

June 17, 2022

VIA E-MAIL [council@losgatosca.gov]

Honorable Rob Rennie, Mayor
and Members of the Town Council
Town of Los Gatos
110 E. Main St.
Los Gatos, CA 95030

**Re: Proposed Draft 2040 General Plan; June 20, 2022 Town Council Hearing,
Agenda Item No. 1**

Dear Mayor Rennie and Members of the Town Council:

We write on behalf of the Los Gatos Community Alliance (“LGCA”), a group of concerned citizens, in regard to the Proposed Draft 2040 General Plan (the “Proposed Plan”) and associated Environmental Impact Report (“EIR”). The Proposed Plan significantly upzones the entire Town for no apparent purpose. The EIR does not study the significant environmental impacts associated with that upzoning. The EIR is legally inadequate and cannot be relied on to adopt the Proposed Plan. We urge the Town Council to revise the Proposed Plan in the manner outlined in Section II below, which would help to address some of the EIR’s key shortcomings.

I. The EIR Is Flawed And Cannot Legally Be Relied On To Approve the Proposed Plan.

In our September 13, 2021, January 5, 2022 and April 12, 2022 letters to the Town, we detailed the myriad inadequacies in the EIR. The Final EIR (“FEIR”) does not adequately or sufficiently respond to or address those concerns. We summarize some of the key issues below.

A. The EIR Fails To Analyze The Impacts Of The “Whole Of The Project,” As Required By CEQA.

The EIR fails to analyze the impacts of the buildout potential allowed under the Proposed and thus fails to comply with CEQA. Instead of the tens of thousands of additional housing units and tens of millions square feet of new commercial development allowed by the changes to the land use densities under the Proposed Plan, the EIR analyzes only a small fraction of this development. This undermines the EIR’s analysis of every single environmental resource from Aesthetics to Wildlife. CEQA does not allow or authorize an agency to greatly upzone every single residential and commercial land use designation and then fail to consider the environmental impacts associated with it. There is also no reason for such upzoning given the 1,993 units needed to satisfy the Town’s Regional Housing Needs Allocation (“RHNA”), which can readily be accommodated in the mixed-use corridors designated as Community Place Districts.

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At the Town Council's December 7, 2021 study session, Town Staff claimed that it was "standard" practice to assume only a fraction of the growth enabled by changes to a plan. In reality, such an approach is directly contrary to the law, which mandates that an EIR analyze the "whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change in the environment. (See, e.g., Public Resources Code § 21065; CEQA Guidelines §§ 15146(b), 15378; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376 [EIR found inadequate for studying only a portion of a proposed laboratory/office development project]; *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 307 [in upholding the cumulative impact analysis of a project EIR that relied upon plan EIRs, the court reasoned that the plan EIRs "necessarily addressed the cumulative impacts of buildout to the maximum possible densities allowed by those plans" with mitigation measures proposed and any overriding benefits of development noted]; accord, *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1228-1229 [upheld project EIR that relied on general plan EIR because plan EIR assumed "worst case" conditions for development on, and access to, the project site].)

At the December 7th study session, Staff also indicated that the Town would monitor growth, and if it reached the maximum amount studied, the Town would conduct additional environmental review. This too fundamentally and irreconcilably conflicts with CEQA. Courts have routinely rejected similar claims to study environmental impacts *after* a project has been approved. (*Laurel Heights Improvement Assn., supra*, 47 Cal.3d at 394 ["If postapproval environmental review were allowed, EIR's would likely become nothing more than *post hoc* rationalizations to support action already taken."]; accord, *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 138; see also *City of Santa Ana v. City of Garden Grove* (1979) 100 Cal.App.3d 521, 533 [EIR should be prepared as early in the planning process as possible to enable environmental considerations to influence project, program, or design especially since general plan EIRs are used as foundation documents for specific project EIRs].)

It is also important to keep in mind that if the densities under the Proposed Plan were to be enacted, the Town would generally be prohibited from denying or reducing the density of any housing project that complied with those new density standards under the State Housing Accountability Act ("HAA"). (See Gov. Code § 65589.5; see also *California Renters Legal Advocacy & Education Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820 [First Appellate District ruled that city violated HAA by denying a 10-unit project based on a non-objective design guideline].)

B. The Final EIR Acknowledges The Use Of Inconsistent And Conflicting Baselines.

The FEIR states that the EIR used future conditions as its baseline. For instance, on page 117, the FEIR states that the EIR "uses the potential growth the Town is likely to achieve by the year 2040 as its baseline for analysis of potential impacts. This is not a hypothetical number but based

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on existing conditions and the potential for future development in this time period.” The FEIR then contradicts itself by saying “[t]he projected 3,738 dwelling units is comprised of multiple parts and focuses on the total buildout for the Town, not just a 20-year horizon.” (*Id.*)

In reality, the baseline is the existing conditions, normally represented by conditions at the time the notice of preparation was released. (CEQA Guidelines § 15125.) Here, that would represent the Town’s existing residential and commercial development as of 2020. Reliance on a future conditions baseline, at least without any substantial evidence to justify it, is yet another flaw in the EIR. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Auth.* (2013) 57 Cal.4th 439.) Additionally, doing a plan-to-plan comparison is also invalid under CEQA. (*Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350.)

At minimum, the FEIR raises an issue of shifting and inconsistent baselines. For instance, while the FEIR says the baseline is future growth under 2040 conditions, the Draft EIR (“DEIR”) suggests it relied on an existing conditions baseline, at least as to vehicle miles traveled and certain other resource categories. (Draft EIR, pp. 2-4, fn. 1, 4.9-14, 4.10-9, 4.15-23.) Among other courts, the Sixth Appellate District has overturned an EIR that relied on conflicting baseline information. (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99.)

C. The EIR Fails To Adequately Analyze And Address Significant Transportation Impacts.

The Recirculated Draft EIR (“RDEIR”) identifies a new significant unavoidable impact. Specifically, Impact T-1 acknowledges a significant unavoidable impact to transit vehicle operations due to increased delays at intersections. The acknowledgment of this new significant impact requires consideration of feasible mitigation measures and alternatives to avoid or substantially lessen this impact. The RDEIR does neither.

As to Impact T-1, the RDEIR states that “[t]here are no feasible mitigation measures to reduce potentially significant effects related to transit operations and ridership.” (RDEIR, p. 4.15- 25.) An EIR cannot simply declare an impact significant and unavoidable without considering and imposing feasible mitigation measures.¹ The RDEIR acknowledges that transit operational improvements, such as signal coordination and transit vehicle preemption, could potentially improve the overall reliability of transit in congested areas. (RDEIR, p. 4.15-25.) Because these measures are “not likely to fully address” the impact, the RDEIR does not impose them as mitigation. (*Id.*) The FEIR states the measures are not included because they are a separate project that would be implemented later. (FEIR, p. 198.) As such, the EIR does not impose enforceable mitigation measures to avoid or substantially lessen a significant impact and defers

¹ (Public Resources Code §§ 21002, 21002.1(a), 21081(a)(3); CEQA Guidelines § 15091(a)(3); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 982; *City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 369.)

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mitigation to an unspecified future date. The EIR also fails to consider any alternatives to this newly identified significant impact. In all these aspects, the FEIR fails to comply with CEQA. (Public Resources Code §§ 21002, 21002.1(a), CEQA Guidelines §§ 15126.4, 15126.6; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 400-403.)

II. To Rectify The CEQA Infirmities, The Proposed Plan Must Be Revised.

The Proposed Plan must be revised to, at minimum, include the following revisions. If such changes were to be made, they would go a long ways towards satisfying LGCA's fundamental concern that the Proposed Plan includes excessive density increases that have not been analyzed in the EIR.

A. Restore Existing Low Density Residential Development Standards.

For lands designated Low Density Residential, the current General Plan allows for single-family development at densities of up to 5 units per acre. The Proposed Plan would more than double the permitted densities, allowing for development of up to 12 units per acre.² No change in land use designation or densities should be made to the Low Density Residential land use category.

First, no such changes are needed to meet the Town's RHNA figure. Higher density development is already provided for in other areas, such as Community Place Districts. Further, the densities proposed in Low Density Residential areas (up to 12 units per acre) would not count toward the Town's fair share of affordable housing. (Gov. Code § 65583.2(c)(3)(B) [requiring densities of at least 20 units per acre to be deemed appropriate to accommodate housing for lower income households].)

Second, state law has already added density to low density residential areas. Senate Bill 9, which took effect on January 1, 2022, allows for up to four units per single family residential lot. The Town has enacted an urgency ordinance to implement Senate Bill 9. Adding further density to single-family neighborhoods would not be appropriate as such areas are generally not in close proximity to public transit, employment, or commercial services. Local upzoning on top of state upzoning would also be contrary to policies in the Proposed Plan that emphasize maintaining and enhancing a sense of place in residential neighborhoods and requiring new construction to be compatible with existing neighborhoods. (See, e.g., Proposed Plan, Goals LU-5 and LU-17 and Policies LU-2.1, LU-4.1, and LU-5.8.)

Third, given the relatively high land costs, much higher development densities are required to achieve the unit development economics to incentivize the production of duplexes and triplexes in Low Density Residential areas. As such, the desired development would not likely ever

² We understand that the Planning Commission recommended that the maximum density be reduced slightly to 10 units per acre. This is still double the current allowed maximum density.

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materialize given the high land cost. The resulting housing would instead likely consist of denser, single-family detached housing that is market rate and not affordable.

B. Add Low-Medium Density Residential in Appropriate Locations.

The Proposed Plan contains policies that encourage development of “missing middle” housing. (*Cf.* Proposed Plan, Policies LU-1.2, LU-3.5, and LU-5.1; *see also* Proposed Plan, pp. 3-5 to 3-6.) The Proposed Plan describes missing middle housing as “multiple units on a single parcel (whether attached or detached) that are compatible in scale and form with detached single-family homes.” (Proposed Plan, p. 3-3.) The plan goes on to state that common missing middle housing types include, among others, duplexes, triplexes, and townhomes. (*Id.*)

To actually encourage the development of this type of housing, the Town should establish a new Low-Medium Density Residential land use category that allows for the development of duplexes and triplexes at a density range of between 6 and 13 dwelling units per acre. The City of Campbell has a similar land use designation in its General Plan, which it describes as consisting generally of duplexes, small apartment buildings, and small lot, single-family detached homes. This new land use designation would be between Low Density Residential, designed for single-family residential development, and Medium Density Residential, designed for multiple-family residential development. Staff could identify appropriate sites in Community Place Districts for this new land use designation.

C. Amend Permitted Intensities Allowed in Central Business District.

As currently written, the Proposed Plan would change the permitted floor area ratio (“FAR”) in the Central Business District (“CBD”) from 0.6 to 2.0 and allow for residential densities of 20-30 units per acre. This change would increase allowed intensities in Los Gatos’s unique and charming Downtown by over 200 percent. Such a change would conflict with policies emphasizing the small-scale retail development envisioned in the CBD district that is consistent with the Town’s identity, character, and style. (*Cf.* Proposed Plan, Policies LU-8.2, LU-8.3, LU-9.1, and LU-9.4.) Such high density development could threaten the commercial viability of the Downtown area.

The City of Campbell limits FAR in its Central Commercial (“CC”) district to 1.25. Similar to Los Gatos’s CBD district, Campbell’s CC district is intended to promote retail commercial uses on the ground floor with office or other uses on upper floors. The Town should likewise limit FAR in the CBD to 1.25.

D. Make Other Changes As Needed to Accommodate The Town’s Assigned RHNA.

In addition to the above changes, the Town should modify land use designations and densities so that build-out under the Proposed Plan would accommodate no more than approximately 2,300

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units. This figure reflects the Town's RHNA of 1,993 units, plus a 15 percent buffer. It also reflects the economic demand and the City Council's preferred land use alternative. By proceeding with this reasonable growth figure, the Town could ensure that development is phased and does not outpace necessary infrastructure and service improvements.

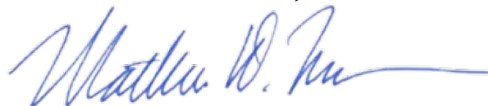
The current Proposed Plan allows for the development potential of nearly 75,000 housing units at maximum allowable densities. Even using the Town's deflated figures and assuming a less than worst case scenario, the Proposed Plan may still result in the development of over 14,600 units. The EIR wrongly assumes and studies only 25 percent of this growth. There is no need to maximize densities in each and every residential and commercial land use category to achieve the Town's RHNA and doing so would fundamentally change the nature and character of the Town.

In closing, the EIR fails to analyze the significant environmental impacts of the Proposed Plan. As such, the Town cannot legally rely on the EIR to adopt the Proposed Plan in its current form. At minimum, the changes requested by LGCA in Section II are needed to rectify the significant legal infirmities associated with the EIR.

Thank you for your consideration of LGCA's views on these important matters. Representatives of LGCA, including the undersigned, will be in attendance at your June 20th hearing on this item. In the meantime, please do not hesitate to contact me with any questions concerning this correspondence.

Very truly yours,

RUTAN & TUCKER, LLP



Matthew D. Francois

cc (via e-mail):

Laurel Prevetti, Town Manager
Joel Paulson, Community Development Director
Gabrielle Whelan, Town Attorney

From: James Lyon [REDACTED]

Sent: Sunday, June 19, 2022 4:51 AM

To: Maria Ristow <MRistow@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>

Cc: Council <Council@losgatosca.gov>

Subject: 2040 General Plan - DO NOT ADOPT Planning Commission Recommendation

EXTERNAL SENDER

Dear Distinguished Council Members,

I write you with concerns of the recommendations from the Planning Commission on the Housing Element and the 2040 General Plan.

1. The Housing Element as submitted is an “up zoning” of almost the entire Town – this is not acceptable. The Town is already dealing with the State SB9 mandate – to add more housing on top of this mandate is not realistic.
 - a. How do we deal with services – **fire, police, schools, roads, parking, and traffic** with this increased density? These questions have not been adequately addressed – and need to be mitigated PRIOR to adoption of such a General Plan.
 - b. We live as the Wildlife-Urban interface – where wildfires will devastate the community. More density exacerbates this issue due to limited access, narrow roads and higher density.
 - c. Do we have enough water supply or sewage capacity for the Town? We are already in a drought situation again – it is now perpetual. What is the plan to have enough water to support a 28% increase in Town population by 2040 based on the Plan?
2. The 2040 General Plan as drafted has population growth of 28% - three times higher than historic growth. This is unreasonable to expect the Town to grow this fast (or to absorb this many new residents).
 - a. How will safety and quality of life be maintained? Has the fiscal and physical infrastructure impact been analyzed? The answer is “no”. It would be irresponsible to adopt a Plan without understanding the impact and mitigations.
3. The Housing Element has nearly DOUBLE the State’s mandated Regional Housing Needs Allocation (RHNA) – WHY? There is no rational reasoning – Santa Clara County population has been on the decline in recent years. I implore you to cut the 2040 Housing Element to the RHNA level of 1993 units as mandated by the State – or better yet, appeal the State mandate.
 - a. SB9 growth should be within the Town’s RHNA target – recalculate the SB9 projections to be included in the RHNA target.
 - b. Growth allowed should be phased so that services and infrastructure can keep pace and be put in place ahead of growth. Meaning no more than 500 units every 5 years to 2040.
 - c. Reduce densities as follows:

Land Use Designations	Density Range (du/ac)		Maximum Height	
	Existing General Plan	Draft General Plan	Existing General Plan	Draft General Plan
Hillside Residential	0 to 1	0 to 1	30	25
Low Density Residential	0 to 5	1 to 12 8	30	30
Medium Density Residential	5 to 12	8-16 14 to 24	30	35
High Density Residential	12 to 20	20 30 to 40 30	30	35 45
Mixed-Use	20	20 30 to 40 30	35	45
Neighborhood Commercial	20	10 to 20	35	35
Community Commercial	NA	20 to 30	35	45
Central Business District	20	20 to 30	45	45
Office Professional	20	30 to 40	35	35
Service Commercial	NA	20 to 30	35	35
Light Industrial	NA	None	35	35
Public	NA	None	NA	35
Open Space	NA	None	NA	30
Agriculture	NA	0 to 1	NA	30
Albright Specific Plan	See Specific Plan	No Change	See Specific Plan	No Change
North Forty Specific Plan	See Specific Plan	No Change	See Specific Plan	No Change

4. Affordable Housing – certainly with will be expected with the growth of housing. But as we all know, affordable housing is an oxymoron. There is no affordable housing in the Bay Area – so let's stop the charade.
 - a. Any affordable housing needs to preserve the character of the Town – just look to the North 40 development – this was to have affordable housing – but the lowest prices are more than \$1.2MM – not affordable. This development is massive and NOT in keeping with the Town character. This uncontrolled massive development CANNOT happen in the future.
 - b. Every affordable housing program in the Town for the last 25 years has failed – BMP units, in-lieu fees, etc – none of these programs has achieved “affordable housing” in Los Gatos – again, stop kidding ourselves.
 - c. There needs to be principles and values to select locations and design for affordable housing to fit Town character. Without these, we will end of with another abomination like the North 40.

As a former Planning Commissioner (1996 – 2002), I request that you take action to revamp and correct the errors of the Planning Commission and NOT enact this General Plan as-is. It needs to be returned to the Planning Commission and Staff with specific direction to:

1. Reduce housing to the State mandated levels, inclusive of SB9 and ADU created housing.
2. All services to be analyzed for impact (financial, physical) and mitigation measures defined, with growth only allowed in stages IF services have scaled to meet in the increased demand.

3. Affordable housing guidelines to be developed that preserve the character of the Town. Clearly define affordable housing as well principles and values for site selection and allocation to the community.
4. Align the GP to the State's and County's actions – not promises. The County has never implemented the Vasona Extension of Light Rail – at the time, this was used as a traffic mitigation for the Netflix campus – it never happened. We need to have the infrastructure PRIOR to growth, not a promise by the County or State that it will come. History shows that the Town gets burned.

Thank you for your considerations and I urge you to return the 2040 General Plan to the Planning Commission.

Regards,

Jim Lyon

[REDACTED]

From: [REDACTED]

Sent: Sunday, June 19, 2022 8:46 AM

To: Rob Rennie <RRennie@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>

Cc: Town Manager <Manager@losgatosca.gov>; Arn Andrews <aandrews@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Shelley Neis <sneis@losgatosca.gov>

Subject: A Request to limit RHNA to 2292 homes

EXTERNAL SENDER

Tomorrow night you will hear the reasons given by the GPAC, PC and Staff as to why ~14,600 (or 12,065) additional homes is a good idea. We don't think the vast majority of Los Gatos agree as expressed in our survey and confirmed again in the Town's survey. Please listen to your residents.

Attached you will find what we think is a very simple solution to approve of the 2292. We do realize the number of hours put into the study by the GPAC, PC and Staff will be very hard for them to let go. But the number of hours may have been spent missing the forest because of the trees.

