



TOWN OF LOS GATOS
INFORMATIONAL MEMORANDUM

To: Town Council

From: Laurel Prevetti, Town Manager

Subject: **Planning Commission Recommendation on the Draft 2040 General Plan and Final Environmental Impact Report**

Date: May 19, 2022

BACKGROUND:

On Monday, May 2, 2022, the Planning Commission completed their deliberations on the Draft 2040 General Plan and Final Environmental Impact Report (Final EIR). The recommendation was to adopt the Draft 2040 General Plan with modifications and certify the Final EIR. This memorandum summarizes the Commission's recommendations to allow the Town Council and public an opportunity to begin to prepare for the upcoming Council meeting on June 20, 2022, regarding the Draft 2040 General Plan and Final EIR. A staff report to the Town Council with additional information will be prepared for the June 20, 2022 meeting.

The Planning Commission's deliberations occurred on April 13, April 25, April 27, and May 2, 2022, and were based on the materials provided in the staff reports, particularly Exhibit 7 to the April 13, 2022 Planning Commission Staff Report. All staff report materials are available online: <https://losgatos-ca.municodemeetings.com>. Verbatim Minutes will be posted once completed on the General Plan update website: www.losgatos2040.com.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission's final unanimous recommendation was to adopt the Draft 2040 General Plan with modifications and certify the Final EIR. The recommended modifications included:

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Community Development Director

1. In the Introduction, recommend approval of the General Plan Advisory Committee (GPAC) recommendations for the Vision and Guiding Principles (Exhibit 7, Item 1)¹;
2. In the Introduction, modify Section 1.5 “The Los Gatos Community” to include additional information about the indigenous peoples in relation to the land that the Town of Los Gatos now occupies and the cultural history of the land, rather than only the topographical history;
3. Adopt modifications recommended by staff in Exhibit 7 listed as Items 2 through 7;
4. In the Racial, Social, and Environmental Justice Element, add a new Implementation Program, “Research the viability of increasing support for the acceptance of food vouchers at local food retailers and farmers markets” to implement Policy RSEJ-4.1;
5. In the Racial, Social, and Environmental Justice Element, modify definitions for equality and equity, to state “Equality. The state of being equal, especially in status, rights, and opportunities. Equal opportunity, levels of support, and allocation of resources, regardless of different circumstances.” and “Equity. Fairness or justice in the way people are treated. Differing allocation of opportunities, levels of support, and resources based on each person or group’s circumstances and needs, thereby reaching an equal outcome.” (Commissioner Barnett expressed concerned about change of these definitions, and has provided additional input in Exhibit 14);
6. In the Racial, Social, and Environmental Justice Element, modify Policy RSEJ-6.2 to state, “Support leadership development programs for historically marginalized and socially disadvantaged individuals and groups to enhance effective engagement in Town processes.” (Exhibit 7, Item 17);
7. In the Racial, Social, and Environmental Justice Element, recommend the modifications in Exhibit 7 listed as Items 11, 15, and 18;
8. In the Mobility Element, recommend the modifications in Exhibit 7 listed as Items 62 and 63 as a single Implementation Program;
9. In the Mobility Element, recommend the modification in Exhibit 7 listed as Item 67;
10. In the Mobility Element, recommend a change to the timeframe of Implementation Program D to 2020-2025;
11. In the Public Facilities, Services, and Infrastructure Element, recommend a new definition of recycled and reclaimed water; and
12. In the Public Facilities, Services, and Infrastructure Element, recommend modified language of Implementation Program C to include consideration of alternative ground covers and a change to the timeframe to 2020-2025; and
13. In the Public Facilities, Services, and Infrastructure Element, recommend the modifications in Exhibit 7 listed as Items 70, 73, and 80.
14. In the Open Space, Parks, and Recreation Element, recommend the modifications in Exhibit 7 listed as Items 81 and 84, and remove “provided on a full cost recovery basis” from the first paragraph under Recreational Services on page 7-7 of the Draft 2040 General Plan;
15. In the Environment and Sustainability Element, recommend the modifications in Exhibit 7 listed as Items 89, 90, 95, and 96 but with “ensuring” changed to “working towards”;

¹ References to Exhibits are from staff report materials provided to the Planning Commission at one of the four meetings listed above.

