



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 06/04/2024

ITEM NO: 17

DESK ITEM

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DATE: June 4, 2024  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Consider a Recommendation of the Planning Commission to Adopt a Resolution Adopting the Draft Revised 2023-2031 Housing Element. An Environmental Analysis Based on the Previously Certified 2040 General Plan Final Environmental Impact Report has been Prepared for the Draft Revised 2023-2031 Housing Element. The Housing Element is Within the Scope of the Previously Approved 2040 General Plan, and the Program EIR for the General Plan Adequately Describes the Impacts of the Housing Element for Purposes of CEQA. Location: Townwide. Applicant: Town of Los Gatos. General Plan Amendment Application GP-24-001.

**REMARKS:**

In response to Council Members' questions, staff has provided the following responses to the summarized questions in italics:

1. Based on the language provided in the current Draft Revised Housing Element, how many parcels are available to support the quantified objectives of Programs J and AY?

*There are approximately 6,764 parcels available in the low and medium density designations to support the quantified objectives of Implementation Programs J and AY for small multi-unit housing. However, once implemented Programs J and AY may affect a smaller number of parcels. The previous version of Implementation Programs J and AY, as considered by the Town Council had approximately 3,000 parcels available in the in the low and medium density designations for small multi-unit housing.*

2. What are the maximum number of units possible for Implementation Programs J and AY?

*The quantified objective identified in the Draft Revised Housing Element is 50 units for Implementation Program J and 160 units for Implementation Program AY over the eight-year planning period; however, there will likely be overlap between the potential housing*

**PREPARED BY:** Jocelyn Shoopman, Senior Planner, and Erin Walters, Associate Planner

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

REMARKS (continued):

*units generated from each Implementation Program. Because each Implementation Program has not yet been developed and there will be many options for consideration that will affect the number of eligible parcels, staff is unable to provide what the possible maximum number of new units could be.*

3. What happens if a planning application for a site in the Sites Inventory is approved at a lower affordability level than expected in the Town's Housing Element?

*In the event that a planning application is approved that creates a shortfall of units in the Sites Inventory, the Town will need to comply with the State's "no net loss" provisions. The State "no net loss" law requires that, if and when a project is approved below the affordability level described in the Town's Housing Element, the Town must rezone sufficient sites to make up the shortfall within six months (180 days) of project approval. In other words, the "no net loss" provisions kick in upon project approval. Market rate and affordable housing units approved on a site that is not included in the Sites Inventory will also be counted towards fulfilling the Town's Regional Housing Needs Allocation and offsetting any potential shortfall.*

Attachment 11 contains public comment received between 11:01 a.m., Thursday, May 30, 2024, and 11:00 a.m., Tuesday, June 4, 2024.

ATTACHMENTS:

Previously received with the June 4, 2024 Staff Report:

1. Draft Revised Housing Element (May 2024), Clean Copy
2. Environmental Analysis (available online at: [www.losgatosca.gov/HousingElement](http://www.losgatosca.gov/HousingElement))
3. Draft Revised Housing Element (May 2024), Track Changes (available online at: [www.losgatosca.gov/HousingElement](http://www.losgatosca.gov/HousingElement))
4. HCD Preliminary Review Matrix, Received on April 26, 2024
5. Technical Modifications to Program AQ and Appendix D, Caltrans Site
6. May 3, 2024, HCD's Findings Letter
7. Public Comments Received During the Seven-Day Public Review Period between Thursday, May 9, 2024, and Wednesday, May 15, 2024
8. May 22, 2024, Planning Commission Staff Report with Exhibits 1-8 (available online at: <https://losgatos-ca.municodemeetings.com/>)
9. May 22, 2024, Planning Commission Verbatim Minutes
10. Draft Resolution for Adoption of the Draft Revised Housing Element (May 2024)

Attachment received with this Desk Item:

11. Public Comment Received Between 11:01 a.m., Thursday, May 30, 2024, and 11:00 a.m., Tuesday, June 4, 2024.

From: David Lawler <[REDACTED]>  
Sent: Tuesday, June 4, 2024 10:12 AM  
To: Planning <[Planning@losgatosca.gov](mailto:Planning@losgatosca.gov)>  
Subject: Los Gatos 2023-2031 Housing Element

Los Gatos is at an impasse - will it be a small town or will it become a town with huge apartment blocks, strip malls, traffic jams, and overcrowded schools?