As we always try to do, we have found the data in the Town's publications so as to remove our personal bias. You can vote for 2292 now, and up that number later. You can't vote for 12,065 now and go back to anything less in the future.

We look forward to your meeting tomorrow evening.

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Los Gatos Community Alliance

Facts Matter; Transparency Matters; Honesty Matters

www.lgca.town

Up zone the Entire Town or Simply Rezone for 877 Units?

When the 2040 General Plan first started, the Town Council (TC) told the General Plan Advisory Committee (GPAC) that they were happy with the 2020 General Plan and that it only needed tweaking. We agreed with that comment and like most of you, we were aghast when the GPAC recommended at least **doubling** all residential land use densities Town wide (aka, up zoning) which increased the maximum potential housing units allowed by more than 14,600 homes. This new zoning standard would double the allowed homes in a town that is largely built out. While the Town is not responsible for what ultimately gets built, the Town absolutely controls what is allowed to be built. And this is the core issue.

The State of California Dept Of Finance (DOF) projected the most likely market demand for housing in Los Gatos between 2020 and 2040 is 1,529 units. The Town's own consultant, ADE Projection, concluded a market demand of 1,954 units. And lastly, the GPAC initially provided guidance that the Town should develop land use alternatives that could provide space for the future development over the next 20 years for 2,000 residential units. This strongly indicates that the Town should make only those targeted land use changes which will allow for the development of 2,292.

The Town is required by the State to properly zone enough residential land which would enable the development of 1,993 units plus a 15% buffer over the next 8 years for a total number of 2,292 units at various income levels. That is all that is required for the 6th cycle.

By our calculations, and backed up by the Town's own documents, after deducting from 2,292 units the projected 200 ADU's and the 202 allowable units currently in the pipeline (see **Exhibit B, pg 289**), the Town needs to properly zone enough sites that will allow for the development of only 1,890 units. Under existing residential land use density, the Town has estimated there is land capacity to build an additional 1,013 units, with no zoning changes; see **Exhibit A**. This leaves the Town short a total of only 877 units (1890-1013= 877).

877 units is the total number of additional units that must be planned to meet the 6th cycle allocation. This would require increasing densities for a limited number of targeted sites (less than 35 acres of land in all) to accommodate this incremental growth. However, for some reason, the solution by the GPAC was to **double** the residential land use density Town wide, which impacts over 2,465 acres and will allow, based on new zoning laws, the development of over 14,600 units in the GPAC version or 12,065 as modified by the PC (see **Exhibit C** as to how we speculated they did their calculations since the Town never explained it).

Of the 877 units, we need 847 that qualify as low and very low housing. It is our feeling, that most of that can and should be planned in the "opportunity" zones that are most likely to be served by some form of mass-transit in the future. We also advocate having

some of the low/very low placed in the North Forty which is the single largest piece of developable property in Los Gatos.

We cannot possibly speculate why the GPAC and the PC feel up zoning to a minimum of 12,065 units is a good idea. It will increase development, traffic, green house gases, water usage, and students in our schools. We and **64% of the population** in two different surveys disagree with the GPAC, the PC and the Town Manager. We respectfully ask the Council to reject up zoning 2645 acres when we may only need 35 to meet our RHNA numbers. ABAG does not set RHNA numbers for 20 years, but it's likely that to speed development, they compressed 20 to 8. Los Gatos Commissions should not be forecasting how many houses we'll need for 20 years. It's been done for us by two independent entities who forecast 20 year growth at less than 1993. The second paragraph above will show you that we do not need more than 2292 homes.

Los Gatos Community Alliance
Facts Matter; Transparency Matters; Honesty Matters
www.lgca.town

DISCUSSION (continued):

Land Use Designation	Density Range (du/ac)		Typical Density (du/ac)		Assumed Redevelopment (Redev)	Existing General Plan		Draft General Plan	
	Existing General Plan	Draft General Plan	Existing General Plan	Draft General Plan		New Housing (Vacant Land)	New Housing (Redev)	New Housing (Vacant Land)	New Housing (Redev)
Hillside Residential	0 to 1	0 to 1	1	1	0%	116	-	166	-
Low Density Residential	0 to 5	1 to 12	4	12	5%	75	13	283	84
Medium Density Residential	5 to 12	14 to 24	10	20	10%	107	133	224	343
High Density Residential	12 to 20	30 to 40	18	36	15%	53	111	110	268
Neighborhood Commercial	10 to 20	10 to 20	16	18	10%	11	39	26	91
Community Commercial	0	20 to 30	0	26	15%	-	-	-	156
Mixed-Use	10 to 20	30 to 40	16	36	20%	55	242	126	605
Central Business District	10 to 20	20 to 30	16	26	15%	12	46	21	113
Office Professional	0	30 to 40	0	36	15%	-	-	4	255
Service Commercial	0	20 to 30	0	26	15%	-	-	10	44
Subtotal						429	584	970	1,959
Housing Units, New and Redeveloped							1,013		2,929
Housing Units, ADUs							500		500
Subtotal							1,513		3,429
Housing Units, Existing Projects							475		475
TOTAL							1,988		3,904

		Draft 2040 General Plan Density					Draft 2040 General Plan Land Use Designation					Draft 2040 General Plan Density				
	Address	APN	Parcel Size (Gross Acres)	Draft 2040 General Plan du/ac	Zoning	Use						Very Low-Income Capacity	Low-Income Capacity	Moderate-Income Capacity	Above Moderate-Income Capacity	Total
D-9	Los Gatos Blvd.	52302005	0.53	40	Mixed Use Commercial	C-1	Nob Hill Shopping Center					68	33	33		134
D-16	16535 Camella Ter.	52302006	2.81	40	Mixed Use Commercial	C-1	Nob Hill Shopping Center					14	6	6		26
D-26	15795 Los Gatos Blvd.	52915059	0.64	40	Mixed Use Commercial	CH	Affordable Treasures					16	8	8		32
D-29	16203 Los Gatos Blvd.	52916069	0.79	40	Mixed Use Commercial	CH	Multi-Tenant Building								12	12
	16492 Los Gatos Blvd.	53207086	0.23	20	Neighborhood Commercial	C-1	LG Wines & Liquors									
		53207085	0.38	20	Neighborhood Commercial	C-1	Vacant									
E - North Forty Area																
E-1, M40 Phase II	14859 Los Gatos Blvd.	42407094	2.90	13	North Forty Specific Plan Area	North Forty Specific Plan Area						50	30	30	90	200
	16392 Los Gatos Blvd.	42407095	0.78	13	North Forty Specific Plan Area	North Forty Specific Plan Area										
	16260 Burton Rd.	42407053	0.44	13	North Forty Specific Plan Area	North Forty Specific Plan Area										
	16250 Burton Rd.	42407009	0.44	13	North Forty Specific Plan Area	North Forty Specific Plan Area										
	14917 Los Gatos Blvd.	42407081	3.74	13	North Forty Specific Plan Area	North Forty Specific Plan Area										
	14925 Los Gatos Blvd.	42407115	6.07	13	North Forty Specific Plan Area	North Forty Specific Plan Area										
		42407116	1.02	13	North Forty Specific Plan Area	North Forty Specific Plan Area										
E-2		42406115	1.17	20	North Forty Specific Plan Area	North Forty Specific Plan Area									26	26
E-3		42406116	0.11	20	North Forty Specific Plan Area	North Forty Specific Plan Area									5	5
E-4		42407010	0.26	20	North Forty Specific Plan Area	North Forty Specific Plan Area									9	9
E-5		42407052	0.43	20	North Forty Specific Plan Area	North Forty Specific Plan Area									16	16
E-6		42407054	0.26	20	North Forty Specific Plan Area	North Forty Specific Plan Area									19	19
E-7		42407063	0.56	20	North Forty Specific Plan Area	North Forty Specific Plan Area									7	7
		42407064	0.93	20	North Forty Specific Plan Area	North Forty Specific Plan Area										
		42407065	0.37	20	North Forty Specific Plan Area	North Forty Specific Plan Area										
F - Lark Avenue Area																
F-1		42408057	2.97	12	Low Density Residential	R-1.8	Vacant					62	37	37	111	247
		42408029	0.31	12	Low Density Residential	R-1.8	Vacant									
		42408059	1.01	12	Low Density Residential	R-1.8	Vacant									
		42408060	1.29	12	Low Density Residential	R-1.8	Single-Family Home									
		42408058	1.41	12	Low Density Residential	R-1.8	Single-Family Home									
		42408017	2.48	24	Medium Density Residential	R-M-5-12	Vacant									
		42408021	4.32	24	Medium Density Residential	R-M-5-12	Vacant									
F-2		42408074	6.41	12	Low Density Residential	R-1.8	Vacant					19	12	12	34	77
F-3	Cal Trans Parcel	N/A	4.90	24	Medium Density Residential	Re-zone to R-M-5-12	Cal Trans ROW					29	18	18	53	118

Σ = 257

EXHIBIT B, pg. 289

Draft 2040 General Plan Density												
	Address	APN	Parcel Size (Gross Acres)	Draft 2040 General Plan du/ac	Draft 2040 General Plan Land Use Designation	Zoning	Use	Very Low- Income Capacity	Low-Income Capacity	Moderate- Income Capacity	Above Moderate Income Capacity	Total
G - Winchester Boulevard Area												
G-1	110 Knowles Dr.	42432077	7.34	40	High Density Residential	CM-AHOZ	Office	59	59	88	88	294
G-3 (New)	206 Knowles Dr.	42432076	2.41	40	High Density Residential	CM	Office	48	24	24		96
I - Union Avenue Area												
I-1	440 Los Gatos Alamden Rd.	52749048	0.52	20	Neighborhood Commercial	C-1	Chevron				16	16
	445 Leigh Ave.	52749049	0.29	20	Neighborhood Commercial	C-1	Office					
J - Harwood Road Area												
J-1	14000 Blossom Hill Rd.	52732028	0.69	20	Neighborhood Commercial	C-1	Valero				14	14
	Subtotal							669	381	410	586	2,046
	ADUs							20	60	60	60	200
	Pipeline projects							689	441	470	848	2,448
	TOTAL							537	310	320	826	1,993
	RHNA Requirements							81	46	48	124	299
	Buffer (15 percent)							618	356	368	950	2,292
	RHNA + Buffer Total							71	85	102	-102	156
	Difference											



1,130

Land Use Designation		Density Range (du/ac)	Typical Density (du/ac)	Derived Draft GP Total Units	Assumed Redevelp %	New Housin g (vacant)	New Housin g (redev)
LDR	Low Density Residential	1 to 10	10	1,120	5%	230	56
MDR	Medium Density Residential	14 to 22	18	3,430	10%	201	343
HDR	High Density Residential	30 to 40	36	1,787	15%	110	268
NC	Neighborhood Commercial	10 to 20	18	910	10%	26	91
CC	Community Commercial	20 to 30	26	1,040	15%	0	156
MU	Mixed-Use	30 to 40	36	3,025	20%	126	605
CBD	Central Business District	20 to 30	26	753	15%	21	113
Subtotal				12,065		714	1,632
Housing Units, New and Redeveloped							2,346
Housing Units, ADUs							500
Subtotal							2,846
Housing Units, Eixisting Projects							475
Total							3,321

From: [REDACTED]

Sent: Sunday, June 19, 2022 11:52 AM

To: Rob Rennie <RRennie@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Clerk <Clerk@losgatosca.gov>

Subject: Please Vote Against Building Plan on 6/20

EXTERNAL SENDER

June 19, 2022

Dear Town Council members,

I am writing in great concern for the safe livability of our town, especially in regards to fire danger.

In the June 20th Town Council meeting, **please do not:**

- Approve the recommendation for up-zoning our entire town, which would allow for almost double the residential units we have (approximately 14,600 additional homes).
- Approve planning for almost 4,000 units, far in excess of the RHNA numbers required by the State of CA.

Please do:

--Reject this proposal and plan to adopt the recommendation/requirements from the state **ONLY**, which requires the town to zone enough residential land to enable the development of 1,993 units plus a 15% buffer over the next 8 years for the 6th RHNA cycle. Los Gatos can then evaluate appropriately for the next RHNA cycle later, a logical course that every other town is taking.

Please remember that what you do on 6/20 will change our town forever, and the repercussions of what you do will affect your own political career and prospects for the future. As you well know, numerous surveys have proven that the township does not agree with your "no-plan" (no plan for fire, no plan for schools, no plan for greenhouse gasses, no plan for financial impact) ambitious building fiasco.

In closing, a final request:

- Please make every letter you have received from town residents on this matter **PUBLIC** as you should have done long ago.

Best,

Sandra Livinghouse, [REDACTED], Los Gatos

From: Cathleen Bannon [REDACTED]
Sent: Sunday, June 19, 2022 3:48 PM
To: GP2040 <GP2040@losgatosca.gov>
Subject: General plan 2040

EXTERNAL SENDER

I'm writing to voice my concerns regarding the general plan. After reviewing, while I see the need for growth, I do not support the idea of building beyond the **1,993** required units (NOT the proposed 70-90% above). Our town does not have the infrastructure needed to absorb current traffic needs. The south side of town has limited narrow roads that cannot absorb converting older lots to multi unit lots. The town must limit development to areas that have more space for increased traffic/parking/etc. the town must find a way to preserve the look of the town, the ease of living, the community focus.

Not every every residential area in Town be "upzoned" into more dense neighborhoods?

Services and infrastructure can not keep pace with the safety and quality of life that our residents expect.

We must do a better job of preserving the character of our community while guiding the Town into the future.

Cathleen & Grant Bannon

[REDACTED]

From: [REDACTED]
Sent: Sunday, June 19, 2022 5:07 PM
To: GP2040 <GP2040@losgatosca.gov>
Subject: housing

EXTERNAL SENDER

Sirs,

Before the town increase numbers I want a look at safety. Evacuation routes for fire primarily. We sit at the interface of a massive potential fire as the heat and lack of rain increases danger. I would like to hear from our fire department on the topic.

Parking? Where will each of the 4,000 new homes park their cars...that's 8,000 cars needing parking. Don't fool yourself that public transit will solve that problem. WE are not Europe.

Water? Where will we get the water for that many homes, gardens, etc?

Next. Street safety. Already cars can barely move on weekends...there is no way I could evacuate from Central Avenue. I doubt an ambulance could get in and out.

School: The high school traffic is an accident waiting to happen....increasing cars and walkers only increases the likelihood of accident. Already, I have been told there is no money for a traffic light or a crossing guard!!

Schools: New ones will be needed. Who will pay?

Why does the town want to double the already high number of housing we are expected to accommodate? Who is benefiting? Profiting?

My neighbors are already so close, I can hear the toilet flush's and smell the dryer perfume blowing over my deck and in my windows. I can hear their conversations and there are hard feelings over size of trees, etc. (In fact, they are leaving Los Gatos for more space)

If the town counsel care about the quality of life and the residents at all, they must answer these problems.

Sandy Moeckel

From: [REDACTED]
Sent: Sunday, June 19, 2022 8:13 PM
To: GP2040 <GP2040@losgatosca.gov>
Subject: Pls vote to keep state's required housing allotment and no more

EXTERNAL SENDER

Hi. Thank you for voting to stay at the estimated 1900 new housing units the state is requiring and no more.

We also need the housing to be allotted as the Town grows to accommodate the density, not allow the units to be built Day 1.

Thank you

Babette Ito

--

Yours,

Babette Ito

[REDACTED]

From: [REDACTED]
Sent: Monday, June 20, 2022 8:09 AM
To: PublicComment <PublicComment@losgatosca.gov>
Subject: Public Comment Item #1

EXTERNAL SENDER

Attached is input the Town Council must consider as it prepares to adopt the Draft 2040 General Plan including Land Use Designations and Development Standards for the Town.

Thank you for distributing my comments/input to the Council ahead of the meeting tomorrow evening.

Rob Stump

[REDACTED]

June 19, 2022

Town Councilmembers
110 E. Main Street
Los Gatos, California 95030

Dear Councilmembers,

As a long-time Los Gatos resident, I am very concerned about the proposal to increase housing density (Low, Medium, & High Density Residential) in a blanket manner across the Town of Los Gatos. First, I do not believe there is any need to increase housing density across Los Gatos to achieve whatever housing numbers the Town Council or the citizens of Los Gatos approve. I think most community members would agree that applying a blanket and perhaps arbitrary approach to housing density that cannot be reversed in the future is not a prudent action.

Second, a blanket approach to housing density is not prudent from a public safety standpoint. Almost 3,100 homes in Los Gatos are located in the Wildland Urban Interface (WUI) designated as the Very High Fire Hazard Severity Zone (VHFHSZ). This entire area and even neighborhoods outside of the WUI live with the real threat of wildfire. Who can forget the devastation of the Tubbs Fire that decimated Coffey Park in Santa Rosa? Coffey Park was outside of the WUI. Fire blew into this neighborhood, four dead and 1,200 homes destroyed.

So, how should Los Gatos think about or rethink housing density in our WUI? We should not make any changes to housing density for any residential designation in the WUI. Residential designations as documented in the 2020 General Plan should remain in-place in the WUI.

Residential Designations	Standards, 2020 General Plan
LDR – Low Density Residential	0-5/acre
MDR – Medium Density Residential	5-12/acre
HDR – High Density Residential	12-20/acre

The Los Gatos WUI Map with identified parcels is attached for reference.¹

If increased housing densities are approved in the WUI, there could be catastrophic impacts to residents. Increasing housing density in the WUI flies in the face of public safety which is the top strategic priority for the Town of Los Gatos.

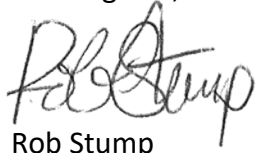
One final point, I think many in Los Gatos believe that wildfire will never happen in this community. Those that have been devastated by wildfire over the past several years know better. One fact that needs to be driven home, the Town of Los Gatos is at risk for catastrophic wildfire in our community. A well-known wildfire study, published by the *The Arizona Republic*, rated Los Gatos a higher risk for wildfire prior to the wildfire that destroyed the Town of Paradise.

¹ - Also attaching the "Wildland Urban Interface Evacuation Assessment" issued by the Town of Los Gatos on October 10, 2019 as an additional reference.

Countless numbers of homes were destroyed in and around Paradise and dozens of lives were lost.

Please ensure the real threat of wildfire in the Town of Los Gatos is carefully considered before making housing density changes that we as a community may later regret. Wildfire is a significant threat to Los Gatos. Let's not move more people into harm's way.

Best regards,

A handwritten signature in black ink, appearing to read "Rob Stump". The signature is stylized with a large, looped "R" and a cursive "Stump".

