



**TOWN OF LOS GATOS**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION**  
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CIVIC CENTER  
110 E. MAIN STREET  
LOS GATOS, CA 95030

October 14, 2022

Housing Element Team  
State Department of Housing and Community Development  
C/O Land Use and Planning Unit  
2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833

Re: HCD Submittal of Town of Los Gatos 2023-2031 Draft Housing Element Update

Dear Housing Element Team,

This letter serves to transmit the Town of Los Gatos' Draft 6<sup>th</sup> Cycle 2023-2031 Housing Element.

As an introduction to the Town's draft document, we have outlined four focus areas within Los Gatos' Housing Element that we believe are important for Housing and Community Development's (HCD) review and consideration.

The Town of Los Gatos has acknowledged the housing challenges pervading Santa Clara County including housing affordability, density, and equity. As Los Gatos' population is largely made up of high-income earners (65% greater than 100% of AMI) and 83 percent of houses are valued at more than 1 million dollars, we acknowledge the need to implement changes in housing programs and policies to address housing affordability and land use challenges. Currently, the Town's jobs-household ratio is 1.59, with more low-wage jobs than low-wage residents, illustrating the need for an increase in diverse housing stock at all income levels. The Town intends to implement housing policies that affirmatively further fair housing through inclusive community participation and program implementation to increase equitable access to resources.

The following key areas of the update process have represented this focus:

- **Outreach** – The Town has conducted extensive public outreach efforts through the Town's dedicated Housing Element Update website, "Engage Los Gatos", to ensure inclusive stakeholder engagement throughout the Housing Element Update process.

The following are efforts the Town has employed:

- Postcards sent to all property owners and tenants in the Town for a Housing Element Update Community Meeting (17,446 in total).
  - Announcements provided in the local newspaper for all Housing Element Advisory Board (HEAB) meetings, community meetings, joint study sessions, and the 30-day public review period of the Initial Public Review Draft Housing Element (Los Gatos Weekly).
  - 17 pop-up informational tables at the Los Gatos Farmers' Market.
  - Information table at the Town Community Event (Spring in the Green).
  - Social posts on five platforms, including Facebook, Instagram, Twitter, Nextdoor, and the What's New page on the Town's website for all Housing Element meetings, interactive on-line engagement, and public engagement opportunities.
  - Public notices for Housing Element Advisory Board (HEAB) meetings and community meetings posted at Town Hall and the Library.
  - Targeted email messaging that sends email updates to the Town's Notify Me subscribers for the 2040 General Plan Update and Housing Element Update.
  - 100 Property Owner Interest Forms mailed to all property owners on the Site Inventory.
  - Online advertisements for each Housing Element meeting and interactive on-line engagement opportunities on the Town's website, the Town's General Plan Update website, and the Town's Housing Element website.
  - Use of the Balancing Act, a housing simulation tool, available on the Town's dedicated Housing Element Update website for online public engagement.
  - 201 submissions to the online site surveys and 42 completions of the Balancing Act housing simulation tool.
  - Seven community group meetings for the 2040 General Plan Update, including discussion regarding density and affordable housing.
  - Eleven HEAB meetings held to date.
  - Town Council meeting approving the draft Site Inventory.
  - One community meeting hosted by the Santa Clara County Planning Collaborative for Santa Clara County municipalities.
  - A public meeting hosted by West Valley Community Services; Envisioning an Inclusive Los Gatos: Housing Element 101.
  - A joint study session with the Town Council and Planning Commission to discuss housing growth options for the 2040 General Plan.
  - A joint study session with the Town Council, Planning Commission, and HEAB with panelists from both market rate and non-profit developers.
  - Participation in a Santa Clara County Equity Advisory Group Meeting.
- **Affirmatively Furthering Fair Housing (AFFH)** – The Town's goal for new housing development is to increase diverse housing stock to combat income segregation of households and to increase access to resources (transportation, schools, shopping) for communities of color. In support of this, Los Gatos has worked with Root Policy Research, and conducted an AFFH analysis of segregation patterns to guide the placement of Housing Opportunity sites, and to implement the necessary fair housing policies and programs.

- **Residential Density** – In order to facilitate the creation of new housing at all affordability levels, the Town proposes an implementation program that will amend the 2020 General Plan to increase densities for the sites identified in the Site Inventory and a program that will amend the Zoning Code to create a Housing Element Overlay Zone (HEOZ) which will be applied to the sites identified in the Site Inventory. The HEOZ zone will facilitate modifications to development standards for each corresponding General Plan Land Use designation to facilitate and encourage housing production throughout the Town.
- **Housing Site Inventory Buffer** – Los Gatos' assigned RHNA for the 2023-2031 cycle is 1,993 units. As an initial target, Los Gatos has identified a potential Housing Site Inventory that would allow for up to 2,371 units which include a 15 percent buffer as recommended by HCD. In addition, Los Gatos has also identified additional sites that could be added to the Site Inventory list should they be needed to address any future no net loss issues that may arise.

### **Coordination with HCD Staff and Feedback**

Prior to submitting Los Gatos' Draft Housing Element to HCD for review, the Town staff and the Town's Housing Element consultant proactively met with HCD staff representatives for an initial discussion and feedback in December of 2021.

### **Public Review and Revisions**

Consistent with State Law, the Town distributed the Initial Public Review Draft Housing Element for a 30-day public review between August 29, 2022 and September 27, 2022. Public notification included social media postings, notifications to Housing Element Update stakeholders and interested members of the public through emails and posting to the Town's website. The Town held a HEAB meeting during the 30-day public review period to facilitate further public comments. In addition, Town staff hosted an informational table at the local Farmers' Market during the public comment period. Lastly, an announcement was included in Los Gatos' local newspaper (Los Gatos Weekly).

The Town received written and verbal comments with feedback on areas such as the effectiveness of the Town's proposed policies and programs to generate affordable housing for low-income earners, environmental concerns regarding potential housing locations, Town incentives to facilitate the development of new affordable housing projects, and site-specific feedback on the Town's Site Inventory. Staff and the Town's Housing Element Consultant reviewed these comments carefully, provided written responses to each comment, and made the following modifications to the Draft Housing Element:

- Added Implementation Program BH – Provide Adequate Sites for Lower Income Households on Nonvacant and Vacant Sites Previously Identified in the 5<sup>th</sup> Cycle Housing Element;
- Revised the housing density for the Site Inventory to be consistent with the typical density identified in the 2040 General Plan Residential Buildout;
- Increased the density within the North Forty Specific Plan area to align with the related Implementation Program D;

- Increased the density within the Affordable Housing Overlay Zone (AHOZ) to align with the related Implementation Program BF; and
- Corrected employment characteristics.

### **HCD Review and Next Steps**

We look forward to continuing to work with HCD staff during the review of Los Gatos' 6<sup>th</sup> Cycle Housing Element to ensure the Town establishes a robust and inclusive plan for housing for 2023-2031. The Town looks forward to direction and feedback from HCD that would assist the Town in this evaluation and decision-making process. Questions or comments on the HCD Draft may be directed to the following Town contacts:

Joel Paulson, Community Development Director  
[jpaulson@losgatosca.gov](mailto:jpaulson@losgatosca.gov)  
408-354-6879

Jennifer Armer, Planning Manager  
[jarmer@losgatosca.gov](mailto:jarmer@losgatosca.gov)  
408-399-5706

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Paulson". The signature is fluid and cursive, with the first name "Joel" and last name "Paulson" clearly distinguishable.

