



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

MEETING DATE: 7/30/2020  
ITEM: 1

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DATE: July 24, 2020  
TO: General Plan Update Advisory Committee  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Review and Discussion of Pandemic Response, Environmental Justice, and Racial and Social Justice in the General Plan.

**BACKGROUND:**

As the Town proceeds through the update of the General Plan, there are current topics that warrant a discussion for potential inclusion in the Town's update. The issue of pandemic response would be appropriate for the Hazards and Safety Element which is scheduled for a detailed discussion at the August 6, 2020 General Plan Update Advisory Committee (GPAC) meeting. Two additional topics, environmental justice and racial and social justice, cut across multiple elements. This meeting has been scheduled to discuss them and how they could be incorporated into the Town's General Plan.

**DISCUSSION:**

A. Pandemic Response/Health Emergency

Goals, policies, and implementation programs specifically highlighting major public health emergencies, like the current COVID-19 pandemic, are an important part of a General Plan. The Guiding Principles (Attachment 1), approved by Town Council on August 20, 2019, for the updated General Plan included the following Guiding Principle, applicable to this topic:

**Promote Public Safety**

Maintain and enhance Los Gatos as a safe community through preparation and planning, education, and community design that is responsive to the full range of potential natural and man-made hazards and safety issues.

The current General Plan's Safety Element, where this topic could be addressed, is focused on reducing the potential impacts of geologic hazards, fire hazards, flooding, hazardous materials, and crime. New goals, policies, and implementation programs on public health

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emergencies could be included within the new Hazards and Safety Element (combining the current Safety Element with the current Noise Element) under a new heading relating to Public Health Emergencies.

In developing a Town-level response to future health emergencies, it is important to note that much of this planning and response is conducted at the State and County level. Locally, the Santa Clara County Public Health Department takes the lead on health orders, action plans, and local collaboration with communities in the County. Most of the Town's General Plan policies would recognize the role of other entities and could discuss ways in which the Town can support and help implement public health preparation and responses.

Attachment 2, prepared by Mintier Harnish, the Town's General Plan Update consultant, includes a list of topics that can be discussed, and example policies from the Centers for Disease Control (CDC) that could be adapted to Los Gatos.

Attachment 3, is a letter from the Santa Clara County Public Health Department of suggestions on this topic and the topics below.

## B. Environmental Justice

Environmental justice is considered to be, "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" (according to California Code Section 65040.12). Today, and throughout much of California and United States history, communities with lower incomes, lower levels of education, and higher proportions of minority residents often bear a disproportionately large burden of exposure to environmental hazards. These environmental inequities are largely a result of land use policy and zoning regulations (e.g., residential uses located adjacent to industrial uses) that have led some communities to experience higher levels of exposure to environmental hazards. Environmental justice laws seek to address these inequities.

California law requires all cities with disadvantaged communities to include an Environmental Justice Element, or incorporate Environmental Justice goals, policies, and action items to other required elements of their General Plans. A disadvantaged community as defined by the State is:

An area identified by the California Environmental Protection Agency (CalEPA) pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

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While the Town of Los Gatos does not have any identified disadvantaged communities, this topic can be considered in the update to address local needs.

Attachment 2, prepared by Mintier Harnish, includes a list of topics that can be discussed, and verbatim examples of policies from other communities' plans that could be adapted to Los Gatos.

### C. Racial and Social Justice

Racial and social justice (also referred to as equity) are not new topics for General Plans and can be incorporated into the goals, policies, and actions of a General Plan. Social justice and equity is not a required component of a General Plan and in some limited ways, it overlaps with Environmental Justice.

Like other communities, Los Gatos has a history which includes racial injustice. Specifically, Los Gatos had:

- A "vigilance committee" (militant supremacists/white vigilantes) beginning as early as the 1880's;
- Klan activity documented in the 1920's;
- One documented lynching off of the Main Street bridge, as well as anecdotal stories of a "lynching/execution tree" which was an oak in the vicinity of what is now Pine Avenue; and
- The removal by force of the Town's Japanese-American population of farmworkers and businesses during WWII.