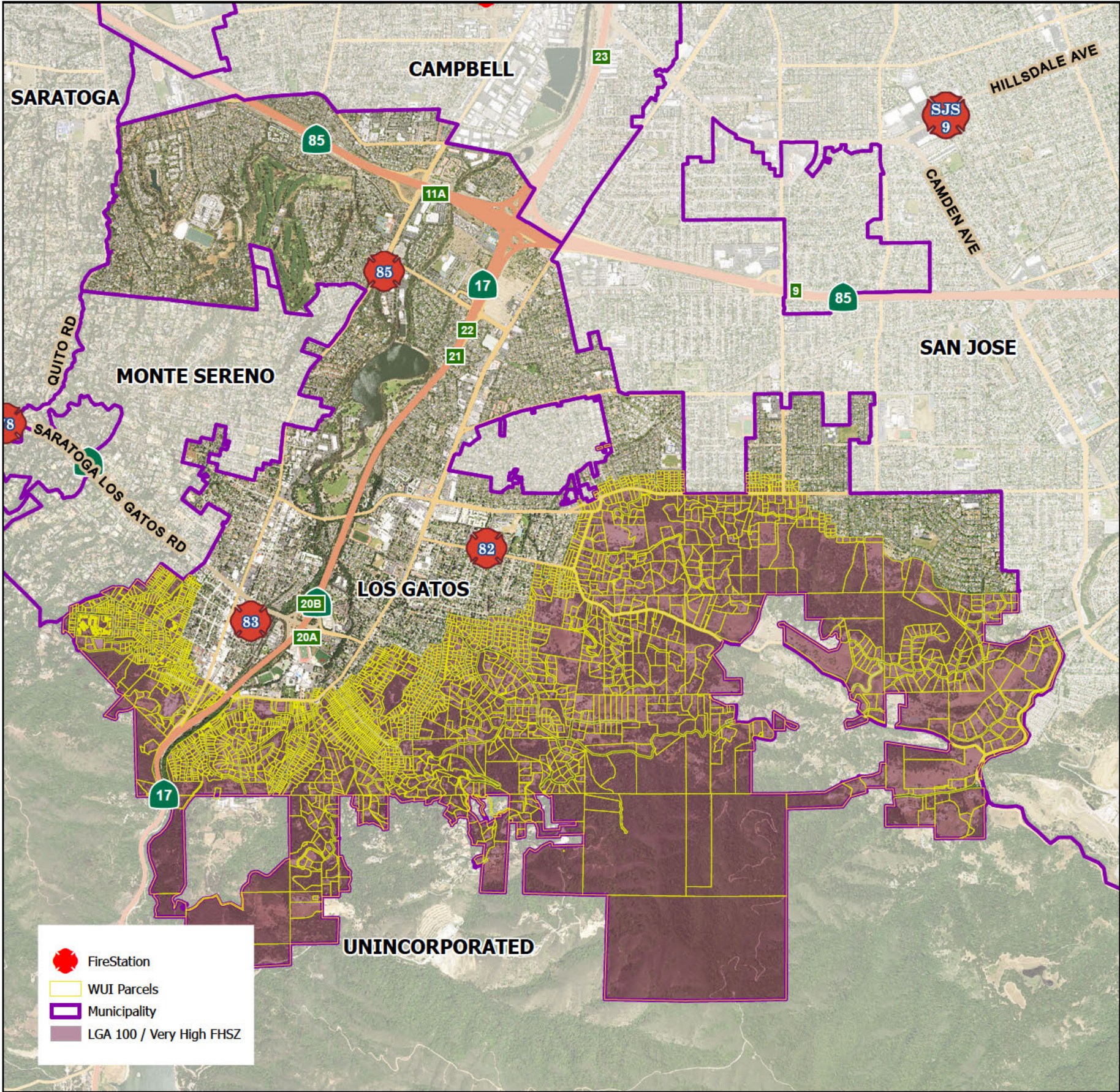
Rob Stump



Town of Los Gatos Overview Map

Local Responsibility Area Fire Hazard Severity Zones

June 2022



LGA 100 / LRA Very High FHSZ

APN#	51014077	51018079	51038027	51040121	51041074	51043021	51045033	51051018	52324066
	51014078	51018080	51040002	51040122	51042003	51043022	51045036	51051019	52325001
	51014079	51018081	51040003	51040123	51042004	51043024	51045037	51051020	52325002
	51015002	51018084	51040004	51040124	51042005	51043025	51045040	51051023	52325003
	51015003	51018085	51040006	51040125	51042006	51043026	51045041	51051027	52325005
	51015005	51018086	51040007	51040126	51042007	51043027	51045042	51051028	52325012
	51015006	51018087	51040008	51040127	51042008	51043028	51045043	51051031	52325013
	51015007	51018088	51040012	51040128	51042009	51043030	51045044	51051032	52325014
	51015008	51018089	51040013	51040129	51042010	51043031	51045045	51054025	52325027
	51015009	51018090	51040014	51040130	51042011	51043038	51045047	51054026	52325028
	51015011	51018091	51040015	51040131	51042012	51043040	51045049	51054027	52325047
	51015013	51019001	51040018	51040132	51042013	51043041	51045051	51054028	52325048
	51015015	51019002	51040019	51040136	51042014	51043043	51045052	51056001	52325049
	51015016	51019005	51040022	51040139	51042015	51043044	51045053	51056002	52325050
	51015017	51019006	51040023	51040141	51042016	51043045	51045057	51056003	52326007
	51015018	51019007	51040024	51040143	51042017	51043046	51045058	51057001	52327040
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	51015024	51019015	51040059	51040152	51042024	51044004	51045070	51057007	52342023
	51015025	51019016	51040060	51040153	51042025	51044005	51045071	51057008	52342024
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	51015031	51019022	51040066	51040164	51042031	51044013	51045082	51057014	52342032
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	51015034	51019025	51040069	51041002	51042034	51044017	51045085	51058002	52342035
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	51016016	51020003	51040077	51041010	51042044	51044062	51045097	52309002	52342069
	51016017	51020004	51040078	51041011	51042047	51044065	51045098	52309003	52342070
	51016018	51020006	51040079	51041012	51042050	51044066	51045099	52309029	52342071
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	51018072	51038012	51040117	51041068	51043017	51045028	51051008	52324062	52347023
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LGA 100 / LRA Very High FHSZ

52347027	52705006	52712004	52719033	52756021	52929053	52931001	52932037	52934080	52936009	52938028	52944015	53208020	53213035	53215013	53218052	53223046	53226100	53229008	53229103	53232029	53234042	53237036	53240044	53705016	53722015
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**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/15/2019

ITEM NO: 7

DATE: October 9, 2019
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Accept Wildland Urban Interface Evacuation Assessment Report

RECOMMENDATION:

Accept Wildland Urban Interface Evacuation Assessment Report.

BACKGROUND:

Los Gatos is identified as a Community at Risk from wildfires on the Federal and the California Fire Alliance list of Communities at Risk in Santa Clara County. The Los Gatos Wildland Urban Interface (WUI) planning area includes primarily Very High Fire Hazard Severity Zone areas on the southern side of Los Gatos. The WUI area is best described as an area that transitions from a natural condition (wildland) to human settlements. Homes and other development in the WUI are at risk of catastrophic wildfire due to the presence of vegetation that could fuel a wildfire. The WUI encompasses a wide variety of terrain, ranging from flat topography at the edge of the valley floor to densely wooded hillsides. While the sharp contrast between the valley floor and the hillsides is what makes the Town so picturesque, it also creates an extremely difficult operational area in the event of a wildfire.

The intent of the Wildland Urban Interface Evacuation Assessment is to create a common point of reference for Town residents, public safety officials, Town Council and staff, and other regional emergency preparedness partners. The Assessment will help inform future regulatory recommendations, advance the wildfire preparedness education of our hillside residents, inform fuel reduction priorities, facilitate grant opportunities, and provide a baseline for the ultimate development of an evacuation plan.

PREPARED BY: Arn Andrews
Assistant Town Manager

Reviewed by: Town Manager, Director of Parks and Public Works, Chief of Police and Town Attorney

DISCUSSION:

Safe and proper evacuation of people (residents, workers, and visitors), pets, and livestock is often a very critical component of WUI fires. Confusing hillside road networks, narrow roads that could inhibit two-way traffic, and dead-end roads all contribute to the complexities faced by the public and responders during WUI fires. In addition, WUI fires often require immediate “No Notice” evacuations, meaning little or no warning time exists between fire origin and the need for evacuation. The situational awareness associated with the Wildland Urban Interface Evacuation Assessment will help illustrate the critical shared responsibility of successful wildfire mitigation and response. The Assessment reaffirmed the critical importance of enhanced vegetation management along major ingress/egress road networks and Town-owned open spaces, and the maintenance of defensible space around residences and other buildings.

CONCLUSION:

The Assessment will help inform future regulatory recommendations, advance the wildfire preparedness education of our hillside residents, inform fuel reduction priorities, facilitate grant opportunities, and provide a baseline for future Town emergency preparedness and response activities.

COORDINATION:

This report has been coordinated with the County Office of Emergency Management, County Fire, Town Attorney, Director of Parks and Public Works, Chief of Police, and other Town Offices.

FISCAL IMPACT:

There is no fiscal impact with this item.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Wildland Urban Interface Evacuation Assessment

Wildland Urban Interface Evacuation Assessment

October 10, 2019



Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Prepared by
Town Managers Office

Coordinated with
Los Gatos-Monte Sereno Police Department
Santa Clara County Fire Department
Santa Clara County Office of Emergency Management

ATTACHMENT 1

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Introduction

Los Gatos is listed as a Community at Risk from wildfires on the Federal and/or California Fire Alliance list of Communities at Risk in Santa Clara County. Wildfires occur in the vicinity of Los Gatos and present a danger to people and property within the Town. Recognizing that there could be a need to conduct an emergency evacuation of Wildland Urban Interface (WUI) portion of the Town of Los Gatos, the following Wildfire Urban Interface Evacuation Assessment has been assembled to better understand the opportunities and challenges associated with being a Wildland Urban Interface community.

Every potential evacuation response will be different based on the nature of the incident at that time, and this assessment and subsequent actions are intended to provide the greatest good for the greatest number of residents. Nothing in this assessment should be interpreted as an obstacle to any potential experience but rather an opportunity for our community and first responders to have the same shared understanding of the unique environment we live in.

Safe and proper evacuation of people (residents, workers, and visitors), pets, and livestock is often a very critical component of WUI fires. Confusing hillside road networks, narrow roads that could inhibit two-way traffic, and dead-end roads all contribute to the complexities faced by the public and responders during WUI fires.

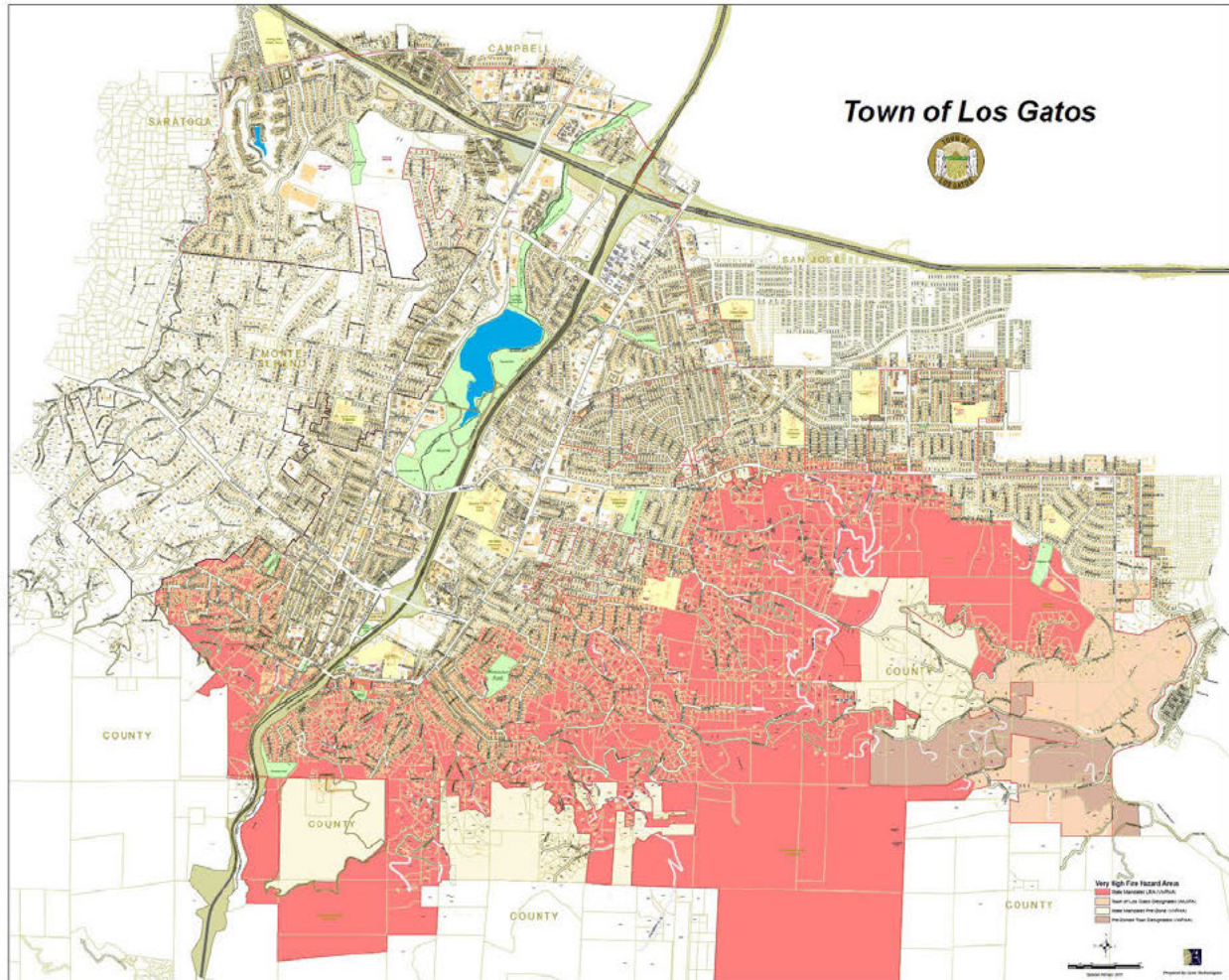
In addition, WUI fires often require immediate “No Notice” evacuations, meaning little or no warning time exists between fire origin and the need for evacuation. The situational awareness associated with the Wildland Urban Interface Evacuation Assessment will help illustrate the critical shared responsibility of a successful “No Notice” emergency evacuation.

Los Gatos Wildland Urban Interface (WUI)

The Los Gatos WUI planning area includes primarily Very High Fire Hazard Severity Zone areas on the southern side of Los Gatos (Exhibit 1). The WUI is composed of both interface and intermix communities and is defined as areas where human habitation and development meet at the edge of, or are inserted in the interior of areas dominated by, wildland fuels (U.S. Department of the Interior and U.S. Department of Agriculture 2001:752–753).

The WUI creates an environment in which fire can move readily between structural and vegetative fuels, increasing the potential for wildland fire ignitions and the corresponding potential loss of life and property. Human encroachment upon wildland ecosystems within recent decades is increasing the extent of the WUI in Santa Clara County and therefor increasing the potential risk of wildfire.

Exhibit 1



Los Gatos WUI Fuel Characteristics

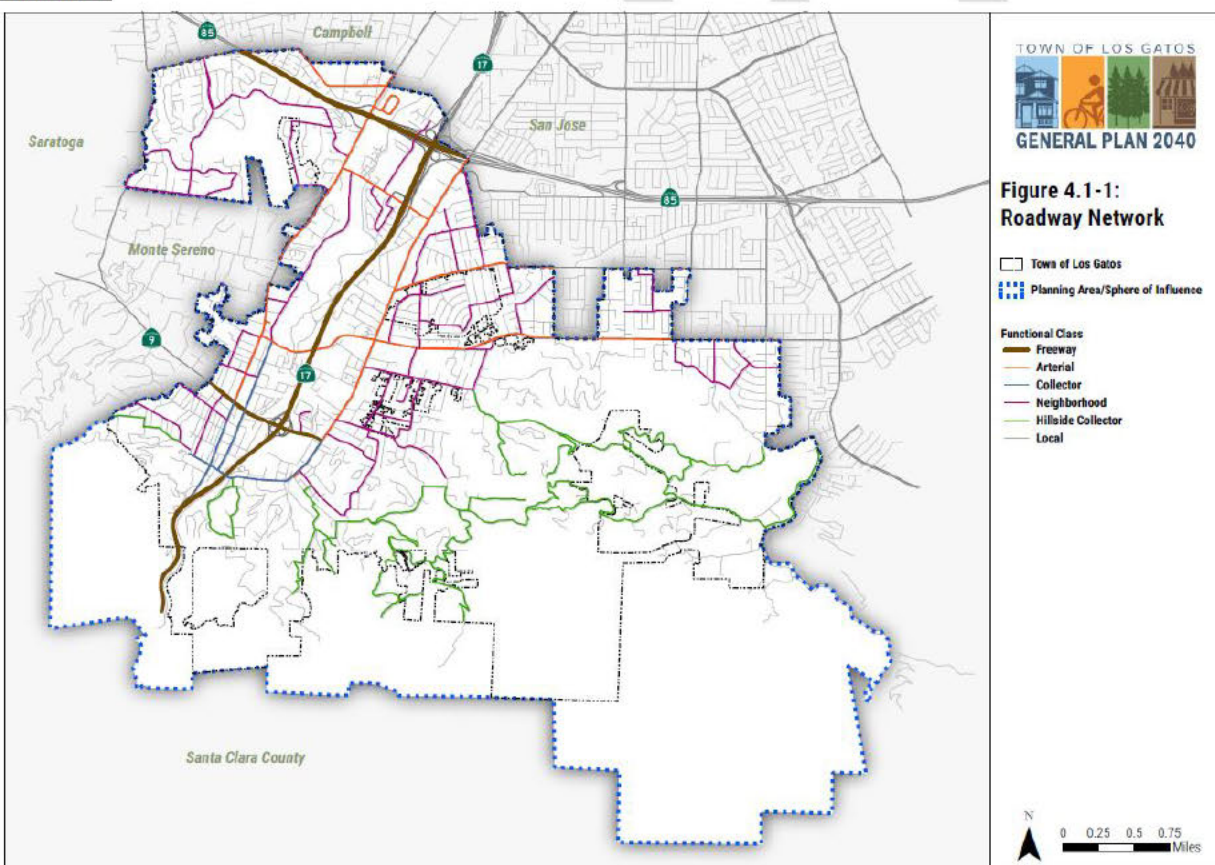
The Los Gatos planning area comprises a range of vegetation communities that differ depending upon elevation, precipitation, and slope. Chaparral vegetation is often found on south facing slopes, where winter precipitation is relatively high, but dry summers are common. The chaparral will have long flame lengths under either moderate or extreme weather scenarios. The nature of these fuels is to burn quickly and intensely. Oak woodlands comprised of a variety of oak species are also interspersed throughout as well as mixed conifer comprising knob cone pine and grey pine. A fire in either the mixed conifer or hardwood would likely be a surface fire with patches of active behavior and fairly low rates of spread. However, active fire behavior is possible in this vegetation type under extreme weather conditions, especially where there is high surface loading. Coastal coniferous forest communities such as redwoods and Douglas fir are located at lower elevations where precipitation is high, fog is common, and temperatures are moderate. Fire spread is generally limited in this fuel type; however, given the right combination of weather conditions, surface fire can be expected to burn uphill. Areas with increased fuel loading from dead and down materials may experience

crowning under the right conditions. The varied vegetation composition result in the Los Gatos WUI comprising a range of wildfire hazard.

