



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 17

DESK ITEM

DATE: December 3, 2024

TO: Mayor and Town Council

FROM: Gabrielle Whelan, Town Attorney

SUBJECT: Introduce an Ordinance Amending Chapter 29 (Zoning Regulations) of the Town Code Regarding State Mandated Density Bonuses, Pursuant to Implementation Program R of the 2023-2031 Housing Element. Adoption of this Ordinance is Exempt Pursuant to CEQA, Section 15061(b)(3) in That It Can be Seen with Certainty That It Will Not Impact the Environment, Because the Town is Already Subject to Government Code Sections 65915 and Following. Town Code Amendment Application A-24-005. **Project Location: Town Wide.** Applicant: Town of Los Gatos.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, "Zoning," of the Town Code to Update the Town's Density Bonus Ordinance to Reflect Changes Made in State Law.

REMARKS:

Attachment 4 contains the staff presentation.

Attachments Received with the Staff Report:

1. Existing Density Bonus Ordinance
2. Current Version of Government Code 65915-65918
3. Draft Density Bonus Ordinance

Attachment Received with this Desk Item:

4. Staff Presentation

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Community Development Director, and Finance Director

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Update To Density Bonus Ordinance

Town Council Meeting
December 3, 2024

BACKGROUND

Implementation Program R of the Housing Element requires the update of the Density Bonus Ordinance to comply with state law.

BACKGROUND

Government Code Sections 65915 – 65918 encourage the development of affordable housing by providing housing developers with certain incentives such as increasing density above the maximum allowed on the site by local zoning, reductions in local parking standards, concessions to reduce project costs, and reductions or waivers of applicable development standards.

BACKGROUND

The level of the density bonus and the number of incentives or concessions increase as the percentage of affordable housing provided increases.

BACKGROUND

The Town's existing Density Bonus Ordinance (Exhibit 2) is codified in Section 29.10.405 through 29.10.440 of the Town Code.

DISCUSSION

The proposed ordinance is based on a template developed by the Association of Bay Area Governments (ABAG) and incorporates all recent revisions to State Density Bonus law.

DISCUSSION

The changes include requiring that applicants submit an application form showing the following items:

- The number of proposed affordable units by income level, the number of density bonus units proposed, the total number of dwelling units proposed on the site, and resulting density per acre;
- A tentative map or preliminary site plan;
- Zoning and General Plan designations and assessor's parcel numbers of the site;

DISCUSSION

- A description of all dwelling units existing on the site in the five-year period preceding submittal of the application, including income and household size of renters;
- The proposed phasing of affordable units in relation to market rate units; and
- The marketing plan for the affordable units.

DISCUSSION

When an applicant seeks an incentive, the applicant shall explain and provide and the following items:

- Detailing what the requested incentive is;
- Reasonable documentation to show that the requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents;
- If a waiver is sought, documentation that the Town's development standard will physically preclude construction of the project as proposed; and
- Requests for any parking reductions sought.

DISCUSSION

Proposed ordinance was reviewed by Planning Commission and is recommended for adoption.

DISCUSSION

If introduced, the ordinance will return to the Town Council for adoption on December 17th and take effect 30 days after adoption.

QUESTIONS?