Joel Paulson  
Community Development Department  
Town of Los Gatos



## Los Gatos Response to Public Comments

### Initial Public Review Draft Housing Element

Pursuant to Assembly Bill (AB) 215, the Initial Public Review Draft Housing Element must undergo a draft review process subject to a 30-day public comment period, and if comments are received, an additional 10-day consideration and revision period prior to Housing and Community Development (HCD) submittal.

The following document outlines all public comments received during the 30-day public comment period as well as responses and revisions to the Draft Housing Element.

### Purpose of Draft Housing Element Public Comment

As required by HCD, the Initial Public Review Draft Housing Element was posted on the Town website and the Housing Element Update website (EngageLosGatoshousing.com) for public review from August 29, 2022, to September 27, 2022, during which the Town received 11 written public comments. A Housing Element Advisory Board meeting was held via Zoom on September 15, 2022, to accept verbal public comment on the draft Housing Element. Three people provided verbal comments at that meeting.

Government Code 65585(b)(1) indicates that the purpose of the public review process includes the following:

- Disclosing agency analysis;
- Discovering public concerns; and
- Incorporating public comments.

### Comment Response for the Initial Public Review Draft Housing Element

This response to public comments for the Initial Public Review Draft Housing Element has been prepared to address comments received during the public comment period and, together with the Draft Housing Element, constitutes the complete Town of Los Gatos 6<sup>th</sup> Cycle 2023-2031 Housing Element.

### Written Comments

The following written comments were received during the 30-day public comment period:

1. Mary Pope-Handy, email dated August 29, 2022;
2. Phil Koen, email dated September 4, 2022;
3. Phil Koen, email dated September 4, 2022;
4. Phil Koen, email dated September 4, 2022;
5. William Walker, Engage Los Gatos website comment dated September 4, 2022;

## Los Gatos Response to Public Comments

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6. Adam Mayer, email dated September 13, 2022;
7. Edward Morimoto, email dated September 15, 2022;
8. Phill Keon, emailed dated September 26, 2022;
9. Bill Ehlers, email dated September 26, 2022;
10. Don Capobres, email dated September 27, 2022; and
11. Keith Diggs, email dated September 27, 2022.

### **Verbal Comments**

Verbal comments were received at a Housing Element Advisory Board meeting on September 15, 2022, from the following participants:

1. Mitch Vinciguerra;
2. Susan Burnett; and
3. Brian Handy.

### **Written Draft Housing Element Comments**

Written comments on the Draft Housing Element and responses to those comments are presented on the following pages.

## Los Gatos Response to Public Comments

### Comment Letter # 1

From: Mary Pope-Handy <[REDACTED]>  
Sent: Monday, August 29, 2022 4:51 PM  
To: Housing Element <HEUpdate@losgatosca.gov>  
Subject: Comments on the LOS GATOS HOUSING ELEMENT

Hello Community Development Department,

Thank you for the time and hard work put into the Los Gatos Housing Element. We do need more housing, particularly affordable housing, in our town.

I'd like to suggest that in addition to adding residential units, we factor in the health impacts of various potential locations for housing. A number of the locations specified in the draft are up against busy streets or even freeways. These locations have health risks associated with them and it would be better if those areas were not homes.

The EPA has a [publication](#) on these health risks (please click on link to get the EPA report). Additional links:

[Living near major roads linked to risk of dementia, Parkinson's, Alzheimer's and MS](#) University of British Columbia- ScienceDaily. ScienceDaily, 23 January 2020.

[Living near busy road stunts children's lung growth, study says](#) - article in The Guardian (British publication), with links to the academic studies

[Kids living near major roads at higher risk of developmental delays](#) - (American study) ScienceDaily.com April 9, 2019

[Living Near Highways and Air Pollution](#) - Lung.org by the American Lung Association

We do have other options for housing. For example, rather than putting townhomes at Blossom Hill and Harwood, but them at Harwood and Almond Blossom, where there's far less traffic. Right now there's a small, empty school sitting there that would be better as a few residences.

The town could also incentivize putting two homes on one lot, or turning a house into a duplex, by providing tax breaks or other assistance.

It would also make sense to add housing over single story strip malls, particularly as they would be more set back from busy roads than a gas station would be.

In real estate, the most important factor is always location. We should not aspire to build homes in locations that are likely to have long term, negative consequences to the health of their occupants. If homes must be built in those locations, mitigation efforts should include robust air purifiers and sound buffers such as triple pane windows.

Sincerely,

Mary Pope-Handy  
Town resident and Realtor

## Los Gatos Response to Public Comments

[REDACTED]

**Mary Pope-Handy**

REALTOR®, ABR, AHWD, CIPS, CRS, SRES

[REDACTED]

| [Move2SiliconValley.com](https://Move2SiliconValley.com)

[LiveInLosGatos.com](https://LiveInLosGatos.com) | [PopeHandy.com](https://PopeHandy.com)

[REDACTED]

[SanJoseRealEstateLosGatosHomes.com](https://SanJoseRealEstateLosGatosHomes.com) [ValleyofHeartsDelight.com](https://ValleyofHeartsDelight.com)



## Los Gatos Response to Public Comments

### Response to Comment #1

- Health risks of living near highways (high traffic sites)
  - Numerous factors were considered through the site selection process, including feedback received during the development of the 2040 General Plan, public discussion at HEAB meetings, and on June 7, 2022, the Town Council accepted the draft Site Inventory as recommended by the HEAB. The Site Inventory has since been modified based on the receipt of a new Property Owner Interest Form and a request to be removed by a property owner.
  - The International Building Code includes requirements that mitigate some effects of buildings in close proximity to highways, including maximum noise standards.
- Implementing Senate Bill (SB) 9 and Accessory Dwelling Units (ADUs) as additional housing with incentives
  - ADU's and SB9 projects are included in the Town's Site Inventory to assist at achieving the Town's RHNA plus HCD's recommended 15% buffer.
  - The following approaches were included within the Draft Housing Element to incentivize multiple homes on single-family residential lots:
    - Policy HE-1.7: Infill Opportunities in Single-Family Neighborhoods;
    - Policy HE-2.6: Promote Accessory Dwelling Unit Construction;
    - Policy HE-6.5: Infill Opportunities in Single-Family Neighborhoods;
    - Implementation Program U: Accessory Dwelling Units to waive building fees when an ADU is deed restricted for very low- and low-income households; and
    - Implementation Program BC: Educate Single-Family Property Owners Regarding In-Fill Housing Options.
- Consider school-owned property to be converted to housing
  - The Housing Element Advisory Board (HEAB) discussed and considered including a program to encourage public school-site conversions and chose not to include any school owned property as the Town does not have jurisdiction on public school property.
  - The subject site is a private school located on private property and has an active Conditional Use Permit for a private school use and is zoned for single-family residential uses.
  - Town staff has recently received an inquiry from a potential new tenant for the private school site.



# Los Gatos Response to Public Comments

## Comment Letter #2

9/6/22, 11:47 AM

above e-mail address.

 Think Green, please consider the environment before printing this e-mail.