Until now, Los Gatos has been able to maintain a small town charm in one of the most important and largest economic engines in the world. That has made it a prime target for business and developer interests: they want to exploit the Los Gatos small-town atmosphere, profit by selling a pipe dream of what Los Gatos was, then take their money and run. We residents will be left with the traffic jams, overcrowded schools, and unsightly concrete and apartment towers blocking our view.

We are not against growth - everyone understands that California needs additional housing and particularly additional affordable housing - and the town should do its part to help by meeting the statutory minimum requirement. But there is no reason for Los Gatos to destroy itself for the profit of developers.

We saw this and should have learned with the fiasco of North 40. Yet now due to the actions of Town management, there are plans for multiple, separate developments of 7 to 9 stories buildings submitted and being planned to be constructed across Los Gatos under the guise of "builder's remedy". These are completely incompatible with Los Gatos and should be stopped. The town needs to fight these plans, If necessary, the town should take them to court all the way to the State Supreme Court. The state should not have the ability to override local planning.

We need to try to save what makes Los Gatos special: our housing element plan should not in any way allow any apartment blocks that pose such a fundamental change to the character of the town.

David Lawler

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Monday, June 3, 2024 8:53 AM  
**To:** Clerk <[Clerk@losgatosca.gov](mailto:Clerk@losgatosca.gov)>  
**Cc:** Mary Badame <[MBadame@losgatosca.gov](mailto:MBadame@losgatosca.gov)>; Matthew Hudes <[MHudes@losgatosca.gov](mailto:MHudes@losgatosca.gov)>; Rob Rennie <[RRennie@losgatosca.gov](mailto:RRennie@losgatosca.gov)>; Rob Moore <[RMoore@losgatosca.gov](mailto:RMoore@losgatosca.gov)>; Maria Ristow <[MRistow@losgatosca.gov](mailto:MRistow@losgatosca.gov)>; Town Manager <[Manager@losgatosca.gov](mailto:Manager@losgatosca.gov)>; Gabrielle Whelan <[GWhelan@losgatosca.gov](mailto:GWhelan@losgatosca.gov)>  
**Subject:** Please post for the Council Meeting schedule for 6-4-24 - Item 17



Dear Honorable Mayor and Council Members,

In section 10.3.3 of the draft Housing Element, it states the Town “reasonably expects” that a total of 2,371 units will be developed including 634 very low income and 367 low income units in the HEOZ.

Given the N40 Phase II and the Los Gatos Lodge parcels, both of which are included in the Town’s site inventory and the HEOZ, have submitted final SB 330 development applications reflecting materially less very low and low income units to be developed, how can this statement be supported by objective evidence in the record?

The Staff has repeatedly refused to clearly explain how the Town can meet its 6th cycle RHNA objectives for the very low and low income categories if the two development applications proceed. Based on the applications as submitted, there will a material “net loss” in below market housing which will require the Town to identify additional parcels for affordable housing development within 6 months of approval of these applications. If this is not accomplished, HCD can de-certify the adopted Housing Element.

Prior to adopting the draft Housing Element, the Town Council should request Staff to provide assurance that additional sites to backfill the “net loss” of units embedded in the current draft Housing Element can be identified.

Thank you,

*Jak Van Nada - On behalf of:*  
*Los Gatos Community Alliance*  
*Facts Matter; Transparency Matters; Honesty Matters*  
[www.lgca.town](http://www.lgca.town)  
[Jak@lgca.town](mailto:Jak@lgca.town)