

Below is a summary of questions received at the September 20, 2021 Joint Study Session of the Town Council and Planning Commission, and the December 7, 2021 Study Session of the Town Council. Some questions have been reworded for clarity or combined to avoid repetition. Responses are provided below each in *italics*. This information is provided in addition to the written public comments and information from staff that have been published with past staff reports.

- How many Los Gatos residents engaged with the 2040 General Plan update process?

As detailed further in the April 13, 2022 Planning Commission Staff Report, the four-year 2040 General Plan update included extensive outreach and numerous engagement activities throughout process and while there is no count of the number of people or residents who have been engaged, 29,343 unique visitors to the Los Gatos General Update website since June 2021, and of the unique visitors, 92 percent originated in the United States.

- Is there a mid-level document that can highlight what has changed and the degree of impact from the Draft 2040 General Plan in a form that is more approachable than the giant document?

Newsletter #4 was prepared, posted online, and distributed at in-person events starting in June 2021. In addition, a series of one-page posts were created and distributed through the website and the Town's social media accounts as a "Breaking it Down" series to provide information that is more approachable.

- Can the definition of Missing Middle Housing be expanded, or modified to address affordability? Will the Housing Element include more specific guidelines for where affordable housing is developed?

As detailed further in the April 13, 2022 Planning Commission Staff Report, Town Council could consider a modified definition, and several examples are provided. Affordability levels for housing is addressed in the Housing Element, both for Missing Middle Housing and other housing development.

- How does Senate Bill (SB) 9 change the development numbers listed in the plan?

As detailed further in the April 13, 2022 Planning Commission Staff Report, housing units produced through the processes established under SB 9 will be counted to the extent possible in the Housing Element. However, because these are regulations that went into effect at the beginning of 2022, there is not enough of a record on which to develop projections for the number of housing units that will be developed through these new processes.

- How did the estimated number of housing units provided in the Preferred Land Use Alternative increase to the number shown in the Draft 2040 General Plan? And why did it not return for Town Council consideration after the changes were made?

As detailed further in the September 20, 2021 Town Council and Planning Commission Joint Study Session Staff Report (and shown below), the Preferred Land Use Framework was implemented in a Draft Land Use Element produced in the fall of 2020 and reviewed by both Town Council and the General Plan Update Advisory Committee (GPAC) in November 2020. Following that review the GPAC recommended additional changes, including the addition of additional housing units to the Office Professional and Service Commercial designations:

- *Land Use Alternative C in the Land Use Alternatives Report (available online here: <http://losgatos2040.com/documents.html>): **2,303** housing units including Accessory Dwelling Units (ADUs).*
- *GPAC Recommended Preferred Alternative: **2,464** housing units including ADUs and downtown.*
- *Town Council adopted Preferred Land Use Alternative Framework: **2,464** housing units including ADUs and downtown.*
- *Staff and the consultant developed an implementation of the Framework: **2,950** housing units. This approximately 400-unit increase is primarily a result of an increase in the assumed typical density for the Mixed-Use Designation (previously 26 dwelling units per acre, currently proposed 36 dwelling units per acre), and inclusion of a new Community Commercial land use designation so that Neighborhood Commercial designated shopping centers like Pollard and Harwood could remain at a lower height and density.*
- *GPAC added 313 housing units to Office Professional and Service Commercial: **3,263** housing units.*
- *With the 475 existing/previously approved projects included: **3,738** housing units as shown in the General Plan Buildout table in the Draft 2040 General Plan.*

The Planning Commission recommendation on the Draft 2040 General Plan includes reductions to several land use designations, including Office Professional and Service Commercial. The Town Council will make the final decision whether to make these or other modifications prior to approval of the 2040 General Plan.

- Could we keep the 0-5 dwelling units per acre density for high fire danger and historic areas, and then higher density in other areas?

Alternative densities could be considered, however this would likely require creation of a new land use designation. Most of the areas in Town that are in the high fire danger areas are already at a lower density because of their hillside residential designation, which is not proposed to be changed from the existing levels.

- How much of housing is near facilities (schools, freeways, etc) to reduce impacts on infrastructure?

As shown in the Draft 2040 General Plan Residential Building Table, and discussed in the Environmental Impact Report (EIR), the majority of the estimated housing units are within the Mixed-Use designation along Los Gatos Boulevard and other existing commercial districts which would be located near essential services.

- Is there a way to use the additional units in office to bring down the number of units elsewhere?