**From:** Phil Koen <[REDACTED]>  
**Sent:** Sunday, September 4, 2022 9:52 AM  
**To:** Housing Element <HEUpdate@losgatosca.gov>  
**Subject:** Fwd: Agenda item #2 - HEAB Meeting August 18, 2022

### EXTERNAL SENDER

I am submitting these comments because the public draft HE has not been fully corrected. These comments were originally submitted on August 17, 2022 to the HEAB.

Thank you.

Phil Koen  
[REDACTED]

Sent from my iPhone

Begin forwarded message:

**From:** Phil Koen <[REDACTED]>  
**Date:** August 17, 2022 at 4:47:00 PM GMT+1  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Agenda item #2 - HEAB Meeting August 18, 2022

Dear Members of the HEAB,

Please accept the following comments on the Draft 2023 – 2031 Housing Element

1. Page B-10: The comment at the bottom of the page referencing Figure B-8 and discussing jobs per employed ratio is incorrect. Figure B-8 shows Jobs-Household ratio and not Jobs-Employed Resident ratio. Additionally, the comment that the Town of Los Gatos is a "net importer of workers" is misleading. The Town is a "net importer of workers" only in the low wage category. At the high wage category, the Town is a "net exporter of workers". There is a bar bell distribution by wage category and care needs to be exercised in explaining this distribution. Lastly, the comment that the jobs per employed resident ratio has increased from 1.32 in 2002 to 1.59 in 2018 is factually incorrect. These are the numbers of Jobs-Household ratio from schedule POPEMP-13 not the numbers for jobs per employed resident ratio.
2. Page D – 2: Table D-2 has not been completed, yet the data is available in the site inventory analysis. There are a total of 179 pending units which can be applied to the RHNA. In addition, the Town can credit the 200 planned ADU toward the RHNA. This brings the remaining RHNA units to 1,913 which includes a 15% buffer.
3. Pages D-22 – D-30: These pages discuss sites that were previously used in the 5th cycle. According to the HCD Site Inventory Guidebook, for sites that were used in a prior housing element planning period, a program requiring rezoning within three years of the beginning of the planning period to allow residential use by right at specified densities for housing development in which at least 20 percent of the units are affordable to lower income households must be included in the Housing Element. Does this requirement apply to these sites?
4. Pages D-40 – D-44: Attached please find an example of the site inventory prepared by the City of Sunnyvale. Sunnyvale has included in their inventory analysis a realistic buildout density based on development

<https://outlook.office.com/mail/inbox/id/AAQkAGQyZjg1YWwNiLTc3OTkNDZkMS04NTVjLTg2OTQ0MTAyMjExYwAQADwx1Wt2gEHUv07h2ben9yo%3D>

2/3

## Los Gatos Response to Public Comments

9/6/22, 11:47 AM

standards, market trends and recent development to calculate capacity. This complies with HCD's requirements to demonstrate that the projected development is likely to occur. Additionally, the Sunnyvale analysis also includes a redevelopment likelihood which further informs the reader of the suitability of the identified sites. The Town's analysis does not contain any such analysis and therefore most likely overstates the development capacity. Would it be prudent for the Town to revisit the site selection inventory and include realistic buildout density and redevelopment likelihood in the analysis?

5. Pages D-40 – D-44: It is not clear from these tables if the Town is relying on nonvacant sites to accommodate 50 percent or more of the RHNA for lower income households. If the Town is relying on nonvacant sites to accommodate 50 percent or more of its RHNA for lower income households, the nonvacant site's existing use is presumed to impede additional residential development, unless the housing element describes findings based on substantial evidence that the use will likely be discontinued during the planning period. Has the HEAB been able to determine if the Town is relying on 50 percent or more of the identified nonvacant sites to accommodate RHNA for lower income households?

6. Page E-3: Table E-1 states for program 1.2 that the Town amended the Town Code to address this program. While the Town Code was amended, it does not appear that it was amended as specified in the program 1.2 and further detailed by the Enhanced Second Unit Program on page 19 of the 2015-2023 Housing Element. The enhanced second unit program for Hillside Residentially zoned lots 5 acres and greater required "as a prerequisite for obtaining approvals in the Second Unit Program expanded area, participating homeowners would be required to record a deed restriction on the title record of properties specifying that the second unit shall be offered at a reduced rent that is affordable to a lower income renter (i.e. less than 80 percent of AMI) if the unit is occupied by someone other than a member of the household". At that time, the Town did not allow second units on any non-conforming residential lots or in hillside areas. In exchange for allowing such second units, the participating homeowner would be required to record a deed restriction. The amended Town Code does not appear to include this prerequisite. The Town Attorney should review the amended Town Code to verify the accuracy of program 1.2 results.

Lastly, we wish to inform the HEAB as of yesterday afternoon the Los Gatos Community Alliance delivered to the Town Clerk 3,417 signatures on 159 petitions regarding a Referendum Against a Resolution Passed by the Town Council. The required number of signatures based upon 10% of 21,978 registered voters is 2,198. 3,147 signatures exceed the minimum number of signatures required in order to qualify for filing said petition.

Given this development, the HEAB may wish to reconsider the site inventory analysis and include a rezoning program for the specific sites identified in the site inventory that will allow for development potential consistent with the Town's RHNA requirements. We have attached an example of a rezoning program that was included in the City of Saratoga's draft Housing Element for your consideration.

We want to thank the HEAB for their hard work and dedication in assisting the Town in preparing the 6th cycle Housing Element.

Thank you for considering our comments.

Los Gatos Community Alliance

# Los Gatos Response to Public Comments

## Comment Letter #2 Attachment #1

### CHAPTER 5.1 SITE INVENTORY AND FINDING RESOURCES

Table 5.6: City of San Jose, 2021 2031 Housing Element, Transcend Station Area Plan

Site Number	Assessor Parcel Number (APN)	Address	Size (Gross Acres)	General Plan Land Use Designation	Zoning	Maximum Achievable Density <sup>1</sup>	Residential Density <sup>2</sup>	Tier	Redevelopment Likelihood	Total Units	Lower-Income Units	Moderate-Income Units	Above-Moderate-Income Units	Subject to AB 1537 by-right policy?	Description of Existing Use/Status
USAP 1	20700000	1175 Serrano Ct	1.3	General Industrial Use	RMU-1	80	76	1	100%	80	50	15	25		Site includes existing office building. City provided funding for site purchase to support proposed future affordable housing.
USAP 2	21022000	1902 Camino Real	1.56	General Industrial Use	RMU-1	80	87	1	25%	77	39	9	13		Research and development building built in 1990s; city has received interest from tech industry, completed redevelopment study in 2016, all of planning packet.
USAP 3	21022000	1902 Camino Real	0.78	General Industrial Use	RMU-1	80	87	1	25%	102	63	15	26		Existing data center. City has received interest from tech industry, completed redevelopment study in 2016, all of planning packet.
USAP 4	21022007	111 Alvarado Dr	1.29	General Industrial Use	RMU-1	80	87	1	25%	98	56	14	11		Existing data center. Built in 1970s, later converted to 2019. City has received interest from tech industry, completed redevelopment study in 2016, all of planning packet.
USAP 5	21010002	1107 Reed Ave	0.76	General Industrial Use	RMU-1	45	43	1	100%	41	25	5	10	Yes	Existing grocery store, restaurant, auto repair and paint shop.
	21010003	1175 Reed Ave	1.54	General Industrial Use	RMU-1	45	43	1	100%	66	40	10	16	Yes	Garden lot from 1911-1922. All three parcels under same ownership. Property owner has expressed interest in mixed use redevelopment.
	21010004	1104 Reed Ave	0.54	General Industrial Use	RMU-1	45	43	1	100%	15	9	2	4	Yes	
	Subtotal		2.84							122	74	18	30		
USAP 6	20700010	1175 Serrano Ct	1.33	General Industrial Use	RMU-1	80	76	2	25%	25	15	4	6		Existing office space for local bank in 1970s. Potential for mixed use development study in 2016, all of planning packet.
USAP 7	20700008	1175 Serrano Ct	1.47	General Industrial Use	RMU-1	80	76	1	100%	132	67	17	26		Existing office space. Built in 1977. Property owner expressed interest in mixed use redevelopment.
USAP 8	21022007	1104 Reed Ave	0.54	General Industrial Use	RMU-1	80	76	1	25%	277	166	47	67		Existing industrial space and data center. Currently used by tech company. Property owner interested in residential conversion, which is a large data infrastructure business, on general lower income, 35 percent moderate income, and 25 percent above moderate income development.
TOTAL			12.2							888	512	138	221		

