



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/08/2021

ITEM NO: 5

DATE: December 3, 2021
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Provide the Public with an Opportunity to Give Verbal Comments on the Revised Draft Environmental Impact Report for the Draft 2040 General Plan.
No action will be taken at this meeting. Project Planner: Jennifer Armer.

RECOMMENDATION:

Open and hold a public hearing to allow the public to provide verbal comments on the Revised Draft Environmental Impact Report (DEIR) for the Draft 2040 General Plan.

BACKGROUND:

The original Notice of Completion and Availability for review of the Draft 2040 General Plan DEIR was released on July 30, 2021, with the 45-day public review period ending on September 13, 2021. On September 8, 2021, the Planning Commission held a public hearing as an opportunity for members of the public to provide verbal comments on the completeness and adequacy of the DEIR.

After the close of the initial 45-day public review period, during the review of comments and the preparation of the Final EIR (FEIR), the Town became aware of a procedural error in the original Notice of Completion and Availability and also noted that Appendix C erroneously included a draft rather than a final Transportation Analysis. Additionally, Chapter 4.15, Transportation, of the EIR has been revised to elaborate on transit impacts and cumulative VMT impacts. Even though the content changes were minor, the Town believes that in order to provide maximum clarity it is important to recirculate the Transportation Analysis of the DEIR and its Appendix, as well as the Executive Summary which includes a summary of transportation impacts.

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Community Development Director

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BACKGROUND (continued):

Accordingly, the Town of Los Gatos is reissuing the Notice of Completion and Availability of the DEIR, and formally recirculating Chapter 4.15, Transportation, and Appendix C, Transportation Analysis for the DEIR, as well as the Executive Summary.

The revised Los Gatos 2040 General Plan DEIR, which incorporates the updated Transportation section and analysis, can be viewed on the Town's General Plan Update webpage at: www.losgatos2040.com: in the Community Development Department and Town Clerk's office at 110 E. Main Street: and at the reference desk in the Los Gatos Town Library, located at 100 Villa Avenue during business hours.

The reopened public review period will run from Friday, November 19, 2021 and close at 5:00 p.m. on Friday, January 7, 2022.

PURPOSE OF THIS HEARING:

As required by CEQA, this public hearing is being held during the 45-day public review period for the DEIR for the proposed project, the Draft 2040 General Plan. The revised Notice of Availability for review of the DEIR was released on November 19, 2021, with the 45-day public review period ending on January 7, 2022. This public hearing is an opportunity for members of the public to provide verbal comments on the completeness and adequacy of the DEIR. Written comments will be accepted until the close of the public review period that ends at 5:00 p.m. on January 7, 2021.

The DEIR is an informational document that informs the public and the Town's decision-makers of significant environmental impacts related to the proposed project. The DEIR also identifies ways to minimize potentially significant impacts to a less than significant level through implementation of mitigation measures. The DEIR will be considered by the deciding body in its review of the proposed project. The findings within the DEIR do not mandate a particular decision on the proposed project, and the DEIR does not act as a recommendation for the proposed project. The proposed project may ultimately be adopted, even if the DEIR discloses significant unavoidable impacts associated with the proposed project. Similarly, the proposed project may not be adopted, even if the DEIR finds that there are no significant impacts. A decision on the proposed project will be made based on the merits of the project and the record, including the DEIR.

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PURPOSE OF THIS HEARING (continued):

This public hearing is not intended for consideration of the proposed project nor for the actual certification of the DEIR. The deciding body may not act on the merits of the proposed project until the FEIR has been prepared. This public hearing is intended solely to allow the public an opportunity to provide verbal comments on the DEIR. Staff will not be responding to comments on the DEIR received during the public hearing. The responses to comments will be included in the FEIR.

NEXT STEPS:

Following the public hearing on December 8, 2021 and the close of the 45-day public review period on January 7, 2022, staff and the Draft 2040 General Plan Environmental Consultant will respond to all written comments received during both the original 45-day comment period and this reopened public comment period as well as to the testimony received at this and the September 8, 2021 Planning Commission public hearings. The response to the comments will be provided in the FEIR, which will include any revisions to the DEIR necessitated by the comments that are received.

A public hearing for consideration of the FEIR and the proposed project has not been scheduled. The Town Council is the deciding body for the proposed project.

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment on the DEIR.

EXHIBIT:

Previously received under separate cover:

1. Notice of Completion and Availability and DEIR

Received with this Staff Report:

2. Revised Notice of Completion and Availability and Revised Sections of the DEIR

Note that the complete Draft 2040 General Plan, DEIR, and Recirculation Documents and are available online at:

<https://www.losgatos2040.com>

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