



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/21/2025

ITEM NO: i
DESK ITEM

DATE: October 21, 2025
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: Overview of the California Environmental Quality Act

REMARKS:

Attachment 1 contains Public Comment received before 11 a.m. on October 21, 2025.

Attachments provided with this desk item:

1. Public Comment Received Before 11 a.m. on October 21, 2025.

PREPARED BY: Wendy Wood
Town Clerk

From: [REDACTED]
To: [Clerk](#)
Subject: Los Gatos Community Alliance
Date: Tuesday, October 21, 2025 10:03:36 AM
Attachments: [image.png](#)

[EXTERNAL SENDER]



FOR PUBLIC COMMENT – CEQA STUDY SESSION 10-21-25 5:15 PM
Please forward to Town Council, Planning Commission, Ms Kautz and Staff

October 21, 2025

Joint Town Council and Planning Commission Meeting

Dear Mayor Hudes, Council Members, and Commissioners,

As part of tonight's CEQA Study Session, the Los Gatos Community Alliance respectfully requests that the Town include a focused discussion on the legal status and continued applicability of the 2040 General Plan Environmental Impact Report (EIR) certified on June 30, 2022, and the Town's ongoing legal obligations under CEQA to analyze cumulative environmental effects.

On April 2, 2024, the Town Council rescinded the Land Use and Community Design Elements of the 2040 General Plan and readopted the 2020 Land Use Element. This action fundamentally altered the operative policy framework. The 2020 Land Use Element reflects lower residential densities, different growth allocations, and a changed spatial distribution of development compared to the 2040 plan that the certified EIR analyzed. As a result, the existing 2040 EIR no longer corresponds to the land use assumptions or cumulative buildout potential of the Town's operative General Plan.

Under CEQA Guidelines §§15152, 15162, and 15168, tiering is permissible only when a subsequent activity is consistent with the program analyzed in the prior EIR and no substantial new information or circumstances exist. Once the Town reverted to the 2020 Land Use Element, that consistency was lost. Public Resources Code §21166 therefore requires preparation of a subsequent or supplemental EIR whenever changes to the project or its circumstances result in new or more severe environmental effects.

Further, CEQA Guidelines §15130 imposes a continuing duty to evaluate cumulative impacts—the combined environmental effects of past, present, and probable future projects. Since the 2040 EIR's certification, more than a

dozen Builder's Remedy applications have been filed under Gov. Code §65589.5, proposing densities, heights, and intensities of development far beyond those evaluated in the 2022 EIR. These applications introduce new cumulative conditions relating to traffic, infrastructure, water, energy, and greenhouse gas emissions that were not previously assessed.

Accordingly, we respectfully request that the study session address:

1. Whether the 2040 General Plan EIR remains legally valid for tiering purposes given the Town's readoption of the materially different 2020 Land Use Element; and
2. The Town's legal duty under CEQA to prepare updated environmental analysis addressing cumulative effects of ongoing and proposed development, including Builder's Remedy projects.

A clear understanding of these legal obligations is essential to ensuring Los Gatos maintains compliance with CEQA and upholds the integrity and transparency of its planning process.

Thank you for your consideration.

Respectfully,

*Jak Van Nada -
Los Gatos Community Alliance
Facts Matter; Transparency Matters; Honesty Matters
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