<sup>1</sup>Maximum achievable density includes density bonus points received through their low-income program but excludes density bonus points available through the city's green building program and the state density bonus.

<sup>2</sup>Residential densities are calculated at 95 percent of maximum achievable density.

Source: Assessor, 2021



Comment Letter #2 Attachment #2

## City of Saratoga General Plan Update



- Exhibited developer and/or property owner interest to develop residential uses at greater densities and intensities than currently permitted.
- Presence of existing infrastructure adjacent or in proximity to sites due to the location of sites within existing urbanized portions of the city. While some sites may require lateral connections or expansions of existing utilities, these improvements are considered standard improvements and routine of redevelopment projects in urbanized areas. Such improvements will be done at the expense of developers.

Individual parcels comprising housing sites may be “vacant” by definition (i.e., undeveloped with little to no physical improvements), but are grouped as “non-vacant” resources due to their anticipated consolidated development along with other parcels that are developed and “non-vacant.”

A complete list of the City of Saratoga’s non-vacant land resources is included in Table 6-8 below.

### Rezoning Program

Pursuant to Government Code Section 65583.2(c) several of the City of Saratoga’s non-vacant housing sites, as described above, will be included within a proposed rezoning program to allow for development potential consistent with the city’s RHNA requirements. This rezoning program will consist of the creation, and adoption of three new mixed-use zoning districts: “Mixed Use” (MU), “Mixed Use High Density” (MU/HD), and “Mixed Use Very High Density” (MU/VHD). These new zoning districts will allow for mixed-use residential development at greater densities throughout the city than currently permitted, require at least 50 percent of building floor area, and allow for up to 100 percent of building floor area, to be dedicated to residential uses. These new mixed use zoning districts are summarized below in Table 6-8. Sites which are proposed to be rezoned to one of the new zoning designations as part of this Update are indicated in the Non-Vacant Inventory included within Table 6-9.

TABLE 6-8: SARATOGA REGIONAL HOUSING NEEDS ALLOCATION (2023-2031)

PROPOSED REZONING DISTRICTS	ALLOWABLE DENSITY	MAXIMUM BUILDING HEIGHT
MIXED-USE (MU)	15-25 du/acre	2 Stories
MIXED-USE HIGH DENSITY (MU/HD)	30-40 du/acre	3 Stories
MIXED-USE VERY HIGH DENSITY (MU/VHD)	80-150 du/acre	10 Stories

Source: City of Saratoga Community Development Department.



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HOUSING ELEMENT | 6-15

## City of Saratoga General Plan Update



TABLE 6-9: NON-VACANT/UNDERUTILIZED LAND INVENTORY

APN	ADDRESS	ACRES	EXISTING USE	EXISTING	EXISTING	PROPOSED	PROPOSED	REALISTIC CAPACITY				
				GENERAL PLAN	ZONING	REZONING	DENSITY (DU/ACRE)	VLI	LI	MI	AMI	TOTAL
EXISTING SENIOR HOUSING SITE												
FELLOWSHIP PLAZA HOUSING SITE												
39712016	14500 Fruitvale Ave. <sup>4</sup>	10.47	Senior Housing	CPS	R-1-40,000	-	20	80	0	0	0	80
MULTI-FAMILY HOUSING SITES												
MIXED USE MULTI-FAMILY HOUSING SITES												
GATEWAY NORTH HOUSING SITE												
36622022	12029 Saratoga Sunnyvale Rd.	2.54	Commercial Center	CR	CN	MU	15-25	0	0	19	19	22
36622023	12015 Saratoga Sunnyvale Rd.	0.38	Gas Station	CR	CN	MU	15-25	0	0	3	3	22
SUBTOTAL		2.92						0	0	22	22	44
HIGH DENSITY MULTI-FAMILY HOUSING SITES												
GATEWAY SOUTH HOUSING SITE												
36612066	12361 Saratoga Sunnyvale Rd.	0.32	Commercial Building	CR	CV	MU/HD	30-40	3	2	1	5	10
36612065	12341 Saratoga Sunnyvale Rd.	0.94	Funeral Home	CR	CV	MU/HD	30-40	7	4	2	14	28
36612054	12333 Saratoga Sunnyvale Rd.	1.01	Commercial Building	CR	CV	MU/HD	30-40	8	5	2	15	30
36612072	12299 Saratoga Sunnyvale Rd.	3.08	Storage	CR	CV	MU/HD	30-40	25	14	7	46	92

<sup>4</sup> Please Note that the Fellowship Plaza Housing Site shares the same Street address as the Saratoga Retirement Community Site identified within the "Pending Projects" Section of this Report. Both the Saratoga Retirement Community and the Fellowship Plaza Housing Development are owned by the Independent Order of the Odd Fellows (IOOF), but are two separate, distinct developments. Accordingly, while the two developments share the same street address, they have unique APN values.



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HOUSING ELEMENT | 6-16

## City of Saratoga General Plan Update



APN	ADDRESS	ACRES	EXISTING USE	EXISTING GENERAL PLAN	EXISTING ZONING	PROPOSED REZONING	PROPOSED DENSITY (DU/ACRE)	REALISTIC CAPACITY				
								VLI	LI	MI	AMI	TOTAL
38653031	12312 Saratoga Sunnyvale Rd.	1.23	Office Building	CR	CV	MU/HD	30-40	10	6	3	18	37
SUBTOTAL		6.58						52	30	16	98	197
SARATOGA AVENUE HOUSING SITE												
38906017	13025 Saratoga Ave.	9.76	Vacant	PA	PA	MU/HD	30-40	79	44	47	123	293
38906007	12961 Village Dr.	0.45	Office Building	PA	PA	MU/HD	30-40	4	2	2	6	14
38906006	12943 Village Dr.	0.38	Vacant	PA	PA	MU/HD	30-40	3	2	2	5	11
38906008	Village Dr.	0.49	Vacant	PA	PA	MU/HD	30-40	4	2	2	6	15
38906016	12989 Saratoga Ave.	0.37	Vacant	PA	PA	MU/HD	30-40	3	2	2	5	11
SUBTOTAL		11.45						93	52	55	144	344
VILLAGE EAST HOUSING SITE												
39727028	14320 Saratoga Sunnyvale	0.46	Commercial Center	CR	CV	MU/HD	30-40	4	2	2	6	14
39727029	20440 Arbeleche Ln.	0.83	Multi-Family	RMF	R-M-4000	MU/HD	30-40	7	4	4	10	25
39727001	Arbeleche Ln. (city parcel)	0.28	Parking Lot (City)	CR	CV	MU/HD	30-40	2	1	1	4	8
39731020	14395 Saratoga Ave.	0.49	Office Building	PA	PA	MU/HD	30-40	4	2	2	6	15
39731011	14375 Saratoga Ave.	0.56	Office Building	PA	PA	MU/HD	30-40	5	3	3	7	17
39731008	14363 Saratoga Ave.	0.28	Office Building	PA	PA	MU/HD	30-40	2	1	1	4	8
SUBTOTAL		2.90						23	13	14	37	87



