



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/03/2024

ITEM NO: 19

DESK ITEM

DATE: December 3, 2024

TO: Mayor and Town Council

FROM: Gabrielle Whelan, Town Attorney

SUBJECT: Introduce a Replacement Units Ordinance and Adopt a Resolution Adopting Replacement Units Guidelines, Pursuant to Implementation Program AU 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 State Law. Town Code Amendment Application A-24-007. **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 Add Division 12, "Replacement Housing Units," to Article I, "General."

REMARKS:

Attachment 3 contains the staff presentation.

Attachments Received with the Staff Report:

1. Draft Ordinance Codifying Replacement Units Requirement
2. Draft Resolution Adopting Replacement Units Guidelines with Exhibit A

Attachment Received with this Desk Item:

3. Staff Presentation

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

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Adoption of a Replacement Units Ordinance and Adoption of a Resolution Adopting Replacement Units Guidelines

Town Council Meeting
December 3, 2024

BACKGROUND

Implementation Program AU of the Town's certified 2023-2031 Housing Element states that the Town will adopt a policy requiring replacement housing units in specified instances.

DISCUSSION

Several State Laws Require Replacement

Units:

- Density Bonus Law
- Housing Element Law
- Housing Crisis Act of 2019

DISCUSSION

Density Bonus Law

When a project proposes to demolish existing housing, or where rental housing existed on the site within the previous five years, the applicant must replace those units.

DISCUSSION

Housing Element Law

- When a housing project is proposed for property in Sites Inventory, Town determines whether site contains or contained rental housing.
- If so, the rental units must be replaced.

DISCUSSION

Housing Crisis Act of 2019

- Non-residential developments must now also provide replacement housing.
- In addition, displaced, low-income residents are entitled to relocation benefits and a right of first return.

SUMMARY

Staff recommends introduction of ordinance in order to align with existing state law requirements and respond to Implementation Program AU of the 2023-2031 certified Housing Element.

SUMMARY

Planning Commission has reviewed proposed ordinance and recommends adoption.

SUMMARY

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

QUESTIONS?