Roadway Network within the WUI

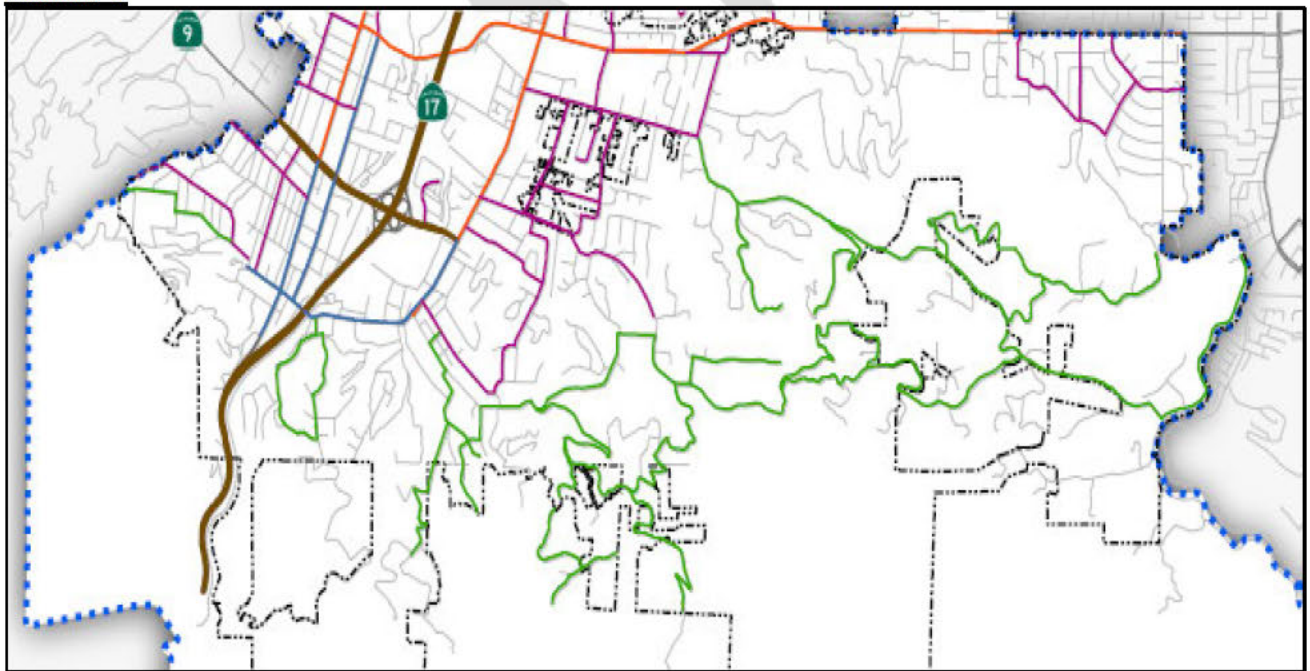
In Los Gatos, the local street system is organized into a hierarchy of six roadway types according to the existing Los Gatos Street Design Standards and the draft 2040 Los Gatos General Plan. The Los Gatos Street Design Standards classify all streets within the Town according to their functional classification. Functional classifications of roadway networks categorize streets by purpose, location, and typical land uses to which they provide access. The functional roadway classifications for Los Gatos include arterial streets, collector streets, neighborhood collector streets, hillside collector streets, local streets, and special design streets. The hierarchy is based on the degree of mobility and amount of local access provided by each roadway.

Exhibit 2



The majority of the Town's WUI neighborhoods are served by Hillside Collector Streets as illustrated by the green roads in Exhibit 3. Hillside collector streets serve properties located in hillside areas, carrying traffic to either arterial streets, collectors, or neighborhood collectors. Many of the hillside collector and local roadways are one-way in and one-way out designs potentially complicating any evacuation. During wildfire events, the routes emergency responders take to the fire are often the same routes being used by residents who may be attempting to flee from the fire. Due to the critical importance of roads for providing ingress for firefighting apparatuses while simultaneously evacuating the public, certain factors such as width, grade, and turning radius need to be considered in an evacuation. Often roads may be too narrow to accommodate two-way traffic of responders and evacuees simultaneously. Roads are generally maintained to primarily serve the transportation needs of the public, however roadsides are frequently the site of ignition for wildfires, and evacuees may need to use the roadways to leave the area even if the vegetation on both sides of the road is on fire. Routes may also be blocked due to consequences associated with an incident including; fallen trees, spot fires, smoke, intense heat, long flame lengths, downed power lines, or vehicle accidents.

Exhibit 3



Approximately a quarter of the Town's total residences are located within the WUI. Of an estimated 2018 Town total of 13,299 residences the WUI contains approximately 3091. In addition, at an estimated 2.2 residents per household the WUI is home to approximately 6,800 residents out of a Town total of 30,250.

LG EOP Annex Evacuation

To better understand the unique geographic and infrastructure aspects of the WUI neighborhoods, the Evacuation Assessment parses the WUI into specific boundaries. The Town currently utilizes preestablished areas for the maintenance and execution of its Community Emergency Response Team (CERT) program (Exhibit 5). For purposes of this assessment the CERT zones will be used as the basis of neighborhood review.

The map displays the city of San Jose, California, with its geographical features and administrative boundaries. The city is divided into several distinct areas, each labeled with a name. The map is oriented with North at the top.

Neighborhoods and Areas:

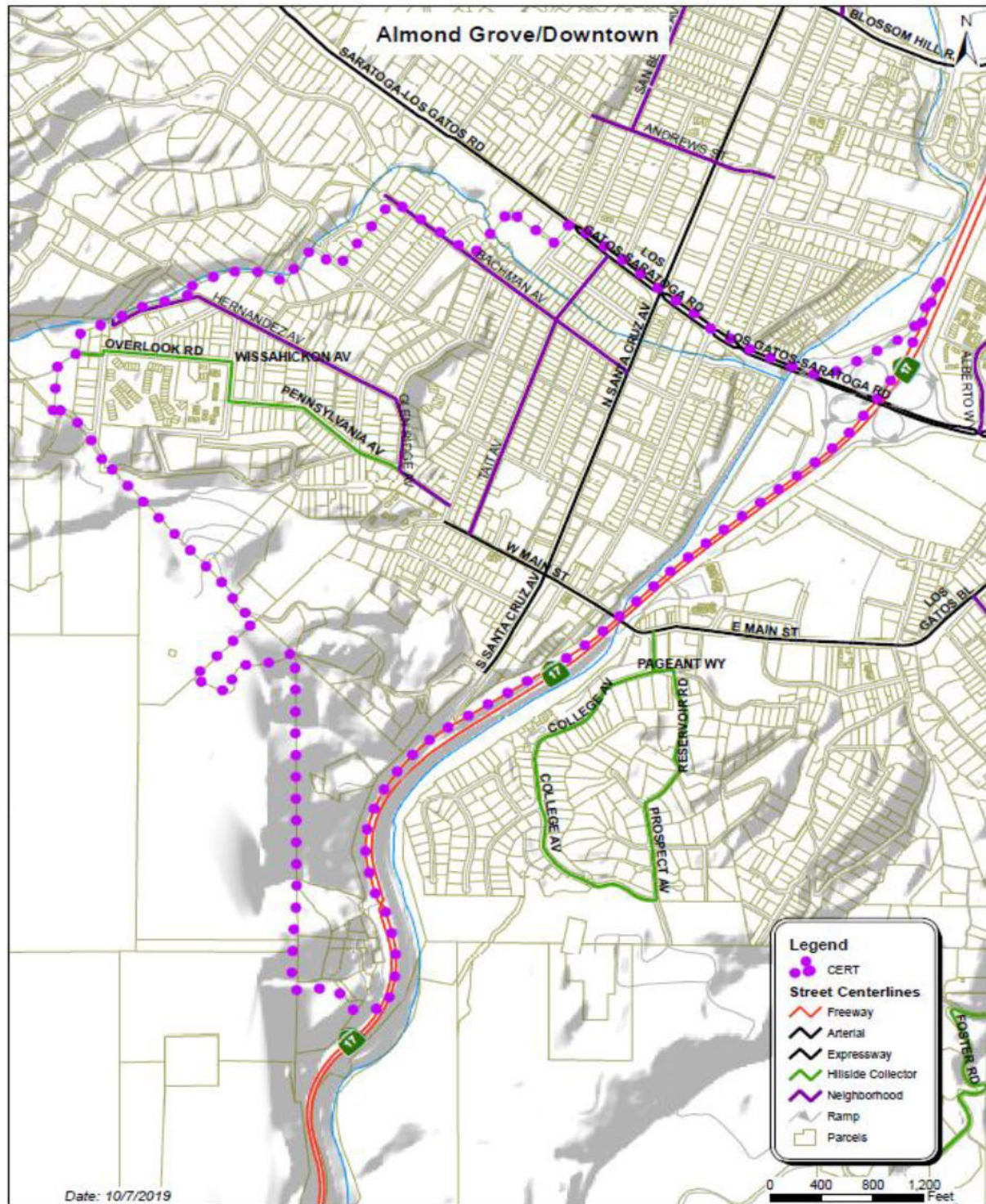
- Rinconada
- N Santa Cruz
- Monte Sereno West
- Almond Grove Downs
- Civic Center
- Vista Del Monte
- Kennedy North
- Los Gatos
- Los Gatos Almaden
- Blossom Hill
- Blossom Hill Shannon
- Santa Rosa Hicks
- Kennedy East

Major Roads and Highways:

- Highway 101 (San Jose Avenue)
- Highway 88 (San Antonio Avenue)
- Highway 87 (San Carlos Avenue)
- Highway 86 (San Martin Avenue)
- Highway 85 (San Juan Avenue)
- Highway 84 (San Gabriel Avenue)
- Highway 83 (San Felipe Avenue)
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- Highway 1 (San Carlos Avenue)

LG EOP Annex Evacuation

ALMOND GROVE/DOWNTOWN CERT ZONE MAP



ALMOND GROVE/DOWNTOWN CERT ZONE CHARACTERISTICS

Description:

The Almond Grove CERT Zone is a densely populated residential neighborhood abutting the downtown commercial core. The topography consists of a flat valley floor in the eastern portion of the zone with increasing upward slopes as you move west through the zone. Portions of the zone are heavily wooded. The existing roadway network is comprised primarily of a traditional grid road layout with multiple points of ingress/egress with the exception listed in "Special Concerns".

Special Concerns:

In the event residents in the western reaches of the zone require a western evacuation route, Ridgecrest Avenue is the single none dead-end egress option. Some of the same routes that allow access to the area for responders are the same routes that could be needed for evacuation. In addition, many routes in the area are susceptible to closure due to the potential impact of fire in the area and the encroachment of vegetation into the area.

In the event an evacuation became necessary concurrently with a high-volume summer weekend traffic episode significant additional vehicles could be on the egress routes.

Critical Sites: The following critical sites are located in this zone:

- 120 Laurel Avenue – Water Facility
- La Mirado Rd – Water Facility

Hillside and Neighborhood Collectors:

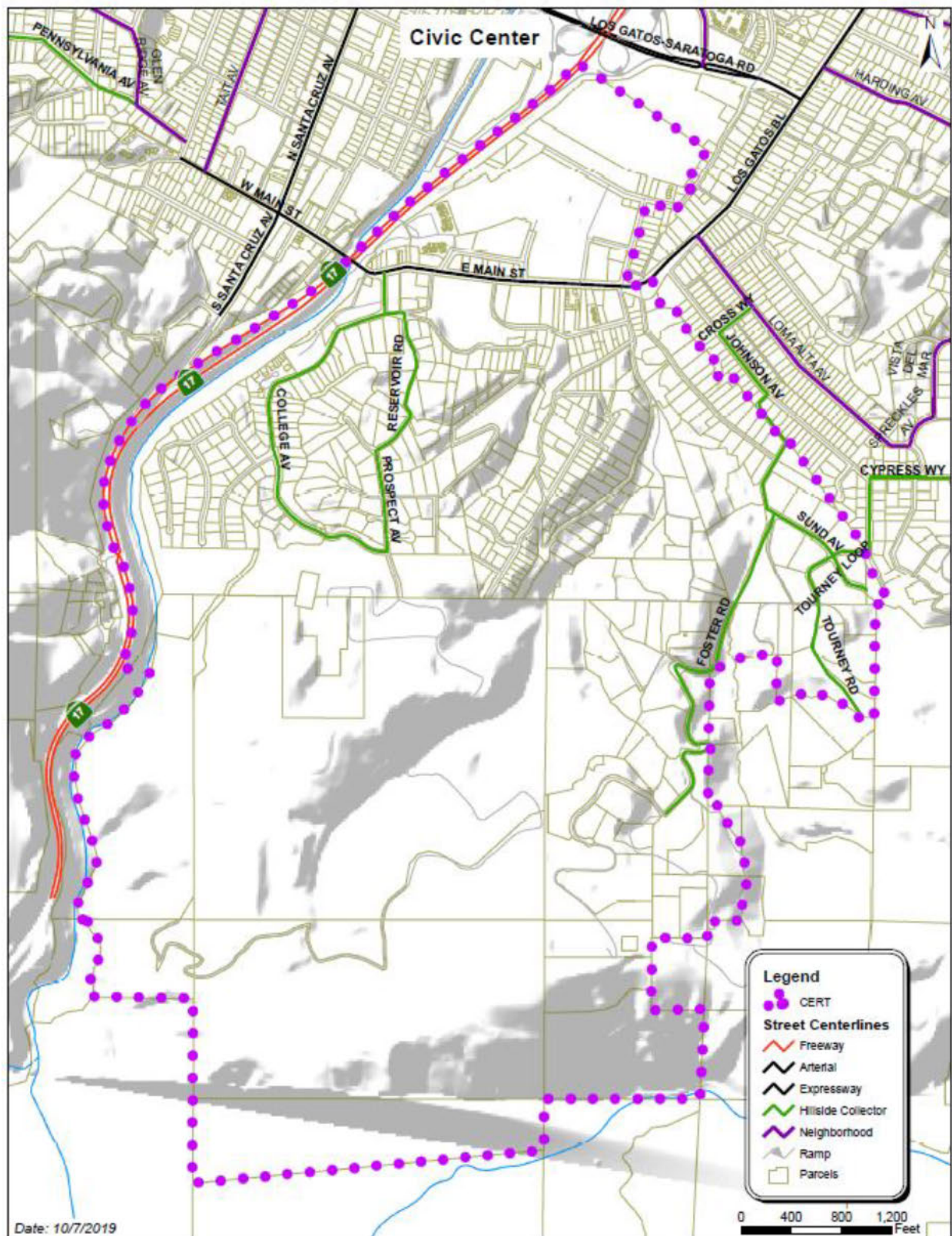
• Overlook Road	• Bachman Avenue
• Hernandez Avenue	• Glenridge Avenue
• Pennsylvania Avenue	• Tait Avenue

Temporary Refuge Areas: The following site location(s) could be considered as evacuation sites under extreme circumstances when sheltering-in-place and total evacuation are not options.

- Non identified at this time

Residence Density: 635 residences total, 607 within a ¼ mile of the boundary.

CIVIC CENTER CERT ZONE MAP



CIVIC CENTER CERT ZONE CHARACTERISTICS

Description:

The Civic Center CERT Zone is a densely populated residential neighborhood that is heavily wooded. The topography consists of a flat valley floor along the southern portion of the zone with increasing upward slopes as you move south. The zone is further punctuated by several valleys which segment the zone into distinct sections. The Central Avenue/Oak Hill Way/Jackson Street section is comprised of only local streets.

Special Concerns:

The existing roadway network throughout the zone is entirely comprised of one-way-in and one-way-out ingress/egress options. Some of the same routes that allow access to the area for responders are the same routes that could be needed for evacuation. In addition, many routes in the area are susceptible to closure due to the potential impact of fire in the area and the encroachment of vegetation into the area.

Critical Sites: The following critical sites are located in this zone:

- Sacred Heart Jesuit Center

Hillside and Neighborhood Collectors:

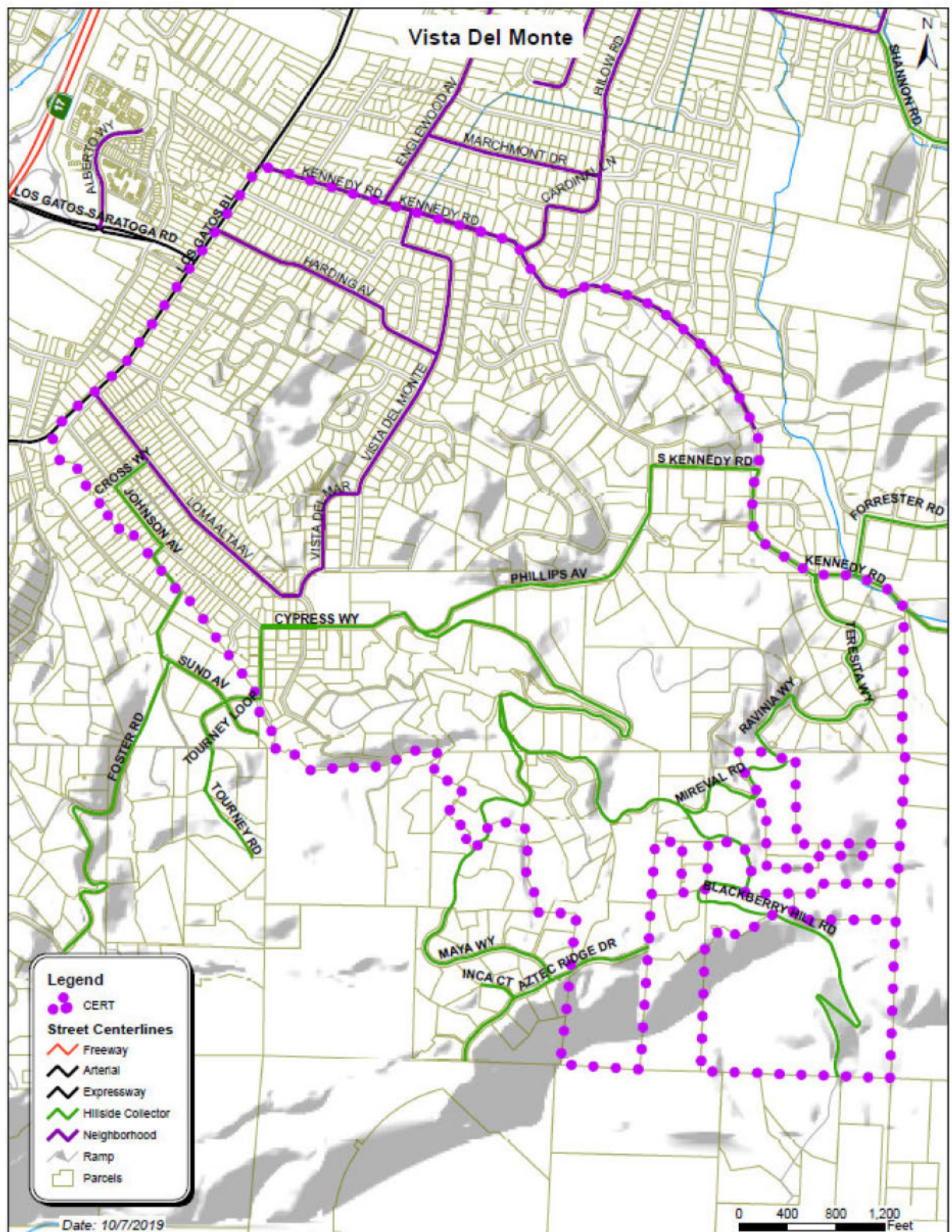
• College Avenue	• Foster Road
• Prospect Avenue	• Tourney Road & Loop
• Reservoir Road	• Sund Avenue

Temporary Refuge Areas: The following site locations could be considered as evacuation sites under extreme circumstances when sheltering-in-place and total evacuation are not options.