DRAFT

HOUSING ELEMENT | 6-17

## City of Saratoga General Plan Update



APN	ADDRESS	ACRES	EXISTING USE	EXISTING GENERAL PLAN	EXISTING ZONING	PROPOSED REZONING	PROPOSED DENSITY (DU/ACRE)	REALISTIC CAPACITY				
								VLI	LI	MI	AMI	TOTAL
VERY HIGH-DENSITY MULTI-FAMILY HOUSING SITE												
PROSPECT LAWRENCE HOUSING SITE												
38610043	18562 Prospect Rd.	2.14	Commercial Center	CR	C-N(RHD)	MU/VHD	80-150	46	26	27	72	171
38610004	18560 Prospect Rd.	0.87	Carwash	CR	C-N(RHD)	MU/VHD	80-150	19	10	11	29	70
38610055	18522 Prospect Rd.	0.30	Auto Repair	CR	C-N(RHD)	MU/VHD	80-150	6	4	4	10	24
38610006	18506 Prospect Rd.	0.94	Auto Parts	CR	C-N(RHD)	MU/VHD	80-150	20	11	12	32	75
38610007	18480 Prospect Rd.	0.87	Commercial Building	CR	C-N(RHD)	MU/VHD	80-150	19	10	11	29	70
SUBTOTAL		5.12						111	61	66	172	410
SINGLE FAMILY HOUSING SITES												
WARDELL HOUSING SITE												
36614041	20851 Wardell Rd.	7.35	Non-Vacant	RHC	HR	R-1-12,500	1.36	0	0	0	10	10
ALLENDALE/CHESTER HOUSING SITE												
39701071	14001 Chester Ave.	12.13	Agriculture	RVLD	A	0 R-1-20,000	1.98	0	0	0	24	24
QUITO/POLLARD HOUSING SITE												
40322016	14076 Quito Rd.	3.56	Vacant	RVLD	R-1-40,000	R-1-10,000	2.81	0	0	0	10	10
TOTAL								359	156	172	517	1,204

Notes: VLI = Very Low Income, LI = Low Income, MI = Moderate Income, AMI = Above Moderate Income  
Source: City of Saratoga Community Development Department.



DRAFT

HOUSING ELEMENT | 6-18

## Response to Comment #2

- Employment characteristics
  - The employment characteristics (jobs-households ratio) have been corrected on pages B10 and B11.
  - Table D-2 has been deleted.
- RHNA data and Site Inventory
  - The Town's Site Inventory can be found in Appendix H and a summary of identified vacant/partially vacant and available sites, ADUs, SB 9 units, and pipeline projects to meet the Town's RHNA plus 15 percent buffer can be found in Appendix D of the HCD Draft Initial Review Housing Element.
- Site reuse from 5<sup>th</sup> Cycle Housing Element requirements
  - There are three sites that were previously used in the Town's 5<sup>th</sup> Cycle Housing Element. Implementation Program BH has been added to the Draft Housing Element. This program states that the Town will rezone those sites to allow housing developments by right pursuant to Government Code section 65583.2(i) when 20 percent or more of the units are affordable to lower income households on the following sites as identified in Appendix H to accommodate the lower income RHNA that was previously identified in past housing elements: Parcel 424-08-074; Parcel 424-08-057; and Parcel 424-08-21.
- Site Inventory, typical density for residential
  - The Housing Element Sites Inventory Form located in Appendix H and the Overview of Selected Sites located in Appendix D have both been updated utilizing the typical density identified in 2040 General Plan Residential Buildout Table.
- Percentage of nonvacant sites for low-income housing to accommodate the RHNA
  - The Town is relying on non-vacant sites to accommodate 50 percent or more of the RHNA for lower income households. Property owner interest forms have been submitted on a majority of the non-vacant sites showing property owner interest in of residential redevelopment within the 6th cycle planning period.
- Accessory Dwelling Unit incentive program
  - On April 7, 2020, the Town Council adopted Ordinance 2307, amending the Zoning Code of the Town Code regarding ADUs to comply with State law. The Town has provisions in the Town Code that include an incentive program [Town Code, Section 29.10.320(a)] *Incentive program. Any accessory dwelling unit developed under an Incentive Program which may be established by Resolution of the Town Council shall be made affordable to eligible applicants pursuant to the requirements of the Incentive Program. A deed restriction shall be recorded specifying that the*

*accessory dwelling unit shall be offered at a reduced rent that is affordable to a lower income renter (less than eighty (80) percent AMI) provided that the unit is occupied by someone other than a member of the household occupying the primary dwelling.*

- The current incentive program is applicable to any accessory dwelling unit meeting the requirements of the Town's ADU incentive program. The incentive program expands the eligibility to all units rather than just non-conforming residential lots over 10,000 square feet or in the Hillside Residential Zone on sites that are larger than five acres as described in Action HOU-1.2 of the 2015-2023 Housing Element.
- Implementation Program, Housing Element Overlay Zone (HEOZ)
  - On June 30, 2022, the Town Council adopted the 2040 General Plan. As of September 27, 2022, the Land Use and Community Design Elements of the 2040 General Plan are suspended pending the results of a referendum. In the interim, the 2020 General Plan Land Use and Community Design Elements will govern during the suspension period. The Draft Housing Element includes Programs BF and BG, requiring amendment the Zoning Code and 2020 General Plan Land Use Element to include a Housing Element Overlay Zone (HEOZ) to apply to the sites included in the Site Inventory to modify the development standards on those sites as a more targeted use of increase in height and density included in the 2040 General Plan Land Use Element as needed to meet the Town's RHNA and 15 percent buffer.



### Comment Letter #3

**From:** Phil Koen <[REDACTED]>

**Sent:** Sunday, September 4, 2022 10:12 AM

**To:** Jocelyn Shoopman <jshoopman@losgatosca.gov>; Housing Element <HEUpdate@losgatosca.gov>

**Cc:** Erin Walters <EWalters@losgatosca.gov>; Jennifer Armer <JArmer@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Gabrielle Whelan <GWhelan@losgatosca.gov>

**Subject:** Re: Town of Los Gatos 6th Cycle 2023-2031 Initial Public Review Draft Housing Element Now Available For Review

Hello Ms. Shoopman,

In reviewing the Initial Public Review Draft Housing Element, it appears the document is incomplete and contains known errors which were not corrected prior to releasing for public comment.