As detailed further in the April 13, 2022 Planning Commission Staff Report, there are numerous areas where the Draft 2040 General Plan could be modified to adjust the projected development including:

- *Revert Low Density Housing designation housing density back to the existing 2020 General Plan level: 279 units;*
- *Revert Medium Density Housing designation housing density back to the existing 2020 General Plan level: 327 units;*
- *Remove housing from Office and Service Commercial designations: 313 units;*
- *Revert properties in the new Community Commercial designation back to Neighborhood Commercial: 58 units;*
- *Reduce the allowed density in the Mixed-Use designation from 40 dwelling units per acre to 30 dwelling units per acre: 255 units;*
- *Reduce the allowed density in the High Density Residential designation from 40 dwelling units per acre to 30 dwelling units per acre: 111 units; or*
- *Revert properties in the new Central Business District designation back to housing density allowed in the existing 2020 General Plan: 76 units.*

- Why does the 2040 General Plan include more than the RHNA?

As detailed further in the April 13, 2022 Planning Commission Staff Report, a direct comparison between the Regional Housing Needs Allocation (RHNA) and the estimated residential buildout in the Draft 2040 General Plan can lead to confusion because of the following factors:

- *The General Plan Residential Buildout Table is an estimate based on a 20-year timeline;*
- *The General Plan Residential Buildout Table includes 475 residential units from existing projects, where most will have building permits issued prior to the start of the next Housing Element cycle, and therefore won't be counted toward the 1,993 unit requirement;*
- *The General Plan Residential Buildout Table includes 25 ADUs per year, which resulted in 500 units for the 20-year timeline, but only 200 over the eight-year RHNA cycle; and*

- *The Housing Element will likely need to include capacity for at least a 15 percent buffer, above the 1,993 housing units, for a total of 2,292 housing units, in order to be certified by the California Department of Housing and Community Development (HCD).*

When modified to accommodate some of these elements the difference between the required 1,993 housing units plus 15 percent buffer (2,292 dwelling units) and the portion of the development from the 20-year General Plan that might be developed within the 8-year Housing Element cycle (3,038 dwelling units) is 746 dwelling units. The reductions included in the recommendation from the May 2, 2022 Planning Commission motion reduces that difference to 288 dwelling units. Town Council can consider this recommendation and/or additional reductions in residential density.

- Why was the RHNA allocation not appealed?

As described further in the September 20, 2021 Joint Study Session Staff Report, many jurisdictions did appeal their RHNA allocations. The Town did not choose to file an appeal, and there was no indication from the public or Town Council during the appeal period that an appeal was desired. Appeals are nearly always unsuccessful absent unique extenuating circumstances. Appeals also often provide false hope to residents that there will be a significant reduction in their RHNA as evidenced by the SCAG and ABAG appeal processes.

- How does the plan ensure adequate water, electricity, sewer, schools, police, and fire protection capacity for the new development?

As detailed further in the EIR, the impacts of the projected development are not considered significant impacts under CEQA.

- Are we doing/could we do a fiscal analysis report to estimate fiscal impacts of the development?

As detailed further in the April 4, 2022 Town Council Staff Report, additional information was provided to Town Council about the possibility of conducting additional fiscal analysis. As a result of that meeting the Town Council voted to not conduct any additional analysis for the Draft 2040 General Plan update. Planning Commission recommendation includes a suggestion made by staff that an additional implementation program be included in the Draft 2040 General Plan to review fiscal impacts related to the Land Use Element every five years.

- Do we know if the RHNA numbers are going to continue to go up, when the California population is going down?

Additional information on recent California and Santa Clara County population numbers are included in the April 13, 2022 Planning Commission Staff Report. There is no current

information on what future RHNA requirements might be.

- Could the development allowed under the 2040 General Plan be divided into quarters?

As detailed further in the April 13, 2022 Planning Commission Staff Report, the Draft 2040 General Plan and HCD reporting requirements result in tracking of development numbers on an annual, five-year, and 10-year basis. While specific thresholds could be implemented they are not recommended.

- When it comes to supporting Vasona Light Rail, there is language “if/when”, what does that mean?

While there is a plan for Vasona Light Rail to be developed in the future, there is currently no funding for implementation, and so any policies related to that potential future light rail stop are contingent on the VTA to move forward with those plans.

- When will the Planning Commission and Town Council consider additional comments/changes that came in after the GPAC finished their work?