- None identified at this time

Residence Density: 537 residences total, 203 within a ¼ mile of the boundary.

VISTA DEL MONTE CERT ZONE MAP



VISTA DEL MONTE CERT ZONE CHARACTERISTICS

Description:

The Vista Del Monte CERT Zone is a densely populated residential neighborhood along its northwestern boundaries. The southeastern portions of the zone tend to be less densely populated and more wooded. The topography consists of a flat and gently sloping valley floor in the northwestern portions of the zone with increasing upward slopes as you move east and south through the zone. The zone does have instances of one-way in and one-way out roadways but is predominately comprised of multiple looping roadway options which span the zone.

Special Concerns:

Some of the same routes that allow access to the area for responders are the same routes that could be needed for evacuation. In addition, many routes in the area are susceptible to closure due to the potential impact of fire in the area and the encroachment of vegetation into the area.

Critical Sites: The following critical sites are located in this zone:

- 17465 Phillips Avenue – water facility

Hillside and Neighborhood Collectors:

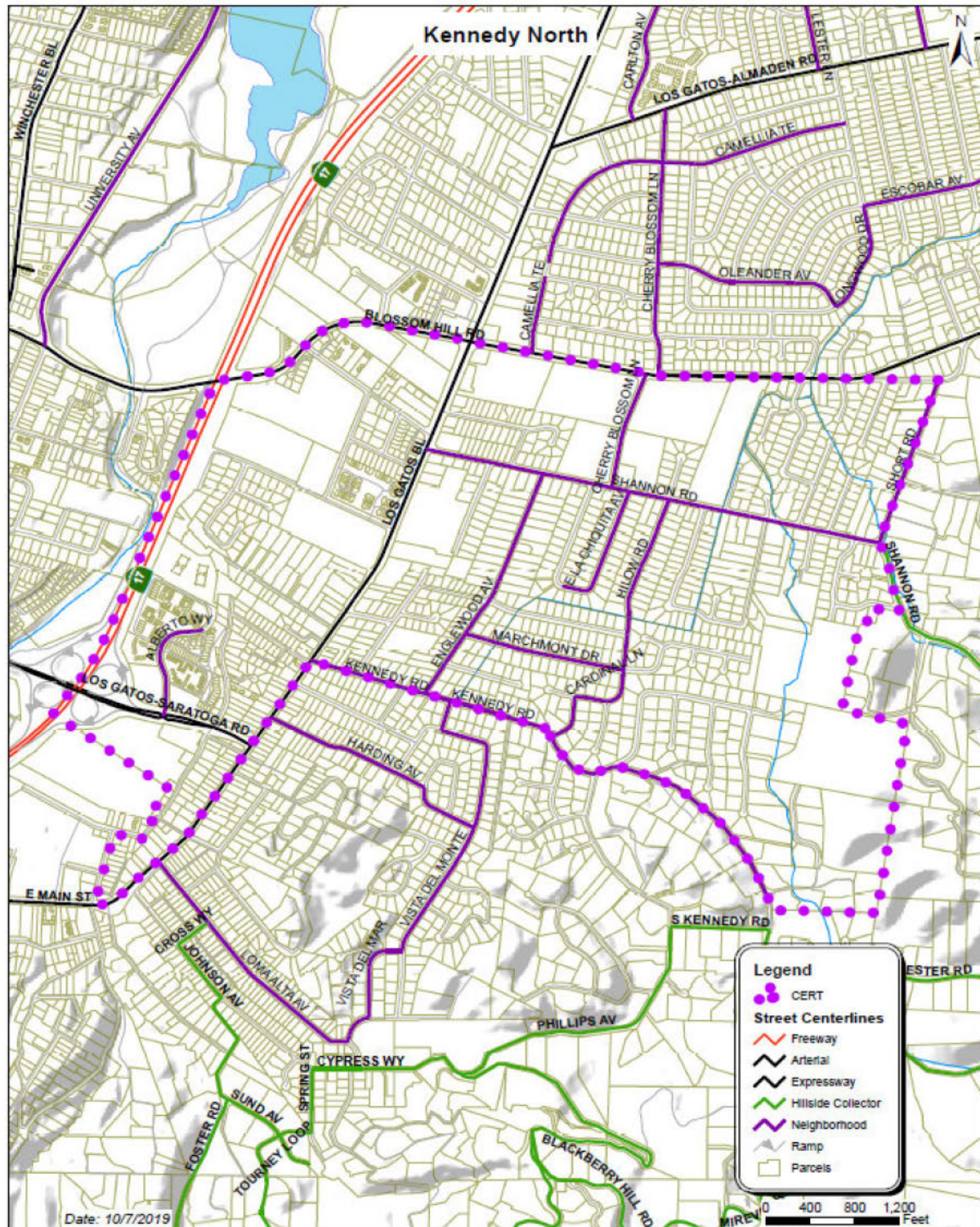
• Loma Alma Avenue	• Harding Avenue
• Johnson Avenue	• Cypress Way
• Vista Del Mar	• Phillips Avenue
• Vista Del Monte	• South Kennedy Road
• Teresita Way	• Kennedy Road
• Ravina Way	• Blackberry Hill

Temporary Refuge Areas: The following site locations could be considered as evacuation sites under extreme circumstances when sheltering-in-place and total evacuation are not options.

- None identified to date

Residence Density: 756 total residences, 436 within a ¼ mile of the boundary.

KENNEDY NORTH CERT ZONE MAP



KENNEDY NORTH CERT ZONE CHARACTERISTICS

Description:

The southeastern portion of the Kennedy North CERT Zone is located within the WUI. This WUI portion of the zone is a densely populated residential neighborhood abutting wooded terrain. The topography consists of a flat and sloping valley floor in the northwestern portions of the WUI boundary with increasing upward slopes as you move east and south through the WUI portion. The existing roadway network throughout the WUI portion of the zone is primarily comprised of one-way-in/one-way-out ingress/egress options feeding into Kennedy Road.

Special Concerns:

High concentration of one-way in and one-way out ingress/egress options. Some of the same routes that allow access to the area for responders are the same routes that could be needed for evacuation. In addition, many routes in the area are susceptible to closure due to the potential impact of fire in the area and the encroachment of vegetation into the area.

Critical Sites: The following critical sites are located in this zone:

- Hillbrook School

Hillside and Neighborhood Collectors:

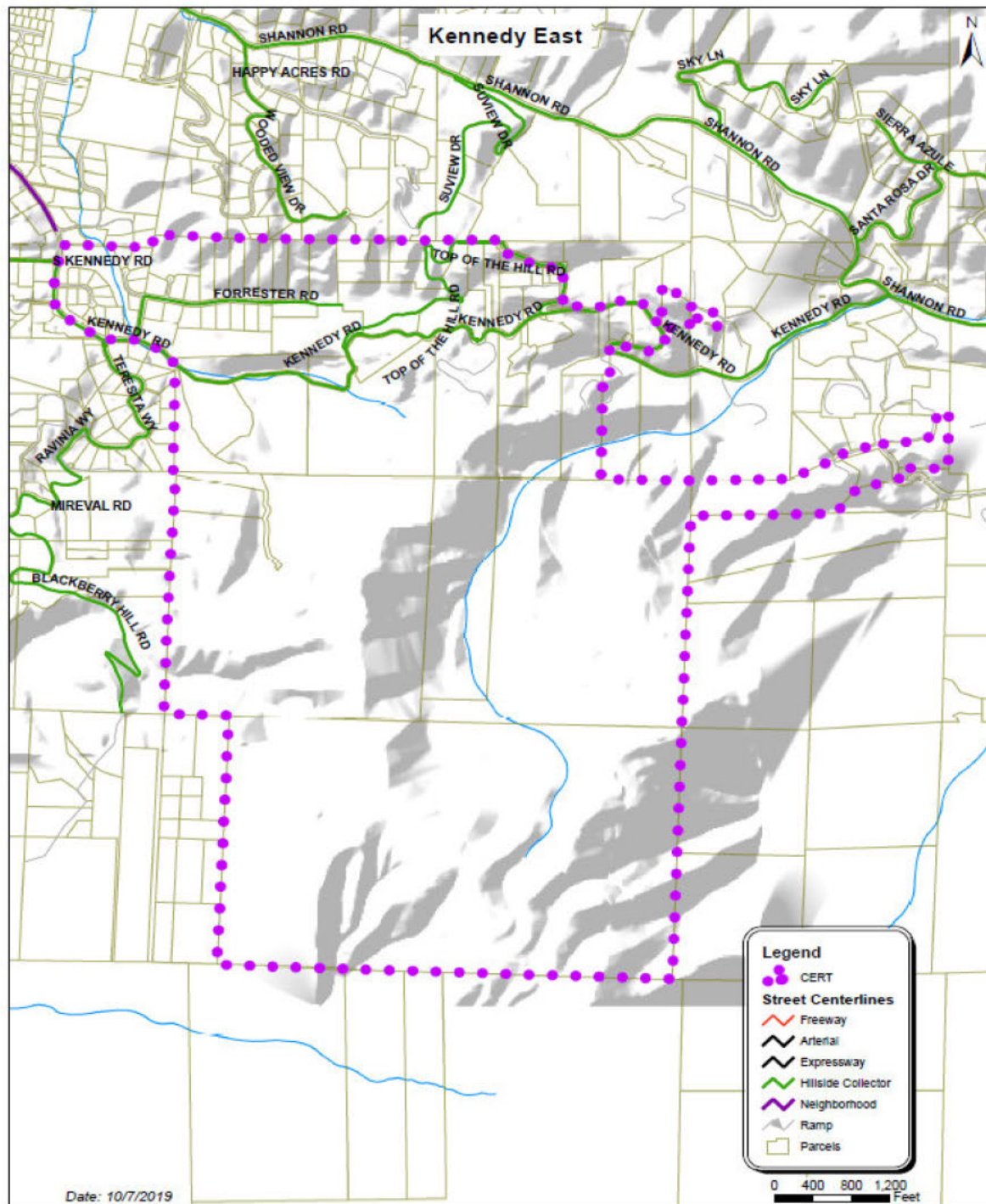
• Kennedy Road	• Cardinal Lane
• Hilow Road	• Shannon Road

Temporary Refuge Areas: The following site locations could be considered as evacuation sites under extreme circumstances when sheltering-in-place and total evacuation are not options.

- None identified at this time

Residence Density: 230 total residences, 202 within a ¼ mile of the boundary.

KENNEDY EAST CERT ZONE MAP



KENNEDY EAST CERT ZONE CHARACTERISTICS

Description:

The Kennedy East CERT Zone is a sparsely populated residential neighborhood that is surrounded by rolling hills, vegetation and heavily wooded areas. The area is accessed through a single road, Kennedy Road. The topography consists of varied wooded and higher elevation terrain.

Special Concerns:

Kennedy Road is the single ingress/egress option. The same route that allows access to the area for responders is the same route that could be needed for evacuation. In addition, routes in the area are susceptible to closure due to the potential impact of fire in the area and the encroachment of vegetation into the area.

Critical Sites: The following critical sites are located in this zone:

- None identified to date

Hillside and Neighborhood Collectors:

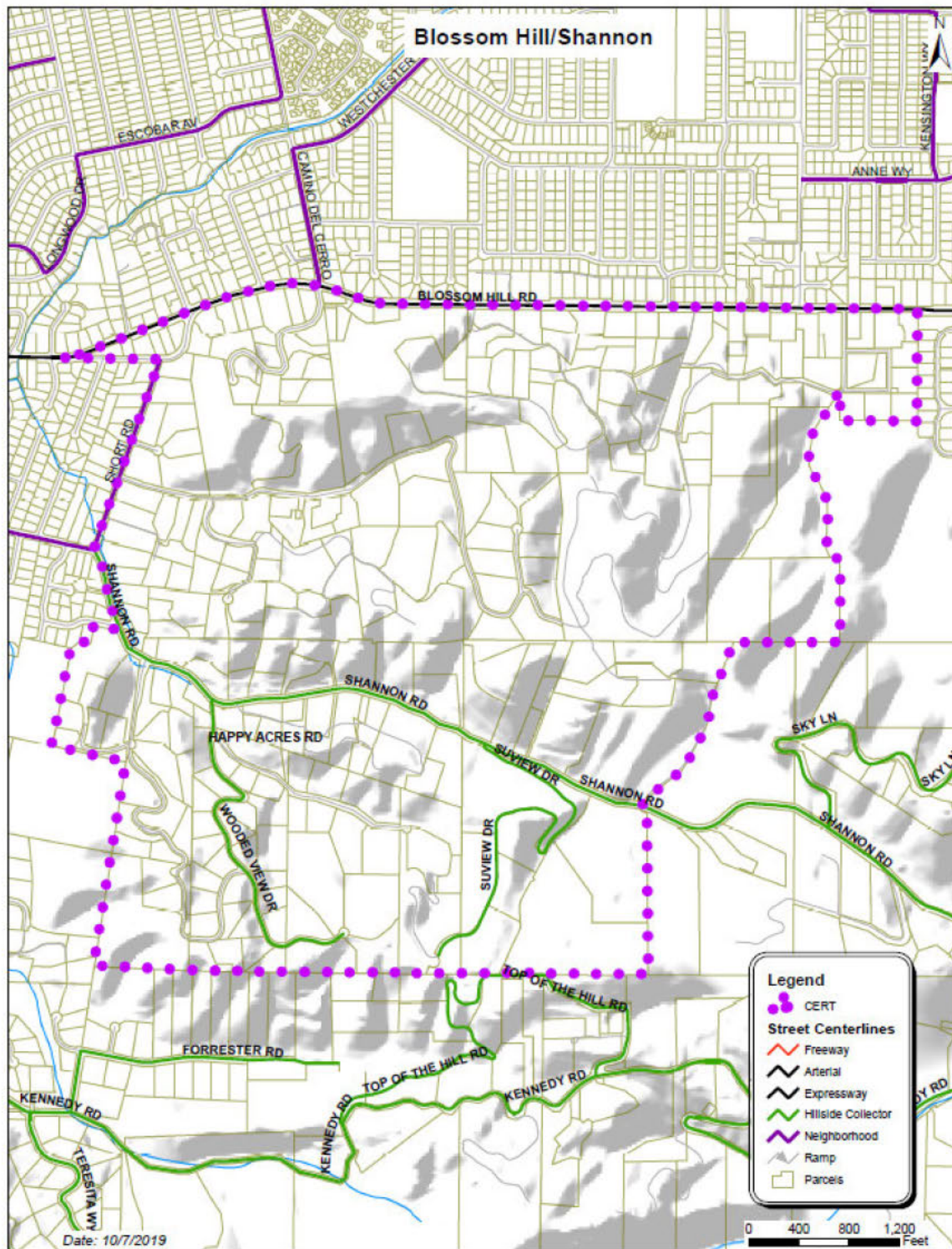
• Kennedy Road	• Top Of The Hill Road
• Forrester Road	

Temporary Refuge Areas: The following site locations could be considered as evacuation sites under extreme circumstances when sheltering-in-place and total evacuation are not options.

- None identified to date

Residence Density: 94 total residences, 0 within a ¼ mile of the boundary.

BLOSSOM HILL/SHANNON CERT ZONE MAP



BLOSSOM HILL/SHANNON CERT ZONE CHARACTERISTICS

Description:

The Blossom Hill/Shannon CERT Zone is a moderately populated residential zone comprised of rolling hills, vegetation and wooded areas. The topography consists of flat valley floor area along the northern and western portions of the zone with increasing upward slopes as you move south through the zone. The existing roadway network is comprised primarily of one-way in and one-way out ingress/egress options except for Shannon Road which traverses the southern portion of the zone.

Special Concerns:

High concentration of one-way in and one-way out egress options. Some of the same routes that allow access to the area for responders are the same routes that could be needed for evacuation. In addition, many routes in the area are susceptible to closure due to the potential impact of fire in the area and the encroachment of vegetation into the area.