In addition to this history of violence against people of color, there were racial restrictions in place. While there is no hard evidence that Los Gatos was a sundown town, where "colored people" had to leave town by sundown, many of the neighboring suburban cities were sundown towns, so by context it would be surprising if Los Gatos was not one. Numerous Los Gatos neighborhoods had Covenants, Conditions, and Restrictions (CC&Rs) that prevented sale to, "to any person or persons not of the white or Caucasian race," or similar, until prohibited by the Fair Housing Act of 1968 (see Attachment 4).

One of the outcomes of these circumstances is an absence of people of color in the historical documents available in the Town's Library and the common histories of the Town. From brief articles or short notes in these histories, it is clear that we are lacking the stories of the Ohlone, Mexicans, Chinese, Japanese, and others who lived in the area.

Acknowledging this history of violence and discrimination against people of color, and the absence of their stories in the Town's histories, are important components of effectively

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becoming an inclusive community. As stated on the Town's Becoming an Inclusive Community webpage (<https://www.losgatosca.gov/2604/Becoming-an-Inclusive-Community>), "there is work to do – but in clearly stating our commitment to inclusivity and diversity – the Town is striving to take the steps needed to reach that goal, and we look forward to your participation and guidance in helping us get there."

The Guiding Principles, approved by Town Council on August 20, 2019, for the updated General Plan included the following Guiding Principles, applicable to this topic:

**Diverse Neighborhoods**

Foster appropriate investments to maintain and enhance diverse neighborhoods, housing opportunities, and infrastructure to meet the needs of all current and future residents.

**Inclusivity**

Recognize the importance of and promote ethnic, cultural, and socio-economic diversity and equity to enhance the quality of life in Los Gatos.

While the current General Plan includes diversity within the vision for the community, it does not include specific goals, policies, or implementation programs to specifically address the needs of persons of different races and backgrounds, as it does for those of different ages and with different abilities. Below are some examples of goals and policies from the current General Plan that promote equity generally:

- Policy TRA-2.2 Incorporate plans for all users (motor vehicles, transit vehicles, bicyclists, and pedestrians) when constructing or modifying a roadway.
- Goal TRA-5 To ensure that Los Gatos's streets are safe for all users, including drivers, cyclists, and pedestrians.
- Policy TRA-8.4 Coordinate with appropriate agencies to provide transit service in the Town for seniors, school children, low income people, the physically disabled, and other groups with special needs.
- Goal VLR-2 To encourage affordable housing (senior housing, multi-family housing, mixed-use with housing) in appropriate locations within the Vasona Light Rail area to address the Town's housing needs and take advantage of the opportunities afforded by mass transit.
- Goal OSP-3 To make open space areas within the Town accessible to all residents of and visitors to the Town, as appropriate.
- Policy OSP-7.2 Ensure that Los Gatos Creek Trail is accessible to and safe for all users.
- Goal HS-2 To foster all residents' health and well-being.
- Policy HS-3.2 The Town shall encourage a broad array of child care facilities and services to meet the economic, geographic, and demographic diversity of Los Gatos.

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Goal HS-10 To encourage a wide variety of types of senior housing, including independent living, residential care facilities, and affordable housing within the Town.

Goal HS-12 To maintain a system of open communications between the Town, school districts, and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public schools students.

Goal HS-13 To provide a library facility that will accommodate library services to meet the educational and informational needs of the community.

Goal HS-14 To enrich the Town by making visual arts, the performing arts, literary arts and other cultural amenities more accessible to the Town's residents.

Policy HS-14.7 Encourage all local arts groups and artists to collaborate and partner across disciplines, media, and venues for a richer and more diverse cultural experience.

Attachment 2, prepared by Mintier Harnish, includes a list of topics that can be discussed, and verbatim examples of policies from other communities' plans that could be adapted to Los Gatos.

In addition to the work of the GPAC, the Town is putting together a series of community conversations to discuss racism in Los Gatos. These forums allow for a broader listening opportunity of experiences and identification of potential actions beyond the General Plan. More information about these upcoming events will be available soon.

NEXT STEPS:

The next Element scheduled for review by the GPAC on August 6, 2020, is a combination of the Safety Element and Noise Element (now named the Hazards and Safety Element).

Attachments:

1. General Plan Vision and Guiding Principles
2. Summary Document Prepared by Mintier Harnish
3. Letter from the Santa Clara County Department of Public Health
4. Engaging Local Government Leaders (ELGL) Article, "What a Southerner Learned about Housing Discrimination in the San Francisco Bay Area"

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