16. In the Environment and Sustainability Element, recommend the modifications in Exhibit 7 listed as Items 98 (with “improve” instead of “improves”), 104, and 105;
17. In the Environment and Sustainability Element, recommend the modifications in Exhibit 7 listed as Items 106, 107, 108, 110, and 116 with the language modified to state, “Plant Based Education: Develop and implement a plan ~~implement programs~~ to educate and support residents about the environmental, economic, and social benefits of shifting to a plant-based diet, examples of which may include informational materials, educational programs, community events, coordination with schools and businesses, or guidelines for procurement ~~which includes improved health, curbing greenhouse gas emissions, reducing biodiversity loss and deforestation, reducing water usage, and reversing pollution of our air, land, and water.~~”
18. In the Environment and Sustainability Element modify Implementation Program M to include linkages between movement corridors;
19. In the Environment and Sustainability Element modify the existing language about the indigenous peoples on page 8-17 of the Draft 2040 General Plan as suggested by Commissioner Clark:
 - Policy ENV-13.8, “Support a community sense of stewardship for historic and cultural resources through supporting talks, tours, and other programs that increase awareness and promote Los Gatos as a destination with historic cultural resources and through including Ohlone people in the conversation and planning.”
 - Section 8.8, “Los Gatos is in an area once occupied by the Ohlone (or Costanoan) people, which extends from the point where the San Joaquin and Sacramento rivers flow into the San Francisco Bay to Point Sur, with the interior Coastal Ranges most likely constituting the inland boundary. Before colonization outside contact, Ohlone lived in base camps of tule reed houses and seasonal specialized camps. Ohlone ate food gained by hunting, gathering, and fishing. Mussels were particularly important to their diet, as well as sea mammals and acorns.

Seven Franciscan missions were built in Ohlone territory in the late 1700s, and all members of the Ohlone group were eventually forced brought into the mission system. After the establishment of the missions, the Ohlone population was decimated dwindled from roughly 10,000 people in 1770 to 1,300 in 1814. In 1973, the population of people with Ohlone descent was estimated at fewer than 300 after what is widely cited as a genocide. The descendants of the Ohlone united in 1971 and have since arranged political and cultural organizations to revitalize, maintain, and pass on aspects of their culture.”
20. In the Hazards and Safety Element, recommend the modifications in Exhibit 7 listed as Items 117 and 119 subject to review by the Santa Clara County Fire Department or CalFire; and
21. Modify definition of “equity,” in addition to the modifications to that definition agreed upon at the previous meeting, to include a reference to “status and rights.”
22. In the Land Use Element, recommend the modifications in Exhibit 7 listed as Items 21, 33, 34, and 40 (as an implementation program).
23. In the Community Design Element, recommend the modifications in Exhibit 7 listed as Items 43, 48, 53 (including edible food producing trees), 54 (with the addition of the word “public” between “secondary” and “access” in Policy CD-11.6), 55 (as an

implementation program to study implementation of the Mills Act), and add a definition of “rafters.”

24. In the Land Use Element, modify the maximum allowed residential densities in the following ways:

- Remove residential density from the Office Professional and Service Commercial designations;
- Reduce maximum allowed residential density in the Low Density Residential designation from 12 to 10 dwelling units per acre; and
- Reduce maximum allowed residential density in the Medium Density Residential designation from 24 to 22 dwelling units per acre.

POTENTIAL HOUSING BUILDOUT:

As a result of the recommended modifications to the residential densities in the Land Use Element, the General Plan Residential Buildout table (Table 3-1 on page 3-4 of the Draft 2040 General Plan, available: www.losgatos2040.com) would be modified as follows:

Land Use Designation		Density Range (du/ac)	Typical Density (du/ac)	Assumed Redevelopment	New Housing (Vacant Land)	New Housing (Redevelopment)
LDR	Low Density Residential	1 to 10	10	5%	230	56
MDR	Medium Density Residential	14 to 22	18	10%	201	302
HDR	High Density Residential	30 to 40	36	15%	110	268
NC	Neighborhood Commercial	10 to 20	18	10%	26	91
CC	Community Commercial	20 to 30	26	15%	0	156
MU	Mixed-Use	30 to 40	36	20%	126	605
CBD	Central Business District	20 to 30	26	15%	21	113
Subtotal					714	1,591
Housing Units, New and Redeveloped						2,305
Housing Units, ADUs						500
Housing Units, Existing Projects						475
TOTAL NEW THROUGH 2040						3,280

As noted in the April 13, 2022 Planning Commission staff report, the Town’s Regional Housing Needs Allocation (RHNA) is 1,993 dwelling units plus a recommended 15 percent buffer, resulting in 2,292 units for the eight-year Housing Element need. If one were interested to understand the contribution of accessory dwelling units (ADUs) and existing projects towards the eight-year RHNA, then at a minimum, 300 ADUs and 400 units of Existing Projects should be removed prior to making a comparison. As a result, the potential residential buildout for the eight-year period based on the Planning Commission recommendation would be 2,580 units,

which is 288 housing units above the RHNA plus buffer, instead of the 746 excess units noted in the April 13, 2022 staff report for the Draft 2040 General Plan recommended by the GPAC. This reduces the excess units by more than half.

Please note that the table does not include the potential for growth through new homes on properties in the Hillside Residential designation because the 116 units noted in previous documents is based on acreage of undeveloped lots, with no consideration of land slope or other constraints, and the Draft 2040 General Plan does not include any changes to the current regulations in this designation.

Please note the calculations have not taken into consideration that the Town's zoning regulations do currently allow housing as part of a mixed-use project in the Office zone through a Conditional Use Permit, even though the Office Professional General Plan designation does not specify if housing is allowed or not. It is therefore not yet been determined whether residential could now be prohibited in these zones, due to constraints imposed by Senate Bill 330. If residential has to continue to be allowed in the Office zone, an additional 114 units would be added back based on an existing typical density of 18 dwelling units per acre.