Critical Sites: The following critical sites are located in this zone:

- None identified to date

Hillside and Neighborhood Collectors:

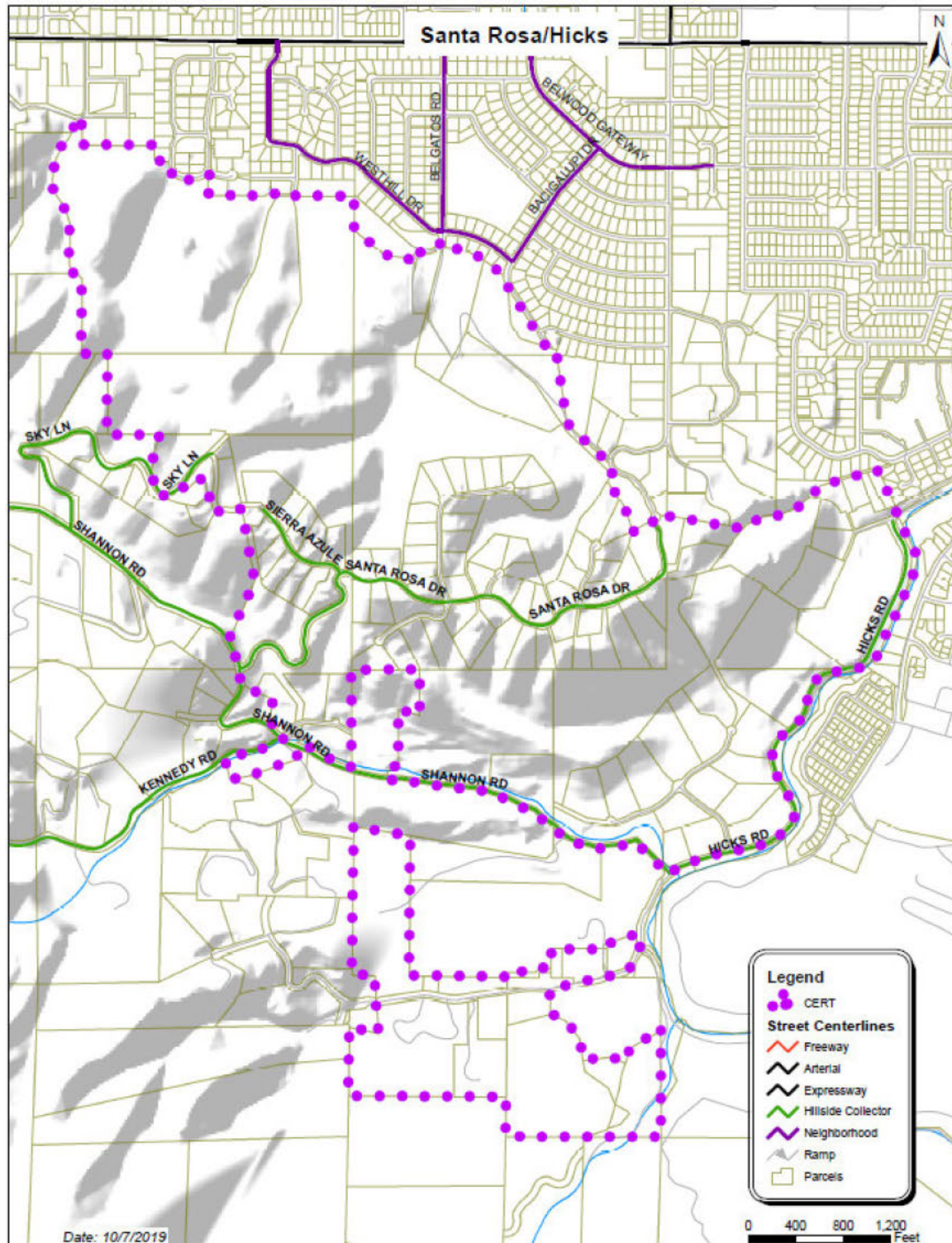
• Shannon Road	• Suview Drive
• Happy Acres Road	• Short Road
• Wooded View Drive	• Blossom Hill Road

Temporary Refuge Areas: The following site locations could be considered as evacuation sites under extreme circumstances when sheltering-in-place and total evacuation are not options.

- None identified to date

Residence Density: 309 total residences, 102 within a ¼ mile of the boundary.

SANTA ROSA/HICKS CERT ZONE



SANTA ROSA/HICKS CERT ZONE CHARACTERISTICS

Description:

The Santa Rosa/Hicks CERT Zone is a sparsely populated residential neighborhood dominated by the Santa Rosa Drive ridgetop community. The topography consists of rolling hills, vegetation and heavily wooded areas. The existing roadway network is comprised primarily of one-way in and one-way out ingress/egress options except for Shannon Road which traverses the southern portion of the zone and Hicks Road which borders the eastern portion.

Special Concerns:

High concentration of one-way in and one-way out egress options. Some of the same routes that allow access to the area for responders are the same routes that could be needed for evacuation. In addition, many routes in the area are susceptible to closure due to the potential impact of fire in the area and the encroachment of vegetation into the area.

Critical Sites: The following critical sites are located in this zone:

- 175 Sierra Azule Drive – water tank
- 118 Harwood Court – water tank
- 16845 Hicks Road – Venture Christian Church
- water tanks Belgatos Park

Hillside and Neighborhood Collectors:

• Sierra Azule Drive	• Hicks Road
• Santa Rosa Drive	• Shannon Road
• Sky Lane	•

Temporary Refuge Areas: The following site locations could be considered as evacuation sites under extreme circumstances when sheltering-in-place and total evacuation are not options.

- None identified at this time

Residence Density: 155 total residences, 33 within a ¼ mile of the boundary.

From: [REDACTED]
Sent: Monday, June 20, 2022 10:03 AM
To: Rob Rennie <RRennie@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Shelley Neis <sneis@losgatosca.gov>
Cc: [REDACTED] Rick Van Hoesen [REDACTED] [REDACTED]; Lee Fagot [REDACTED]; Laurel Prevetti <LPrevetti@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Catherine Somers [REDACTED]; 'Jim Foley' [REDACTED]
Subject: Agenda Item #1 - Special Town Council Meeting June 20, 2022

EXTERNAL SENDER

Dear Honorable Mayor and Town Council Members,

The Staff report (which is 1,278 pages) for the upcoming Town Council meeting contains a tremendous amount of documentation as the Town Council begins to deliberate the draft 2040 General Plan and FEIR. However, there are two documents that were not included that are critical to understanding how the current draft of the Land Use Element came to be.

I have attached the two documents for the Council's review and to provide complete transparency. The two documents are : 1) minutes from the Town Council Meeting of November 17, 2020, where the Council provided direction on the Draft Land Use and Community Design Elements, and 2) minutes from the GPAC Meeting of November 19, 2020, where the GPAC formally acted on the direction provided by the Town Council.

Town Council Meeting of November 17, 2020

At this meeting, agenda item #7 was devoted to the Town Council providing direction to the GPAC as they discussed the Land Use Element and the Community Design Element. This agenda item came about at the request of the GPAC, since they sought additional direction on drafting these two critical elements of the 2040 General Plan. The minutes speak for themselves.

What needs to be emphasized is the Town Council gave clear feedback on the following points:

- If the Town can plan for the number of housing units required by RHNA **without increasing the allowed density in Low Density Residential areas**, that would be preferred.
- If the Town can plan for the number of housing units required by RHNA **without changing the downtown/central business district**, that would be preferred.
- The General Plan should include **policies that support low, very low and extremely low-income housing**, possible through increased minimum densities or smaller units
- The General Plan should encourage production of Missing Middle housing, **especially when it can provide housing for middle- and lower-income households**. (Note: For a family of 4 these income levels range from \$84,250 to \$168,500. See attached State Income limits)
- Production of Missing Middle housing **should be focused in areas that are within walking distance to commercial uses**, such as the Opportunity Areas/Community Place Districts.

The minutes further reflect these were individual comments and there was no resolution or formal action taken since the agenda item limited the Council to only a discussion and providing feedback.

GPAC Meeting of November 19, 2020

After the Town Council meeting of November 17, the GPAC held a working session on November 19 to review and discuss the initial drafts of the Land Use Element and Community Design Element and to discuss the direction provided by the Town Council. It is important to point out that the GPAC meeting had a quorum of 8 members present, with 3 members absent, out of the 11-person committee.

Again, the minutes of the meeting speak for themselves. At the meeting, the Committee Chair called for a formal vote of the GPAC on the following question – **Does the Committee agree with the statement, “if the Town can plan for the number of housing units required by RHNA without increasing the allowed density in Low Density Residential areas, that would be preferred”.**

A “yes” vote would result in a Land Use Element that would not increase the allowed density in Low Density Residential Areas and a “no” vote would result in the allowed density in the Low-Density Residential Area being increased from 1 – 5 DU per acre to 1 – 12 DU per acre.

A vote of the 8 members present resulted in 3 “yes” votes, 4 “no” votes and 1 abstention. The 4 “no” votes resulted in an increase in density in Low Density Residential areas and the draft of the Land Use Element was unchanged. To be clear only 4 people out of a committee of 11 voted for this question, which is less than a majority of the Committee. It should also be pointed out that the Vice Mayor Barbara Spector, who attended the November 17 Council meeting voted “yes”, supporting the Council’s guidance given two days earlier. How this vote was allowed to stand is a complete mystery since a majority of the GPAC did not vote “no”. Such an important vote should never have been taken without the full committee being present and furthermore it is questionable whether the committee had the authority to disregard the clear direction of the Council on such a consequential issue and draft the Land Use Element based on the views of 4 committee members, 2 of whom were also current members of the Planning Commission.

As a result, the GPAC rejected the guidance the Town Council had just provided and went on their own path. Worse, based on the vote of only 4 people, the current draft of the land use element still reflects a massive up zoning of 1,891 acres of low-density residential land which is not required to meet the 6th cycle RHNA allocation. Only now, over 18 months later, is this issue finally back in front of the Town Council for discussion. The LGCA believes the GPAC overstepped their authority and have drafted and approved a Land Use Element that does not reflect the Council’s feedback, nor is it supported by a majority of the residents of the Town and would urge the Council to restore the low-density residential land use to the current 1-5 DU per acre.

Analysis of Land Use Changes required to meet the 6th Cycle RHNA allocation

The Staff report has a schedule that reflects one “potential housing” build- out scenario out of an infinite number of possible outcomes. Based on one set of assumed redevelopment percentages (there are an infinite number of potential housing build-out percentages for each land use) and the proposed new density standards for the land uses, the analysis indicates that a total of 3,280 units could **potentially** be developed over the next 20 years.

To place too much precision on the accuracy of one potential outcome of 3,280 units would be an error. **The Town cannot control what gets developed, but the Town absolutely does control what is legally allowed to be built and the land uses through zoning laws.** Based on staff data and using the adjusted land use densities proposed by the Planning Commission, the LGCA has computed the increased densities will allow a maximum development of approximately 12,000 units. This amount of development was not evaluated by the EIR and reflects an almost doubling of the number of housing units that currently exist today.

The Staff report also states that the Town must adequately plan for the potential development of 2,292 units over the next 8 years to comply with the 6th cycle RHNA allocation. **This raises the obvious question, assuming no changes in the existing land use densities, how many of the 2,292 units could potentially be developed based on the 2020 General Plan?**

Here is how we have calculated the answer:

Units required by 6 th cycle RHNA	2,292
Less:	
ADU’s developed over next 8 years	200
Eligible Pipeline Projects from HE Site inventory	202
Remaining balance RHNA	1,890
Units available for development under existing GP	1,013
“Gap units”	877

This analysis shows the Town only needs to identify land sites that can be properly zoned to accommodate 877 additional units. The critical data element in this calculation is the available development capacity based on current zoning and the 2020 General Plan. The 1,013 units was reported in a September 16, 2021, staff report to the Town Council. We have attached the schedule (3904-unit land use) for the reader’s review.

Since the Town also has the requirement to plan development of units for very low- and low-income levels, the Town would zone these sites at a density of at least 30 DU per acre (the new default density) to allow the units to count against the 847 very low and low-income units RHNA allocation. **At 30 DU per**

acre density, the Town would need to increase the density on approximately only 37 acres after taking into consideration most likely achievable building density.

Instead, the 2040 General Plan up zones all residential land use Town wide, totaling over 2,465 acres, by doubling the allowable density for low, medium, and high-density residential land uses. **Clearly it makes no sense to up zone 2,465 acres of residential land if only approximately 37 acres need to be properly zoned to meet the 6th cycle RHNA allocation.**

Relationship between the 6th cycle RHNA allocation of 2,292 and the Proposed Potential Development Scenario of 2,305 units

The Staff report also discusses the relationship of the 6th cycle RHNA allocation of 2,292 (1,993 plus a 15% buffer) to one possible potential build out scenario of 2,305 units. This is done by starting with 2,305 units from the development scenario, and then adding units associated with the production of ADU's over the next 8 years, approved allowable development projects in the pipeline and units potentially developed in Hillside Residential.

Here is the analysis comparing the 6th cycle RHNA allocation to an 8-year development cycle for ADU's and eligible pipeline projects:

Housing units potential development	2,305
Plus:	
ADU's built over 8 years	200
Eligible Pipeline projects	202
Hillside Residential	116
Total Units adjusted for ADU and Pipeline	2,823
Less:	
6 th Cycle RHNA and buffer	2,292
Excess units available	531

The Staff report also states in appendix 8, if the low-density housing designation reverted back to the existing 2020 General Plan level, 279 units would be deducted from the excess units. If this was done, there would be 252 excess units available (or an additional 12% buffer over RHNA) for potential development during the 8-year cycle.

Since the original direction provided by the Town Council was, "If the Town can plan for the number of housing units required by RHNA without increasing the allowed density in Low Density Residential areas, that would be preferred" we urge the Council to keep the land use density for Low Density Residential

land use at the existing 2020 General Plan level. There is simply no reason to up zone 1,891 acres of Low-Density Residential Land Use if it is not required, coupled with the fact that SB 9 provides additional development capacity for Low Density Residential land use that has not been included in any of the above analysis.

Relationship of 6th cycle RHNA allocation of 2,292 units to market demand for housing over the next 20 years

The last point we would like to address concerns the mistaken argument we have heard a number of Planning Commissioners and Members of the Town Council make regarding the need to plan for multiple RHNA Allocation cycles beyond the 6th cycle allocation. This argument has been used to justify up zoning all residential land uses Town wide in an effort to massively increase the maximum allowable development potential under new land use rules. As stated above, based on the latest data provided by Staff, the LGCA computes this maximum development potential to be approximately 12,000 units.

The Town published in the Land Use Alternative report two independent forecasts of the **likely market demand for housing in Los Gatos between 2020 and 2040**. The first forecast prepared by the State's Department of Finance projected 1,529 units and the second forecast prepared by the Town's Consultants (ADE) projected 1,954. The Land Use Alternative Report concluded "we project an increase of 4,446 people and 1,954 housing units between 2020 and 2040".

Based on this, the GPAC provided guidance that the Town should develop land use alternatives that could provide space for future development around 2,000 residential units. Since the State is requiring the Town to have sufficient land zoned to allow for the potential development of 2,292 units, the State requirement trumps the market demand forecasts. **Therefore, the Town must plan for 2,292 units even though this level exceeds all independent market demand forecasts. The important point is that there is no legal requirement or any independent forecast that requires the Town to plan land use beyond the development potential of 2,292 units.**

We have heard a number of Planning Commissioners and Town Council members multiplying the 6th cycle RHNA allocation of 1,993 by 2 and stating that this would indicate that the Town must plan for the development potential of 3,904 units (see attached schedule) since the General Plan is for a 20- year cycle and the RHNA allocations are on an eight- year cycle.

This approach is fundamentally flawed first and foremost because there are no market demand studies that support this excessive level of growth and more importantly the RHNA allocation process was never intended to be a forecasting tool for future market demand. To prove the latter point, the 4th cycle (562 units) and 5th cycle RHNA (619 units) allocations totaled 1,181 units covering which covered a 16- year period. The 6th cycle allocation of 1,993 is almost 70% greater for only an 8 -year period. So why is this?

The answer is that the methodology to develop the 6th cycle RHNA allocation was built based on a state policy decision to accelerate housing production. Stated another way, the State is requiring local jurisdictions to properly zone enough residential land to allow for the development of housing that

normally would be developed over a 20- year period over an accelerated 8- year period. This was intentionally done to address the acute housing shortage that exists today and to address chronic over-crowding and improve vacancy rates to a healthier level.

Doubling the 6th cycle RHNA allocation as an indicator of future housing needs is deeply flawed and has no merit in planning for smart growth in the Town.

Conclusion

The Town Council has received another letter for our attorney's at Rutan and Tucker. The letter clearly outlines the LGCA concerns and proposes a number of very sensible solutions. We urge the Council to review the correspondence and embrace our recommendations. Given the limited time available during the public comment period at tonight's Special Council meeting, please accept this email and other correspondence from our attorney and other LGCA members as our public comment on agenda item #1. We will not be speaking during the meeting since our concerns and suggestions have been adequately conveyed in writing to the Town Council.

Thank you.

Phil Koen
Los Gatos Community Alliance.



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/01/2020

ITEM NO: 3

**Minutes of the Town Council Meeting
November 17, 2020**

The Town Council of the Town of Los Gatos conducted a regular meeting via Teleconference via COVID-19 Shelter in Place Guidelines on November 17, 2020, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:02 P.M.

ROLL CALL

Present: Mayor Marcia Jensen, Vice Mayor Barbara Spector, Council Member Rob Rennie, Council Member Marico Sayoc. (All participating remotely).

Absent: None

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

The Town Council appointed applicants for the vacant positions on Town Boards, Commissions, and Committees.

- **Arts and Culture Commission**
 - Richard Capatoso was not appointed.
 - Jeffrey Janoff was not appointed.
 - Michael Miller was appointed to a 3-year term.
 - Pamela Murphy was appointed to a 2-year term.
 - Heidi Owens was not appointed.
 - Ellis Weeker was re-appointed for a 3-year term.
- **Building Board of Appeals**
 - Charles Holcomb was appointed to a 4-year term.
- **Community Health and Senior Services Commission**
 - Richard Konrad was appointed to a 3-year term.
- **Complete Streets and Transportation Committee**
 - Doug Brent withdrew his application and did not interview.
 - Bill Ehlers was re-appointed to a 3-year term.
 - Cheryl Ryan did not interview and was not appointed.
 - Gillian Verga was re-appointed to a 3-year term.

Appointments - continued

- **General Plan Committee**
 - Gerard Abraham was not appointed.
 - Joseph Mannina was appointed to a 4-year term.
 - Heidi Owens was not appointed.
 - Steve Piasecki was appointed to a 3-year term.
- **Historic Preservation Committee**
 - Barry Cheskin was appointed to a 4-year term.
 - Timothy Lundell was appointed to a 2-year term.
 - Jeffrey Siegel was not appointed.
- **Library Board**
 - Susan Buxton was appointed to a 2-year term.
 - Richard Capatoso was appointed to a 3-year term.
 - Sabiha Chunawala was re-appointed to a 3-year term.
 - David Read did not interview and was not appointed.
 - Cheryl Ryan did not interview and was not appointed.
- **Parks Commission**
 - Adriana Alves was appointed for a 2-year term.
 - Richard Capatoso was not appointed.
 - Alicia Shah did not interview and was not appointed.
- **Personnel Board**
 - Steven Bakota was appointed to a 5-year term.
- **Planning Commission**
 - Gerard Abraham was not appointed.
 - Kathryn Janoff was re-appointed to a 4-year term.
 - Anil Patel was not appointed.
 - Jeffrey Siegel was not appointed.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Rennie stated he attended Valley Transportation Authority (VTA) Governance and Audit Committee and Board meetings, Silicon Valley Clean Energy Authority (SVCEA) Board and Risk Oversight Committee meetings, Emergency Operating Area Council meeting, and the Santa Clara County Cities Association Selection Committee meeting with Council Member Sayoc.

Council Matters - continued

- Vice Mayor Spector stated she attended the West Valley Clean Water Authority (WVCWA) Board meeting, West Valley Solid Waste Authority (WVSW) Board meeting, and two meetings of the Town's Wildfire Ad Hoc Committee.
- Council Member Sayoc stated she attended the Santa Clara County Cities Association Selection Committee with Council Member Rennie and the League of California Cities (LOCC) meeting.
- Mayor Jensen stated she attended the two meetings of the Town's Wildfire Ad Hoc Committee, General Plan Advisory Committee (GPAC) meetings, and a VTA Policy Advisory Committee meeting.