All written comments received by the Town were included in the staff report materials when the Draft 2040 General Plan and Final EIR were presented to the Planning Commission for their review and recommendation. All of those written comments, along with any received after 11:00 a.m., Monday, May 2, 2022, will be provided to Town Council with their staff report materials.

- Do other communities do General Plan and Housing Element updates simultaneously?

Because of the required eight-year update cycle for Housing Elements, and the standard 10- to 20-year cycle for General Plans they are not often updated simultaneously. However, it is not uncommon for a Housing Element update to include implementation programs that require certain specific updates to the existing General Plan in order to comply with housing number requirements.

- Why is the 2040 General Plan a 20-year plan?

As detailed further in the April 13, 2022 Planning Commission Staff Report, the development of the Draft 2040 General Plan was based on a 20-year timeframe as stated in the consultant contract, approved by Town Council in June, 2018. This is a common timeframe for a long range plan. However, the Draft 2040 General Plan also includes Land Use Implementation Program J which requires a 10-year review of the General Plan.

- How does the plan address community concerns about traffic?

As detailed further in the EIR, the impacts of the projected development are considered

significant and unavoidable impacts under CEQA. However, when a long-range plan includes development without transit to support that development, there are rarely feasible methods for reducing or mitigating those impacts. The EIR does describe that the proposed locations for increases in housing in commercial areas will reduce the per unit Vehicle Miles Traveled (VMT) below development under the current General Plan.

In addition, the Mobility Element of the General Plan has been completely reorganized to emphasize alternative modes of transportation, reduce VMT, and provide facilities so that residents have options other than single-occupancy vehicles.

- How does the plan address community concerns about wildfire?

The Hazards and Safety Element has been updated to enhance the Town's preparedness for wildfires and comply with State law. The California Department of Forestry has reviewed and recommended approval of the draft element.

- Why is the 2040 General Plan approved by Town Council, why not by voters?

Land use decisions are the purview of the Town Council, however, the Town Council appointed a committee of 12 residents (the GPAC) to direct the modifications to be made to the General Plan, and extensive outreach was a critical component of the update process.

- What is the status of the Town's creation of objective standards? Will it align with the adoption of the 2040 General Plan?

Planning Commission is scheduled to consider draft objective standards for mixed-use and multi-family development at their meeting on June 22, 2022.

- If housing is not income restricted can it still count toward the required RHNA number?

Yes, all housing produced will be reported to HCD, and the Housing Element projections will include unrestricted housing, including ADUs and Junior ADUs.

- What is the Housing Element update based on, since the 2040 General Plan not yet adopted?

As detailed further in information provided to the Housing Element Advisory Board (HEAB) and Town Council, the Housing Element analysis will start with the existing General Plan, but will consider what increases in residential density may be needed either through the adoption of the 2040 General Plan, or through implementation programs included in the Housing Element.

- What happens if HCD doesn't approve the Housing Element? Do we immediately go into a mode where infrastructure dollars are being withheld in the State takes over our process, or is there a period where we can remedy what we do?

The Town will have multiple opportunities to submit the draft Housing Element for review by HCD and respond to comments in order to develop a Housing Element that can be approved by HCD.

- Where does the 74,000 number from Community Alliance come from?

It appears that the development calculations included in the Los Gatos Community Alliance comment letters is based on a calculation of what could potentially be built if all land in Los Gatos were vacant and were developed to its maximum possible capacity. This is not the appropriate method for providing a realistic analysis of potential impacts of a program, which is different from when you have a specific development project analysis. The program EIR for the General Plan includes additional information in response to these comments.

- If we don't meet our current RHNA allocation, do those housing units get added to our next Housing Element cycle? And do the existing projects listed in the residential buildout table count toward the current cycle or the next cycle.

No, the requirements for the next Housing Element update is 1,993 plus the recommended buffer. No additional units are required, even if production underperformed in the last cycle. Staff estimates that 400 of the 475 existing units listed in the Draft 2040 General Plan Land Use Element would be issued building permits during the current Housing Element cycle.

- If development exceeds the assumptions in the 2040 General Plan and EIR, at what point would we need to do further environmental review?

Development will be tracked every year, so staff would be alerted if actual development numbers are trending above what is permitted by the General Plan, and would initiate additional environmental review if needed.

- Is the plant-based diet language appropriate for the General Plan, or is it government overreach?

The proposal from public comment to include additional language in the General Plan about plant-based diets is focused on educational programs, not mandating diets.

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