My question is why has the Town released an incomplete document for public review? How can the public be properly informed if this draft document contains known errors and omissions? What is the standard of completeness and accuracy that Town used to determine the draft is actually ready for public comment?

Thank you.

Phil Koen  
[REDACTED]  
[REDACTED]

Sent from my iPhone

## Los Gatos Response to Public Comments

### Response to Comment #3

- Initial Public Draft of the Housing Element
  - Assembly Bill 215 (AB 215) was signed by the Governor on September 28, 2021. AB 215 requires that a local government make the first draft version of the Housing Element available for public comment for at least 30 days and, if any comments are received, take at least 10 additional business days to consider and incorporate public comments into the draft Housing Element before submitting it to HCD. On August 29, 2022, the Town of Los Gatos released the Initial Public Review Draft of the 2023-2031 Housing Element for a 30-day public comment period which ran from August 29, 2022, to September 27, 2022.



## Los Gatos Response to Public Comments

9/6/22, 12:10 PM

### Comment Letter #4

From: Phil Koen [REDACTED] >  
Sent: Sunday, September 4, 2022 10:55 AM  
To: Housing Element <HEUpdate@losgatosca.gov>  
Cc: [REDACTED]  
Subject: HE Public Comment

#### EXTERNAL SENDER

In reviewing the Housing Element public draft, Table B-1 on page B-3 does not show the Town's estimated population through 2040. Please see the attached document from the City of Redwood City which was included in their draft 6th Cycle Housing Element.

To provide the public with a complete view and understanding of the estimated population growth, schedule B-1 should be updated to include the California Department of Finances estimate for the Town's 2040 population as reported in the E-5 series.

For ease of reference, the estimated 2040 population for Los Gatos and Santa Clara County are 31,635 and 1,986,340 respectively.

No where in the draft Housing Element is there a projection for the Town's 2040 population. Since the Housing Element is an integral part of the 2040 General Plan update, a 2040 projection should be included to conform with the General Plans 20 year time frame.

Thank you,

Phil Koen  
[REDACTED]

Sent from my iPhone

## Los Gatos Response to Public Comments

### Comment Letter #4 (Sender Revision)

9/6/22, 12:05 PM

From: Phil Koen [REDACTED]  
Sent: Sunday, September 4, 2022 11:03 AM  
To: Housing Element <HEUpdate@losgatosca.gov>  
Cc: [REDACTED]  
Subject: HE Public comment

#### EXTERNAL SENDER

Please see the attached document which is page H1-1 from the city of Redwood City's housing element. I inadvertently attached the entire Housing Element document to my prior email when I intended to only send this one page.

I apologize.

Phil Koen  
[REDACTED]

<https://outlook.office.com/mail/inbox/id/AAQkAGQyZjg1YWwNiLTc3OTkNDZkMS04NTVjLTg2OTQ0MTAyMjExYwAQAM2mfr%2Fn9E%2B0sanGRIC37sg%3D> 2/2

Comment Letter #4 Attachment #1

2023 - 2031 HOUSING

Needs  
Assessment

## Needs Assessment

### Population and Employment Trends

To best understand the types of housing that are needed to meet existing and future demand, Housing Element law requires that the Housing Element assess local population demographics and housing stock characteristics. Characteristics such as age, ethnicity, and employment influence the type and cost of housing needed or in high demand. Tracking changes in demographics can also help City leaders better respond to or anticipate changing housing demand. This section evaluates the various population characteristics that affect Redwood City's housing needs.

### Current Population and Population Growth

Between 2010 and 2020, as reported by the U.S. Census, the population of Redwood City grew by approximately 13 percent, from 76,815 to 86,754 residents. This growth rate was greater in Redwood City than San Mateo County as a whole (7.6 percent). The Association of Bay Area Governments (ABAG) forecasts continued population growth through 2040. From 2020 to 2045, ABAG estimates that the City's population will grow by 20 percent, while countywide population is expected to increase by 18.5 percent (Table H1-1).

Table H1-1: Population Growth and Projected Growth

	2010	2020	2040	% Change	% Change
				2010-2020	2020-2040
Redwood City	76,815	86,754	103,940	12.9%	19.8%
San Mateo County	718,451	773,244	916,590	7.6%	18.5%

Sources: Association of Bay Area Governments and Metropolitan Transportation Commission Housing Element Data Package and Projections 2040

In addition to population projections, several other demographic characteristics and trends define housing needs. Among these characteristics are age composition, racial and ethnic composition, and employment.

### Age

Patterns indicate that different age groups have varying housing needs. As such, housing choice often correlates to the age of residents. Table H1-2 shows the age distribution of Redwood City residents. In 2019, the 25-44 year old age group constituted the largest age group at approximately 33 percent, followed by the 45-64 years old age group at 26 percent. Of note, certain segments of the population are increasing more rapidly than others, resulting in variations in total population make-up of the city. For example, the share of the population represented by seniors (65 years old and above) increased by two percentage points over the past 10 years, while the youth share of the population (0-14 age group) decreased by two percentage points.

## Los Gatos Response to Public Comments

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### Response to Comment #4

- Population projections
  - The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) has compiled demographic, economic, and housing stock data required by HCD for each Bay Area jurisdiction. Each jurisdiction received a data packet that can be used in the Housing Needs section of the draft Housing Element. Population data sets and associated graphics were provided for year 1990 to 2020. The Town will contact ABAG/MTC to see if population data and updated graphics can be provided for the year 2040, but no additional data is available at this time.

## Comment Letter #5

Feedback on Town of Los Gatos 6th Cycle 2023-2031 Housing Element  
William Walker September 4, 2022

I will give feedback referenced by section.

### 10.1.1 California's Housing Crisis

The document states that there is a housing crisis, but there is no reference to any peer-reviewed academic study demonstrating a crisis. Last time California had a housing crisis was 2007-2008, when housing prices plummeted due to sub-prime mortgages. Many families were bankrupted.

The second paragraph states that Santa Clara County is projected to add 169,450 jobs, but again there is no reference to where the projection originated. My understanding is that California lost population in the previous several years (<https://www.macrotrends.net/states/california/population> (External link)), and that Santa Clara county population has declined since 2020. Also some large companies such as Charles Schwab, Tesla, HP, Oracle have relocated their headquarters out of state. Moreover, the advent of work-at-home has resulted in workers relocating to lower cost states. So I am very skeptical that population will continue to increase as in the past.

In my opinion, historically low interest rates in the previous few years resulted in excessive housing demand. The real housing crisis is likely to be a repeat of 2007-2008, which we are already starting to see as increasing interest rates cause a recession and falling house prices. Adding more housing will make the crisis worse, as it did in 2007-2008.

I find the final paragraph is really puzzling. When I moved to Los Gatos in 1983, it was highly segregated, indeed many neighborhoods built before 1963 excluded racial minorities from home ownership. It is right to condemn those bad old days. But times have completely changed, my neighborhood, and Los Gatos as a whole is highly integrated now. There is no problem to solve here.

### 10.1.2

Same comments as the previous section, I am highly skeptical of the projected increase in households. The actual data from last year indicates California's population is declining ([https:// www.macrotrends.net/states/c alifornia/population](https://www.macrotrends.net/states/california/population) (External link)).

At least here there is a reference to where the data came from, but I don't believe the data.