Manager Matters

- Announced free COVID-19 testing will be held on Monday November 30, 2020 at the Adult Recreation Center. Walk-ins welcome and appointments are strongly encouraged.
- Announced that the tree in Plaza Park will be lit after Thanksgiving and that the Town is installing the Chamber's light exhibits for the holidays. No tree lighting ceremony will be held due to COVID-19.

CLOSED SESSION REPORT

- Robert Shultz, Town Attorney, stated Council met in closed session as duly noted on the agenda and that there is no reportable action.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve Draft Minutes of the November 3, 2020 Town Council Meeting.
2. Receive the First Quarter Investment Report (July through September 2020) for Fiscal Year 2020/21.)
3. Authorize the Town Manager to execute a First Amendment Agreement for Consultant Services with Walter Levison for Arborist services.
4. Authorize the Town Manager to Execute Agreements for Environmental Consultant Services with EMC Planning Group, Inc. and Raney Planning and Management, Inc.
5. Authorize the Town Manager to Execute an Agreement with Hello Housing for Administration of the Town's Below Market Price Affordable Housing Program.

Item #3 was pulled by David Weissman.

MOTION: Motion by Council Member Sayoc to approve Consent Items 1, 2, 4, and 5.
Seconded by Council Member Rennie.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Alex Hult

- Thanked the Town for responding to COVID-19 with the parklet program; commented in support of prioritizing the local business community through the winter months.

Jeff Suzuki

- Commented in support of independent Police oversight, a hiring freeze of sworn officers and a freeze of additional discretionary spending of the Police Department.

Ali Miano

- Commented in support of independent Police oversight, a hiring freeze of sworn officers, a freeze of additional discretionary spending of the Police Department, and additional public transportation to the Town including Bay Area Rapid Transit (BART).

Lynel Gardner

- Read correspondence from Barak Obama, commented in support of a hiring freeze of sworn officers and a freeze of additional discretionary spending of the Police Department.

Russ

- Commented in support of BART and diversity within the Town.

Catherine Somers

- Thanked the Town for responding to COVID-19 with the parklet program and suggested the Town consider the formation of a task force to continue to address COVID-19 concerns.

Matt Hemis

- Inquired what the next steps are for Police reform; commented in support of independent oversight, a hiring freeze of sworn officers, and a freeze of additional discretionary spending of the Police Department; and requested the Town consider utilizing Police Department funding to train Officers in de-escalation techniques.

Alicia Spargo (Cinema Stereo)

- Commented in support of independent oversight, a hiring freeze of sworn officers, and a freeze of additional discretionary spending of the Police Department; and requested the Town consider utilizing Police Department funding to train Officers in de-escalation techniques and that the Town consider additional avenues to assist the business community during the winter months.

Kareem Syed

- Commented in support of additional oversight of Police funds, community engagement Officers, and a task force to continue to address COVID-19 concerns.
-

OTHER BUSINESS

3. Authorize the Town Manager to execute a First Amendment Agreement for Consultant Services with Walter Levison for Arborist services.

Joel Paulson, Community Development Director, presented the staff report.

Opened public comment.

David Weissman

- Commented in opposition of the first amendment agreement, unless staff revises the consulting arborists report guidelines with uniform standards.

Closed public comment.

Council discussed the item.

MOTION: Motion by Mayor Jensen to authorize the Town Manager to execute a first amendment agreement for consultant services with Walter Levison for arborist services for arborist services as contained in Attachment 1 of the staff report.
Seconded by Council Member Rennie.

VOTE: Motion passed 3/1. Vice Mayor Spector voting no.

6. Adopt A Resolution Designating the Use of Vehicle Miles Traveled as the Metric for Conducting Transportation Analyses Pursuant to the California Environmental Quality Act and Establishing the Thresholds of Significance to Comply with California Senate Bill 743.
RESOLUTION 2020-045

Ying Smith, Transportation and Mobility Manager, presented the staff report with Dan Rubins, Consultant.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

Other Business Item #6 - continued

MOTION: Motion by Council Member Sayoc to adopt a resolution designating the use of vehicle miles traveled as the metric for conducting transportation analyses pursuant to the California Environmental Quality Act and establishing the thresholds of significance to comply with California Senate Bill 743 as contained in attachment 1, understanding future policies should be directed toward further VMT reductions.
Seconded by Vice Mayor Spector.

VOTE: Motion passed unanimously.

7. Provide Direction for the Land Use and Community Design Elements of the General Plan.

Jennifer Armer, Senior Planner, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item and provided individual comments not necessarily representing consensus on the following:

- The General Plan should encourage production of Missing Middle housing, especially when it can provide housing for middle and lower income households.
- The production of Missing Middle housing should be focused in areas that are within walking distance to commercial uses, such as the Opportunity Areas/Community Place Districts.
- The massing and design of Missing Middle housing should be compatible with existing neighborhoods.
- The General Plan should include policies that support low, very low, and extremely low income housing, possibly through increased minimum densities or smaller units.
- If the Town can plan for the number of housing units required by the Regional Housing Needs Allocation (RHNA) without increasing the allowed density in Low Density Residential areas, that would be preferred.
- If the Town can plan for the number of housing units required by RHNA without changing the downtown/central business district, that would be preferred.
- The Elements need to do a better job of telling the story of how the 2040 General Plan reflects the Preferred Alternative and the adopted vision. The existing charts and maps are not enough. What exhibits could tell this story so the reader can understand it at a glance?

PAGE 7 OF 7

SUBJECT: Minutes of the Town Council Meeting of November 17, 2020

DATE: November 24, 2020

Other Business Item #7 - continued

The Town Council did express consensus on two items:

- All references to the Los Gatos Boulevard Plan and other obsolete policies should be eliminated.
- The 2040 General Plan should be forward looking as Los Gatos implements policies and actions to reduce Vehicle Miles Travelled (VMT) and facilitates housing production for all income levels in the right places. In other words, the Council is not expecting the 2040 Plan to be the same as the 2020 Plan.

ADJOURNMENT

The meeting adjourned at 9:43 p.m.

Submitted by:

/s/ Jenna De Long, Deputy Clerk



**TOWN OF LOS GATOS
GENERAL PLAN UPDATE
ADVISORY COMMITTEE REPORT**

MEETING DATE: 01/07/2020

ITEM: 2

**DRAFT
MINUTES OF THE GENERAL PLAN UPDATE ADVISORY COMMITTEE
NOVEMBER 19, 2020**

The General Plan Update Advisory Committee of the Town of Los Gatos conducted a Regular Meeting on November 19, 2020, at 7:00 p.m., via teleconference.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic and was conducted via Zoom. All committee members and staff participated from remote locations and all voting was conducted via roll call vote. In accordance with Executive Order N-29-20, the public could only view the meeting online and not in the Council Chamber.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Kathryn Janoff, Vice Mayor Barbara Spector, Committee Member Kendra Burch, Committee Member Steven Piasecki, Committee Member Ryan Rosenberg, Committee Member Lee Quintana, and Committee Member Carol Elias Zolla.

Absent: Mayor Marcia Jensen, Committee Member Susan Moore Brown, Committee Member Todd Jarvis.

Staff present: Jennifer Armer, Joel Paulson, Laurel Prevetti, Sally Zarnowitz, and Lynne Lampros.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

None.

DISCUSSION ITEMS

1. Working Session to Review and Discuss Additional Information Regarding the Initial Draft of the Land Use Element and the Initial Draft of the Community Design Element.

Jennifer Armer, Senior Planner, presented the staff report.

Open Public Comment.

Don Capobres

- Commercial developer, currently working on the North 40 project. Commented that phase 2 focuses on commercial, but are now looking at the possibility of using the PD option to do more housing. **Viability of financing certain types of buildings, more density does not necessarily make a building more viable. Suggested getting an economic consultant to advise on the viability.** Having to build parking makes it difficult to make it work (surface parking is cheaper to build). Rowhouse and townhouse are the appealing product type right now because they don't require separate parking, until you get to a 20-story building.

Brian Toy

- Comment that he has concern about the lack of open space in North 40, it was good when it was orchards. Values open space and downtown.

Catherine Somers

- Commented that Don Capobres is a very knowledgeable developer, so the fact that he doesn't know about Missing Middle housing, means we need to really look into how it can be used in the General Plan. Commented that we don't have good stepdown housing for seniors to live in before they go to assisted living.

Closed Public Comment.

Committee further discussed the matter and provided the following comments and direction:

- The downtown was included in the preferred land use alternative, but based on the Town Council comments, we should confirm that it should still include increases in density and floor area.
- The General Plan should ensure that the character of the downtown is protected.
- Increased density in all areas should be compatible with existing neighborhoods.
- Don't increase the density in low density residential areas.
- Changes in density can be done with current design review guidelines and processes to ensure compatibility.
- Not concerned about changes to downtown, and additional housing downtown could be a good thing.
- Housing should be allowed over office, so we need to add maximum density to the Office Professional designation and calculate how many additional units that might produce.
- Housing over service commercial isn't a good idea.

- Need to be open to duplexes or even fourplexes on a typical 10,000 sq. ft. lot. To allow for 1,500 sq. ft. duplex. ADUs don't have to have parking, where the duplex would be required to have parking.
- Should add policies in support of low, very low, and extremely low income housing through rental housing.
- Consider only increasing low density residential densities within walking distance of commercial.
- Concerned about changing the rules only within ¼ mile of commercial, because it creates issues with the neighbors, and may not actually be walking distance because of street layout.
- Density in Office designation should be same as Mixed Use.
- Prevent residential-only development in Service Commercial.

Chair Hanssen asked the Committee to vote on whether they agree with the statement, "If the Town can plan for the number of housing units required by RHNA without increasing the allowed density in Low Density Residential areas, that would be preferred." The majority voted against the statement, 3-4-1. Chair Hanssen, Vice Chair Janoff, Committee Member Burch, and Committee Member Zolla voting no, and Committee Member Quintana abstaining. As a result, the increased density in Low Density Residential designation will remain in the draft 2040 General Plan.

Chair Hanssen asked the Committee to vote on whether they agree with the statement, "The General Plan should include policies that support low, very low, and extremely low income housing, possibly through increased minimum densities or smaller units." The majority was in favor, if done through incentives like increased allowed density when affordable units are included, by a vote 6-2-0. Committee Member Quintana and Committee Member Zolla voting no. As a result, the revised initial draft of the Land Use Element will include policies as stated.

Committee Member Burch left the meeting and was unable to participate in the remaining votes due to connection issues.

Chair Hanssen asked the Committee to vote on whether they agree with the statement, "If the Town can plan for the number of housing units required by RHNA without changing the downtown/central business district, that would be preferred." The majority was against, by a vote 1-5-1. Chair Hanssen, Vice Chair Janoff, Committee Member Piasecki, Committee Member Quintana, and Committee Member Zolla voting no, and Committee Member Rosenberg abstaining. As a result, the increased density and floor area ratio in the Central Business District designation will remain in the draft 2040 General Plan.

Chair Hanssen asked the Committee to vote on whether they agree that residential should be allowed over office uses in the Office Professional designation. This item

passed unanimously. As a result, a maximum density of 30-40 dwelling units per acre, to match the Mixed-Use designation will be added to the development standards for the Office Professional designation.

Chair Hanssen asked the Committee to vote on whether they agree that residential should be allowed over service commercial uses, with controls. **The majority was in favor, 6-0-1 with Committee Member Zolla abstaining. As a result, the Service Commercial designation will allow residential in mixed use development, with certain restrictions to protect service commercial uses.**

The next GPAC meeting will be on Thursday, December 3, 2020.

ADJOURNMENT

The meeting adjourned at 9:32 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the November 19, 2020 meeting as approved by the General Plan Update Advisory Committee.

Joel Paulson, Director of Community Development

DISCUSSION (continued):

Land Use Designation	Density Range (du/ac)		Typical Density (du/ac)		Assumed Redevelopment (Redev)	Existing General Plan		Draft General Plan	
	Existing General Plan	Draft General Plan	Existing General Plan	Draft General Plan		New Housing (Vacant Land)	New Housing (Redev)	New Housing (Vacant Land)	New Housing (Redev)
Hillside Residential	0 to 1	0 to 1	1	1	0%	116	-	166	-
Low Density Residential	0 to 5	1 to 12	4	12	5%	75	13	283	84
Medium Density Residential	5 to 12	14 to 24	10	20	10%	107	133	224	343
High Density Residential	12 to 20	30 to 40	18	36	15%	53	111	110	268
Neighborhood Commercial	10 to 20	10 to 20	16	18	10%	11	39	26	91
Community Commercial	0	20 to 30	0	26	15%	-	-	-	156
Mixed-Use	10 to 20	30 to 40	16	36	20%	55	242	126	605
Central Business District	10 to 20	20 to 30	16	26	15%	12	46	21	113
Office Professional	0	30 to 40	0	36	15%	-	-	4	255
Service Commercial	0	20 to 30	0	26	15%	-	-	10	44
Subtotal						429	584	970	1,959
Housing Units, New and Redeveloped							1,013		2,929
Housing Units, ADUs							500		500
Subtotal							1,513		3,429
Housing Units, Existing Projects							475		475
TOTAL							1,988		3,904

DISCUSSION (continued):

On Monday, May 2, 2022, the Planning Commission completed its 14 and a half hours of deliberations on the Draft 2040 General Plan and Final EIR with a unanimous recommendation to the Town Council to adopt the Draft 2040 General Plan with modifications and certify the Final EIR. The bulk of the Planning Commission's discussion was spent working towards a consensus on housing numbers. An informational memorandum (Attachment 20) was prepared, provided to the Town Council, and posted online in May that summarized the Commission's recommendations. Attachment 7 is a full description of the modifications recommended by Planning Commission, without the references to Planning Commission's Exhibit 7 that were part of the original motions, and with suggested wording for the new definitions that Planning Commission recommended be included.

C. 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.logatos2040.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

DISCUSSION (continued):

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. 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.

The Town Council has full discretion to modify the Draft 2040 General Plan, including and not limited to its goals, policies, implementation programs, and housing numbers. If the Council wishes to reduce the housing capacity of the Draft 2040 General Plan further, please refer to Attachment 8 page 6 which details additional reduction options.

PUBLIC COMMENT:

Written comments received since the completion of the work by the GPAC are included as attachments to this report, as described here:

- Written comments received between 11:01 a.m., Thursday, May 6, 2021, and 11:00 a.m., Monday, September 20, 2021, were provided with the written staff report materials for the September 20, 2021 Town Council and Planning Commission Joint Study Session, and are provided again here as Attachment 8, Exhibit 9.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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May 13, 2022

MEMORANDUM FOR: Interested parties

FROM: Megan Kirkeby, Deputy Director
Division of Housing Policy Development

SUBJECT: State Income Limits for 2022

Attached are briefing materials and Revised State Income Limits for 2022 that are now in effect, replacing the previous 2021 State Income Limits. Income limits reflect updated median income and household income levels for acutely low -, extremely low-, very low-, low-, and moderate-income households for California's 58 counties. The 2022 State Income Limits are on the Department of Housing and Community Development (HCD) website at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.

State Income Limits apply to designated programs, are used to determine applicant eligibility (based on the level of household income), and may be used to calculate affordable housing costs for applicable housing assistance programs. Use of State Income Limits are subject to a particular program's definition of income, family, family size, effective dates, and other factors. In addition, definitions applicable to income categories, criteria, and geographic areas sometimes differ depending on the funding source and program, resulting in some programs using other income limits.

The attached briefing materials detail California's 2022 Income Limits and were updated based on: (1) changes to income limits the U.S. Department of Housing and Urban Development (HUD) released on April 19, 2022, for its Public Housing, Section 8, Section 202 and Section 811 programs and (2) adjustments HCD made based on State statutory provisions and its 2013 Hold Harmless (HH) Policy. Since 2013, HCD's HH Policy has held State Income Limits harmless from any decreases in household income limits and median income levels that HUD may apply to the Public Housing and Section 8 Income Limits. HUD determined its HH Policy was no longer necessary due to federal law changes in 2008 (Public Law 110-98) prohibiting rent decreases in federal or private activity bond funded projects.

For questions concerning State Income Limits, please see the Questions and Answers on page 5. You can also contact HCD staff at (916) 263-2911.

2022 State Income Limits Briefing Materials

California Code of Regulations, Title 25, Section 6932

Overview

The Department of Housing and Community Development (HCD), pursuant to Health & Safety Code Section 50093(c), must file updates to its State Income Limits with the Office of Administrative Law. HCD annually updates these income limits based on U.S. Department of Housing and Urban Development (HUD) revisions to the Public Housing and Section 8 Income Limits that HUD most recently released on April 19, 2022.

HUD annually updates its Public Housing and Section 8 Income Limits to reflect changes in median family income levels for different size households and income limits for extremely low-, very low-, and low-income households. HCD, pursuant to statutory provisions, makes the following additional revisions: (1) if necessary, increase a county's area median income to equal California's non-metropolitan median income, (2) adjusts area median income and household income category levels to not result in any decrease for any year after 2009 pursuant to HCD's February 2013 Hold Harmless (HH) Policy (HCD's HH Policy was implemented to replace HUD's HH Policy, discontinued in 2009, to not decrease income limits and area median income levels below a prior year's highest level), and (3) determines income limits for California's acutely low-income and moderate-income category.

Following are brief summaries of technical methodologies used by HUD and HCD in updating income limits for different household income categories. For additional information, please refer to HUD's briefing materials at <https://www.huduser.gov/portal/datasets/il/il22/IncomeLimitsMethodology-FY22.pdf>

HUD Methodology

HUD Public Housing and Section 8 Income Limits begin with the production of median family incomes. HUD uses the Section 8 program's Fair Market Rent (FMR) area definitions in developing median incomes, which means developing median incomes for each metropolitan area, parts of some metropolitan areas, and each non-metropolitan county. The 2022 FMR area definitions for California are unchanged from last year. HUD calculates Income Limits for every FMR area with adjustments for family size and for areas with unusually high or low family income or housing-cost-to-income relationships.

Extremely Low-Income

In determining the extremely low-income limit, HUD uses the Federal Poverty Guidelines, published by the Department of Health and Human Services. The poverty guidelines are a simplified version of the federal poverty thresholds used for administrative purposes — for instance, determining financial eligibility for certain federal programs. HUD compares the appropriate poverty guideline with 60% of the very low-income limit and chooses the greater of the two as the extremely low-income limit. The value may not exceed the very low-income level.

Very Low-Income

The very low-income limits are the basis for the extremely low- and low-income limits. The very low-income limit typically reflects 50 percent of median family income (MFI), and HUD's MFI figure generally equals two times HUD's 4-person very low-income limit. However, HUD may adjust the very low-income limit for an area or county to account for conditions that warrant special considerations. As such, the very low-income limit may not always equal 50% MFI.

