommendation that development at minimum density be assumed and two additional sites have been added in order for the Town to meet its Regional Housing Needs Allocation); and
 - e. Makes adequate provision for the existing and projected needs of all economic segments of the community in that the sites inventory accommodates the Town's RHNA, which includes 537 very low-income units, 310 low-income units, 320 moderate-income units, and 826 above moderate-income units.
5. Based on substantial evidence in the record through the submittal of Property Owner Interest Forms, the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA do not constitute an impediment to planned residential development on the sites during the planning period.

6. As required by Government Code Section 65585(e), the Town Council has considered the findings made by HCD included in HCD's letter to the Town of Los Gatos dated January 12, 2023, consistent with Government Code Section 65585(f), incorporated herein, and determined that the Draft Housing Element substantially complies with the requirements of State Housing Element Law with the recommended change to the Town's sites inventory incorporated.

NOW, THEREFORE, THE TOWN COUNCIL RESOLVES AS FOLLOWS:

1. The Town Council hereby adopts the 2023-2031 Housing Element, the associated General Plan Amendment Application (GP-22-003) which includes the revised Sites Inventory Analysis, revised Sites Inventory Form, and the Environmental Analysis attached here to as Exhibits 1 and 2.
2. Staff is directed to continue to work with HCD to incorporate the additional information requested by HCD in order to achieve certification and return to the Town Council with an amendment incorporating the remainder of HCD's recommendations.
3. This Resolution shall become effective upon adoption by the Town Council.
4. The Community Development Department is directed to submit a copy of the adopted Housing Element to HCD.
5. The Community Development Department or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7.

PASSED AND ADOPTED at a special meeting of the Town Council of the Town of Los Gatos, California, held on the 30th day of January 2023, by the following vote:

COUNCIL MEMBERS:

AYES: Matthew Hudes, Rob Moore, Rob Rennie, Mayor Maria Ristow

NAYS: None

ABSENT: None

ABSTAIN: Mary Badame

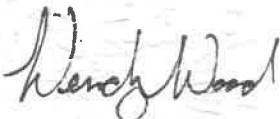
SIGNED:



**MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 2-1-23

ATTEST:



**TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA**

DATE: 2-1-23