### 10.1.3 Affirmatively Furthering Fair Housing

I don't understand how California is supposed to enforce replacement of segregated living patterns with integrated living patterns. Will Cupertino be forced to kick out Chinese residents? It's an unfortunate part of human nature that many people prefer to live in neighborhoods with their affinity groups. I'm not one of them, I like the melting pot and oppose multiculturalism, but I also believe in freedom of association. Based on the racial make-up of my neighborhood, I'm very skeptical of the statement that "racial segregation in Los Gatos increased between 2010 and 2020". Los Gatos is a model community for racial integration.



Ironically, when I went to college at Cal in the 1970s, the student Coop where I lived was completely integrated. Now, if you visit the Berkeley Student Co-op website, you will find that many of the Co-op houses have “themes”, such as people-of-color, and LGBT, and students are encouraged to segregate themselves to live with their affinity groups. O brave new world, that has such people in it! Segregation has become fashionable again.

### 10.1.4 Overview of Planning and Legislative Efforts

I’m sorry my feedback to the general plan was not adopted by the Town Council. Most importantly, the vast expansion of housing adopted by the general plan flies in the face of sound city planning practice, and will result in environmental destruction and a deterioration of the quality of life in Los Gatos and throughout the bay area. An environmentally sensitive plan would have advocated to decrease the population of outlying suburbs with no access to public transportation, such as Los Gatos, and to increase the population density within 1km of mass transit hubs, such as Cal Train stations. This is how planning is done in Japan (where my wife and I have a second home). Most of the northeastern states, such as New York, historically have very low population densities once you leave the big cities, California was built out as a continuous suburb. We need to make California look more like Japan or New York. The Los Gatos general plan doubles down on the environmentally unsustainable continuous suburb model.

I understand the California legislature has mandated certain housing policies, but the solution is to push back by banding together with other outlying suburbs and rural communities to fight environmentally destructive mandates.

Of course Los Gatos is segregated from other communities by income. Los Gatos is a luxury brand, with vacant lots running over \$1 million. Forcing low income housing into Los Gatos is like asking Daimler Benz to build an economy car, their cost structure doesn’t allow it. Los Gatos land costs can’t sustain low cost housing. You don’t need to travel far from Los Gatos to get to areas with lower land prices, for example, Santa Clara, San Jose, Morgan Hill, Milpitas. Finally, building high-density low-income housing in Los Gatos will violate the original covenants and restrictions on existing housing and degrade its value. I view the covenants and restrictions as a contract I signed onto when I bought my house. I don’t see any proposal in this document to compensate existing residents for degrading their property values. Again, the town needs to push back against legislative mandates that don’t make sense.

### 10.1.5 Public Participation

Public disclosure of new regulations by the Town Council is inadequate. Many residents do not subscribe to social media, do not read newspapers, shop at Safeway rather than at the farmer’s market, and avoid using the internet as much as possible. For instance, my neighbor bought a gas leaf blower one week before the town banned them. A proper form of disclosure is by USPS, every resident needs to receive a hard copy in the mail.

But more importantly, when radical proposals that completely and irrevocably change the town’s character are proposed, the citizens of the town should be given an opportunity to vote.

## Los Gatos Response to Public Comments

This was not done with the 2040 General Plan.

### 10.2 Overview of Housing Need and Constraints

This section is largely repeating and expanding on what was already written in the previous section. My comments above apply.

#### 10.2.6 Special Housing Needs

This section is mostly free of data, and what little data is presented lacks citations.

I'm a senior, but I question the section about senior household affordability. My understanding is that seniors are the wealthiest Americans

(<https://www.lexingtonlaw.com/blog/finance/average-net-worth-by-age.html>)(External link).

Seniors also benefit from Medicare, Social Security, Prop. 13 property tax reductions, and senior discounts.

The section on homelessness lacks data, and the reasons stated for homelessness are wrong. My understanding of the homeless crisis in California, as documented in Michael Shellenberger's book San Fransicko, is that it is almost entirely a crisis of drug addiction and untreated mental illness. Organizations advocating personal liberty such as the ACLU, together with progressive prosecutors, have made it impossible to solve the homeless crisis. Open borders have increased the supply of Fentanyl. And it is a real crisis: in San Francisco more people died of drug overdoses than Covid in the last two years.

### 10.4 Energy and Resource Conservation

Solar roof panels are not a means of reducing energy costs. Considering the maintenance and depreciation, I believe (I am an electrical engineer specializing in semiconductor physics) they generating very expensive power. If the town really believes solar roof panels are a good investment, then the numbers should be presented in this document. Although I am an SVCE customer, and own an electric car I have not experienced any reduction of my power costs. Indeed, California has some of the most expensive power in the US.

The figures touting 99% reduction in utility-related emissions by providing clean energy are patently false. When the energy required to manufacture solar panels is accounted for and amortized over their life, and recognition of the fact they are manufactured in China using high-carbon coal power, the numbers are nowhere near as good. Moreover, solar power is not generated during the peak demand period between 4PM and 9PM. Backup power capital equipment needs to be kept on-line, and that adds to the cost. Failure to do so has led to California's current energy crisis, and caused my electric car to be charged with out-of-state coal power brought in to alleviate the crisis.

A better way and less expensive way to reduce power costs is to install a light colored roof, insulate your attic, and plant deciduous trees to shade your house. Fenestration should be minimized. I notice that most houses being remodeled these days are styled as retro mid-century modern with black roofs and huge windows, which is very bad from an energy efficiency standpoint.

## Los Gatos Response to Public Comments

California has shut down two of its three nuclear plants in the last few years, with Diablo Canyon scheduled to be taken off-line in 2024-2025. The result is an increase in the proportion of carbon-spewing power generation, and higher energy costs from renewables. According to Wikipedia, Diablo Canyon generates electricity at six cents per kW hour, one fourth of what I pay for so-called SVCE clean power. And nuclear generates power 24/7.

### 10.5 Goals, Policies, and Implementation Programs

Basically, I oppose almost all of the policy recommendation in this section. Here are my proposed replacement policies.

1. The town should advocate for the state to electrify CalTrain and eliminate all grade crossings. The money saved from killing the bullet train can be reallocated for this project. Once Caltrain is electrified, San Jose to San Francisco is a 30 minute commute (electric express trains without grade crossings can travel at 80 MPH). California is way behind on electric commuter trains.
2. The town should recommend a 1km circle centered around each major CalTrain station be re-zoned for ultra-high-density housing. The entire housing needs of San Mateo and Santa Clara county can be met for many years. People can walk to train stations in five minutes, eliminating the need to expand freeways. Similar zoning changes would be beneficial for BART.
3. Towns and suburbs not served by mass transit hubs should be encouraged to down-size or remain stagnant to alleviate the burden on highways and reduce car-miles, exactly the opposite of what the town is currently advocating.
4. The town should request that Diablo Canyon not be closed. San Onofre nuclear power station decommissioning should be stopped immediately, and the power station should be rebuilt and brought back on line. Third-generation nuclear power stations should be built to replace windmills and photovoltaics, which are not viable sources of carbon-free power. Reasons for advocating this position can be found in Michael Shellenberger's book *Apocalypse Never*.
5. The town recognizes that the VTA light rail system is a failure. It is slow, expensive, unreliable, doesn't stop near your office or home, and needs to be fixed or dismantled. Google buses are an alternative. The town should recommend to study how to get people to work without cars. Bicycles are not a good option.