Low-Income

In general, most low-income limits represent the higher level of: (1) 80 percent of MFI or, (2) 80 percent of state non-metropolitan median family income. However, due to adjustments that HUD sometimes makes to the very low-income limit, strictly calculating low-income limits as 80 percent of MFI could produce unintended anomalies inconsistent with statutory intent (e.g., very low-income limits being

2022 State Income Limits Briefing Materials

California Code of Regulations, Title 25, Section 6932

higher than low-income limits). Therefore, HUD's briefing materials specify that, with some exceptions, the low-income limit reflect 160 percent of the very low-income limit. HUD may apply additional adjustments to areas with unusually high or low housing-costs-to-income relationships and for other reasons. This can result in low-income limits exceeding MFI in certain counties.

Median Family Income/Area Median Income

HUD references and estimates the MFI in calculating the income limits. California law and State Income Limits reference Area Median Income (AMI) that, pursuant to Health & Safety Code 50093(c), means the MFI of a geographic area, estimated by HUD for its Section 8 Program.

HUD's calculations of Income Limits begin with the production of MFI estimates. This year, MFI estimates use the 2019 American Community Survey. HUD then adjusts the survey data to account for anticipated income growth by applying the Consumer Price Index inflation forecast published by the Bureau of Labor Statistics through the fiscal year 2022. Previously, HUD has relied on inflation forecasts from the Congressional Budget Office (CBO) in updating ACS estimates. However, at the time of FY 2022 median family income calculation, CBO had not issued an updated CPI forecast suitable for use by HUD. The inflation factor, representing the cumulative change in the CPI from 2019 through February 2022, is approximately 1.1116. HUD uses the MFI to calculate very low-income limits, used as the basis to calculate income limits for other income categories. MFIs are calculated at the family level only, not the per person level as is done for income limits. The average family size is over 3, so, by convention, HUD equates the median family income for an area with a four-person family for the purposes of calculating income limits. For additional information, please see HUD's methodology describing 2022 MFI's at

<https://www.huduser.gov/portal/datasets/il/il22/Medians-Methodology-FY22.pdf>.

Adjustment Calculations

HUD may apply adjustments to areas with unusually high or low family income, uneven housing-cost-to-income relationship, or other reasons. For example, HUD applies an increase if the four-person very low-income limit would otherwise be less than the amount at which 35 percent of it equals 85 percent of the annualized two-bedroom Section 8 FMR (or 40th percentile rent in 50th percentile FMR areas). The purpose is to increase the income limit for areas where rental-housing costs are unusually high in relation to the median income.

In certain cases, HUD also applies an adjustment to the income limits based on the state non-metropolitan median family income level. In addition, HUD restricts adjustments, so income limits do not increase more than five percent of the previous year's very low-income figure OR twice the increase in the national MFI as measured from the 2018 to the 2019 American Community Survey, whichever is greater. For the 2022 income limits, the maximum increase is 11.89% from the previous year. This adjustment does not apply to the extremely low-income limits.

Please refer to HUD briefing materials for additional information on the adjustment calculations.

Income Limit Calculations for Household Sizes Other Than 4-Persons

The income limit statute requires adjustments for family size. The legislative history and conference committee report indicates that Congress intended that income limits should be higher for larger families and lower for smaller families. The same family size adjustments apply to all income limits, except extremely low-income limits, which are set at the poverty income threshold. They are as follows:

Number of Persons in Household:	1	2	3	4	5	6	7	8
Adjustments:	70%	80%	90%	Base	108%	116%	124%	132%

Income Limit Calculations for Household Sizes Greater Than 8-Persons

2022 State Income Limits Briefing Materials

California Code of Regulations, Title 25, Section 6932

For households of more than eight persons, refer to the formula at the end of the table for 2022 Income Limits. Due to the adjustments HUD can make to income limits in a given county, table data should be the only method used to determine program eligibility. Arithmetic calculations are applicable only when a household has more than eight members. Please refer to HUD's briefing material for additional information on family size adjustments.

HCD Methodology

State law (see, e.g., Health & Safety Code Section 50093) prescribes the methodology HCD uses to update the State Income Limits. HCD utilizes HUD's Public Housing and Section 8 Income Limits. HCD's methodology involves: (1) if necessary, increasing a county's median income established by HUD to equal California's non-metropolitan county median income determined by HUD, (2) applying HCD's HH Policy, in effect since 2013, to not allow decreases in area median income levels and household income category levels, (3) applying to the median income the same family size adjustments HUD applies to the income limits, and (4) determining income limit levels applicable to California's moderate-income households defined by law as household income not exceeding 120 percent of county area median income.

Area Median Income and Income Category Levels

HCD, pursuant to federal and State law, adjusts median income levels for all counties so they are not less than the non-metropolitan county median income established by HUD (\$80,300 for 2022). Next, HCD applies its HH policy to ensure area median income and income limits for all household income categories do not fall below any level achieved in the prior year. Health and Safety Code section 50093 requires HCD to adjust the AMI for family size in accordance with adjustment factors adopted by HUD and illustrated on the previous page. This establishes that the MFI published by HUD equals the four-person AMI for California counties.

Acutely low-Income Levels

Chapter 345, Statutes of 2021 (Assembly Bill 1043) established California's acutely low-income levels. See Health & Safety Code, § 50063.5. After calculating the 4-person area median income (AMI) level as previously described, HCD sets the maximum acutely low-income limit to equal 15 percent of the county's AMI, adjusted for family size.

Moderate-Income Levels

HCD is responsible for establishing California's moderate-income limit levels. After calculating the 4-person area median income (AMI) level as previously described, HCD sets the maximum moderate-income limit to equal 120 percent of the county's AMI, adjusted for family size.

Applicability of California's Official State Income Limits

Applicability of the State Income Limits are subject to particular programs as program definitions of factors such as income, family, and household size vary. Some programs, such as Multifamily Tax Subsidy Projects (MTSPs), use different income limits. For MTSPs, separate income limits apply per provisions of the Housing and Economic Recovery Act (HERA) of 2008 (Public Law 110-289). Income limits for MTSPs are used to determine qualification levels as well as set maximum rental rates for projects funded with tax credits authorized under Section 42 of the Internal Revenue Code (Code). In addition, MTSP income limits apply to projects financed with tax-exempt housing bonds issued to provide qualified residential rental development under Section 142 of the Code. These income limits are available at <http://www.huduser.org/datasets/mtsp.html>.

2022 State Income Limits Briefing Materials

California Code of Regulations, Title 25, Section 6932

Questions and Answers

In Los Angeles, as well as several other counties in the state, why does the very low-income limit not equal 50% of the AMI (or the low-income limit not equal 80% of the AMI)?

There are many exceptions to the arithmetic calculation of income limits. These include adjustments for high housing cost relative to income, the application of state nonmetropolitan income limits in low-income areas, and national maximums in high-income areas. **In Los Angeles County, as well as several others, the magnitude of these adjustments results in the low-income limit exceeding the AMI.** These exceptions are detailed in the FY 2022 Income Limits Methodology Document, <https://www.huduser.gov/portal/datasets/il/il22/IncomeLimitsMethodology-FY22.pdf>.

For further information on the exact adjustments made to an individual area of the country, please see HUD's FY 2022 Income Limits Documentation System. The documentation system is available at https://www.huduser.gov/portal/datasets/il.html#2022_query. Once the area in question is selected, a summary of the area's median income, Very Low-Income, Extremely Low-Income, and Low-Income Limits are displayed. Detailed calculations are obtained by selecting the relevant links.

Why don't the income limits for my area reflect recent gains?

Although HUD uses the most recent data available concerning local area incomes, there is still a lag between when the data are collected and when the data are available for use. For example, FY 2022 Income Limits are calculated using 2015-2019 5-year American Community Survey (ACS) data, and one-year 2019 data where possible. This is a three-year lag, so more current trends in median family income levels are not available.

How does HUD calculate Median Family Income (MFI)?

HUD estimates Median Family Income (MFI) annually for each metropolitan area and non-metropolitan county. The basis for HUD's median family incomes is data from the American Community Survey, table B19113 - MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS. A Consumer Price Index (CPI) forecast as published by the Bureau of Labor Statistics is used in the trend factor calculation to bring the 2018 ACS data forward to FY 2022.

For additional details concerning the use of the ACS in HUD's calculations of MFI, please see HUD's FY 2022 Median Family Income methodology document, at https://www.huduser.gov/portal/datasets/il.html#2022_data.

Additionally, full documentation of all calculations for Median Family Incomes are available in the FY 2022 Median Family Income and the FY 2022 Income Limits Documentation System. These systems are available at https://www.huduser.gov/portal/datasets/il.html#2022_query.

Why didn't the income limits for my county change from last year?

HCD's Hold Harmless Policy likely prevented the income limits from decreasing from last year's levels and has maintained them despite a decrease in median income and/or income limits published by HUD.

Why do the income limits or area median income for my county not match what was published by HUD?

HCD adjusts each county's area median income to at least equal the state non-metropolitan county median income, as published by HUD. Further, HCD's Hold Harmless Policy prevents any decrease in income limits or median family income published by HUD to be applied to State Income Limits.

Number of Persons in Household:	1	2	3	4	5	6	7	8
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Santa Clara County Area Median Income: \$168,500	Acutely Low	17700	20250	22750	25300	27300	29350	31350	33400
	Extremely Low	35400	40450	45500	50550	54600	58650	62700	66750
	Very Low Income	59000	67400	75850	84250	91000	97750	104500	111250
	Low Income	92250	105400	118600	131750	142300	152850	163400	173950
	Median Income	117950	134800	151650	168500	182000	195450	208950	222400
	Moderate Income	141550	161750	182000	202200	218400	234550	250750	266900

Santa Cruz County Area Median Income: \$119,300	Acutely Low	12550	14300	16100	17900	19350	20750	22200	23650
	Extremely Low	32700	37350	42000	46650	50400	54150	57850	61600
	Very Low Income	54450	62200	70000	77750	84000	90200	96450	102650
	Low Income	87350	99800	112300	124750	134750	144750	154700	164700
	Median Income	83500	95450	107350	119300	128850	138400	147950	157500
	Moderate Income	100200	114500	128850	143150	154600	166050	177500	188950

Shasta County Area Median Income: \$89,800	Acutely Low	9400	10750	12100	13450	14550	15600	16700	17750
	Extremely Low	16700	19050	23030	27750	32470	37190	41910	46630
	Very Low Income	27800	31800	35750	39700	42900	46100	49250	52450
	Low Income	44450	50800	57150	63500	68600	73700	78750	83850
	Median Income	62850	71850	80800	89800	97000	104150	111350	118550
	Moderate Income	75450	86200	97000	107750	116350	125000	133600	142250

Sierra County Area Median Income: \$90,000	Acutely Low	9450	10800	12150	13500	14600	15650	16750	17800
	Extremely Low	18900	21600	24300	27750	32470	37190	41910	46630
	Very Low Income	31500	36000	40500	45000	48600	52200	55800	59400
	Low Income	50400	57600	64800	72000	77800	83550	89300	95050
	Median Income	63000	72000	81000	90000	97200	104400	111600	118800
	Moderate Income	75600	86400	97200	108000	116650	125300	133900	142550

Siskiyou County Area Median Income: \$80,300	Acutely Low	8450	9650	10850	12050	13000	14000	14950	15900
	Extremely Low	16350	18700	23030	27750	32470	37190	41910	46630
	Very Low Income	27300	31200	35100	38950	42100	45200	48300	51450
	Low Income	43650	49850	56100	62300	67300	72300	77300	82250
	Median Income	56200	64250	72250	80300	86700	93150	99550	106000
	Moderate Income	67450	77100	86700	96350	104050	111750	119450	127200

Solano County Area Median Income: \$108,700	Acutely Low	11400	13050	14650	16300	17600	18900	20200	21500
	Extremely Low	22850	26100	29350	32600	35250	37850	41910	46630
	Very Low Income	38050	43450	48900	54300	58650	63000	67350	71700
	Low Income	60800	69450	78150	86800	93750	100700	107650	114600
	Median Income	76100	86950	97850	108700	117400	126100	134800	143500
	Moderate Income	91300	104350	117400	130450	140900	151300	161750	172200

Sonoma County Area Median Income: \$112,800	Acutely Low	11850	13500	15200	16900	18250	19600	20950	22300
	Extremely Low	25000	28550	32100	35650	38550	41400	44250	47100
	Very Low Income	41600	47550	53500	59400	64200	68950	73700	78450
	Low Income	66550	76050	85550	95050	102700	110300	117900	125500
	Median Income	78950	90250	101500	112800	121800	130850	139850	148900
	Moderate Income	94750	108300	121800	135350	146200	157000	167850	178650

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From: KENNETH ARENDT [REDACTED]
Sent: Monday, June 20, 2022 10:29 AM
To: Ken Arendt [REDACTED]; Pat Arendt [REDACTED]; Barry Bakken [REDACTED]; Candy Bakken [REDACTED]; Annemone Barnett [REDACTED]; Chris Bearden [REDACTED]; Jeanette Bearden [REDACTED]; Amy and Dave Bowser [REDACTED]; Rachel Brodie [REDACTED]; Brodie, Paul [REDACTED]; Hal Chase [REDACTED]; Karen Chase [REDACTED]; Gary and Heidie Collins [REDACTED]; Heidi Collins [REDACTED]; David Demaria [REDACTED]; dawn demaria [REDACTED]; Bob and Nancy Derham [REDACTED]; Jim Finkle [REDACTED]; Douglass G Heath [REDACTED]; Bill Highstreet [REDACTED]; Shirley Highstreet [REDACTED]; Brian Kaefer [REDACTED]; Kristen Kaefer [REDACTED]; Jenannie and Kayvan Kimyai [REDACTED]; Zlata Kovac [REDACTED]; Chris and Frank Lawrence [REDACTED]; lesliepennington [REDACTED]; Patricia Madison [REDACTED]; Arnold and Suzanne Moore [REDACTED]; Gary Neuner [REDACTED]; Gary & Rene NEUNER [REDACTED]; rene neuner [REDACTED]; Richard Neuschafer [REDACTED]; Kathryn Parkman [REDACTED]; Phil Parkman [REDACTED]; Brad and Leslie Pennington [REDACTED]; Tom Pulley [REDACTED]; Tom and Karen Pulley [REDACTED]; jim tatsukawa [REDACTED]; Hsiao-in Wang [REDACTED]; Romy Zeid [REDACTED]
Cc: Matthew Hudes <matthew@matthewhudes.com>; GP2040 <GP2040@losgatosca.gov>
Subject: Fwd: Council Will Vote Soon on Housing and General Plan

EXTERNAL SENDER

Hi all, please do take a minute or two to read this from Matt Hudes. What the TC will do tonight will have an impact on us all.

FYI, as best I can determine, this high density movement by the town manager, Provetti, exceeds her authority to establish policy for the town. And yet, there is no documentation that the TC has extended that authority to her. Nor has any action been taken, that I can determine, to correct that by the TC. We are in trouble.

Suggest you write to the TC to express your concerns.

Ken

----- Original Message -----

From: Matthew Hudes <matthew@matthewhudes.com>
To: Kenneth Arendt [REDACTED]
Date: 06/18/2022 2:23 PM
Subject: Council Will Vote Soon on Housing and General Plan

Hi Kenneth,

On Monday night at 7:00 PM the Los Gatos Town Council will consider the Draft 2040 General Plan which includes as many as 3,904 additional homes in Los Gatos. This is an opportunity, before a vote is taken, for your voice to be heard regarding **Housing, Neighborhood Character**, and the **Future of Our Town**.

Town Council

7:00 PM June 20, 2022

<https://losgatosca.gov.zoom.us/j/88004227157?pwd=ZG1pc3pscTZwZXdCWjc2SkM3b2Nzd0>

Passcode: 320795.

In April, the Planning Commission reviewed the Draft 2040 General Plan and made some recommendations to the Council. I have had many conversations with folks around Town, and I am summarizing three key areas and some questions that remain:

- 1. Should virtually every residential area in Town be "upzoned" into more dense neighborhoods?**
- 2. Will services and infrastructure keep pace with the safety and quality of life that our residents expect?**
- 3. How can we preserve the character of our community while guiding the Town into the future?**

As always, please feel free to reach out to me at matthew@matthewhudes.com and you can send your comments to the Town at gp2040@losgatosca.gov

Thanks for your engagement,

Matthew Hudes

Councilmember, Town of Los Gatos

Key questions:

1. Density on top of Density

Increased density is when additional homes are built in spaces previously zoned for fewer homes. The Draft 2040 General Plan and the Planning Commission Recommendation call for **increased density (also called "upzoning") in virtually every residential area in Los Gatos**. The State's **SB9** mandate also **allows for additional density** on top of the upzoning.

- Do we need that additional upzoned density? And can our town handle the associated **impacts of traffic, parking, water-use, and wildfire hazard**?
- Why should any properties be upzoned in **the Very High Fire Hazard Severity Zone**, some of which are on narrow roads with flammable vegetation?
- And what is the goal of this **transformation of Los Gatos neighborhoods**—will increased density result in **affordable housing** or just **many large luxury residences on small lots**?

2. Overall growth

As drafted, the 2040 General Plan, would allow Los Gatos to grow by at least 8,971 people or 28%, which is almost three times greater than the Town's growth rate in the last 20 years. Infrastructure and services will need to keep pace with growth in order **for safety and quality of life to be maintained**. Town-wide upzoning could result in even greater stress on our services and infrastructure, yet **the fiscal impact of this growth has not been analyzed** in the Draft 2040 General Plan.

- Why would Los Gatos plan for **nearly double the amount that the State is mandating** in its latest Regional Housing Needs Allocation (RHNA)? (California's and Santa Clara County's populations have decreased over the last several years.)

STATE MANDATE (RHNA)	DRAFT 2040 GENERAL PLAN	PLANNING COMMISSION RECOMMENDATION
	3,738+166 Hillside	3,280+116 Hillside
1,993	3,904	3,396
	95% over RHNA	70% over RHNA

- Should growth be **spread over a 20-year period such that services and infrastructure can keep pace**, or should **all growth be permitted on day-one of the 20 year plan**? (A 5-year review process has been proposed; however, recent State law (SB330) allows those reviews to **only increase density**, not to decrease density. In other words, should we “Grow as we Go” rather than front-load development?
- Surely SB9 will result in additional housing; however the 2040 General Plan projects zero new units. **Should SB9 housing be counted?**

3. Character

There should be growth, and **affordable housing must be included and encouraged** in our 2040 General Plan.

- How can we provide more housing wisely in order to **preserve the character of the community while guiding the Town into the future?**
- What are **our principles and values** that we can use as a guidepost to carefully select areas for increased development?

At this time, my thoughts are preliminary, and I am open to information provided at upcoming hearings. I will not express a final opinion until the Council votes on these matters. Any expression is by me as an individual, not by the Council.

Matthew Hudes for Town Council · CA 95030, United States

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