## Los Gatos Response to Public Comments

### Response to Comment #5

The public comment includes multiple topics, including: projected housing; racial segregation; planning and legislative efforts; public participation; quality of data; energy conservation; and goals, policies, and programs. However, most of the suggested changes are either: not within the Town's authority; not consistent with the Town's 2040 General Plan Vision and Guiding Principles; not aligned with the stated goals for Affirmatively Furthering Fair Housing (AFFH); or would not result in a greater likelihood of housing production for the next eight-year cycle. Therefore, no changes to the Draft Housing Element were included in response to these comments.

## Comment Letter #6

**From:** Adam Mayer  
**Sent:** Tuesday, September 13, 2022 11:28 PM  
**To:** Housing Element <HEUpdate@losgatosca.gov>  
**Cc:** Joel Paulson <[REDACTED]>; Jocelyn Shoopman <[REDACTED]>; Jennifer Armer <[REDACTED]>; Erin Walters <[REDACTED]>  
**Subject:** Re: Comments re: Los Gatos Draft Housing Element

Hi Planning Staff,

First of all, thank you for delivering the hard copy of the Draft Housing Element - this has been very helpful in evaluating the document. Just have a few comments in anticipation of the upcoming Housing Element Advisory Board meeting on Thursday (9/15):

### Downtown District

I realize this is something we discussed early on in the Housing Element process. Still, I would like to revisit the site inventory for the Downtown District because I feel like we are missing an opportunity to plan for the potential to add housing units in the most pedestrian-friendly and resource-rich part of the Town. I think there are ways to strategically do this that keep the charming character of Downtown without changing the fundamental nature of the surrounding historic residential districts.

Furthermore, according to the "Vision 2040" of the 2040 General Plan's Community Design Element, The Downtown District:

***"emphasizes first floor retail and restaurant uses and encourages office and residential units above the first floor. It is through this mixed-use development that residential growth is accommodated. Multi-story mixed-use transitions in scale seamlessly with nearby residential, which includes growth through small multi-unit housing while maintaining the charm and character of these neighborhoods."***

*The Downtown District provides a truly walkable environment, where sidewalks are wide and pedestrian friendly. The expanded sidewalks accommodate additional space for outdoor dining, public art, and street furniture. Enhancing the visitor experience in the Downtown District, digital display informational kiosks with establishment directories provide a 21st-century amenity. Updated building signage, a Downtown wayfinding system, and gateway entrance signs mark the Downtown as the core of the community.*

*The Downtown District thrives as one of the most beloved areas of the Town, one that has stood the test of time and continues to do so"*

This is a lovely vision that the GPAC came up with here, but the Housing Element Site Inventory for the Downtown District leaves much to be desired. In fact, given the current site inventory, I don't think achieving the vision of a genuinely mixed-use Downtown will come to pass.

Currently, the Housing Element has identified only three sites in the Downtown District at opposite ends of Santa Cruz Avenue (the site of the former Hult's restaurant on the north and the Post Office and the Park Avenue parcel on the south). These three sites only account for 45 housing units or a mere 2% of the RHNA number.

Early in the process, I suggested evaluating the bank sites on Santa Cruz Avenue (see attached markup with sites highlighted in orange) - Bank of America, Bank of the West, Wells Fargo, US Bank - as

## Los Gatos Response to Public Comments

candidates.

Now while I understand that these sites are not currently vacant (and perhaps is the reason they are not included in the site inventory, which prioritizes vacant/partially vacant sites), given the outlook of where the [banking sector is trending with regard to digitization](#), physical bank branches might become obsolete within the next 10-20 years (and even if they don't become obsolete right away, there is nothing that would preclude a bank branch from occupying the ground floor commercial retail space of a mixed-use building that has residential units above). The HCD website has some good tips about how to analyze "Existing Uses" for Non-vacant sites: <https://www.hcd.ca.gov/analysis-of-sites-and-zoning>

Even if these sites are not added to the site inventory, they will not see any multi-family residential in the future if they remain zoned as they currently are (C-2 Central Business District Commercial Zone), which does not allow multi-family residential use.

In case my comments get misinterpreted here (as often happens in these discussions about land use), I would like to clarify that I am not suggesting that we raze Downtown Los Gatos and its surrounding historic districts and build high-density housing everywhere.

The approach I am proposing is careful and thoughtful - any proposed development should go through the proper Planning and Historic evaluations to ensure that Los Gatos gets the highest quality projects possible and that the Downtown is enhanced and beautified by any new building that is introduced to the district.

### **Los Gatos Boulevard Area**

In contrast to the Downtown Area, the Los Gatos Boulevard area site inventory accounts for 427 new residential units, or about 21% of the RHNA. As has been mentioned by other members of the HEAB, this presents an excellent opportunity to turn Los Gatos Blvd into a grand boulevard. The "Vision 2040" of the 2040 General Plan's Community Design Element, Los Gatos Boulevard District, does a good job of laying this out:

*"The Los Gatos Boulevard District reflects a comprehensive transformation from a 1950s automobile-oriented corridor to a multi-modal District with 21st-century amenities. The Los Gatos Boulevard District includes high-density residential living over retail and commercial offices. It is a pedestrian-oriented district with clearly defined bike lanes, wider sidewalks, and mid-block pedestrian crossings. Increased landscaping provides visual consistency between the Boulevard and the scenic backdrop of the Santa Cruz Mountains."*

Now the state has given us a new tool to help realize this vision, Assembly Bill 2011 (AB 2011), which, [according to this SF Examiner piece](#): "rezones commercial areas on major boulevards for three-to-six story residential development. And it permits those buildings 'by right,' meaning they will not be subject to discretionary reviews from neighbors or lawsuits under the California Environmental Quality Act."

AB 2011 is based on the "Grand Boulevards" concept by Berkeley planner/architect Peter Calthorpe. More can be read about this concept here: <https://www.hdrinc.com/insights/grand-boulevards-plan-solve-californias-housing-crisis>

### **Alignment Between the Housing Element, General Plan (Land Use Element & Community Design Element), current Town Zoning Code and State Laws**

One underlying reality that has left me uneasy throughout the Housing Element process is the alignment

between the different documents that will guide the Town's Land Use in the coming years (and decades).

We can now identify inconsistencies between the current Town Zoning Code and the new General Plan and Draft Housing Element. Add on top of that the new legislation coming from the state in Sacramento and the potential repealing of parts of the 2040 General Plan by signature collection here locally in Los Gatos.

Which document or legislation \*legally\* has the final say in local land use? As I am not an attorney, I don't have the answer to that, but I know that much of the state legislation is written to override local rules. So even if the signature collection to repeal parts of the 2040 General Plan are successful, and the Land Use Element has to be reconsidered, what guides us in the interim? Do we have to wait to update the Town Zoning Code? HCD will be watching like a hawk to ensure that the implementation programs from the Housing Element are progressing.

I don't have an answer to any of these questions, but I only bring them up because I think they're important to consider. I understand Town Staff is under a lot of pressure to clarify everything while remaining proactive, so these questions are not being raised to try and make your life more difficult (the situation is complex as it is).

Best,  
Adam Mayer  
Housing Element Advisory Board Member

--  
STUDIO—AMA

Adam N. Mayer AIA, LEED AP BD+C, WELL AP



Comment Letter #6 Attachment #1

Initial Draft 2023-2031 Housing Element

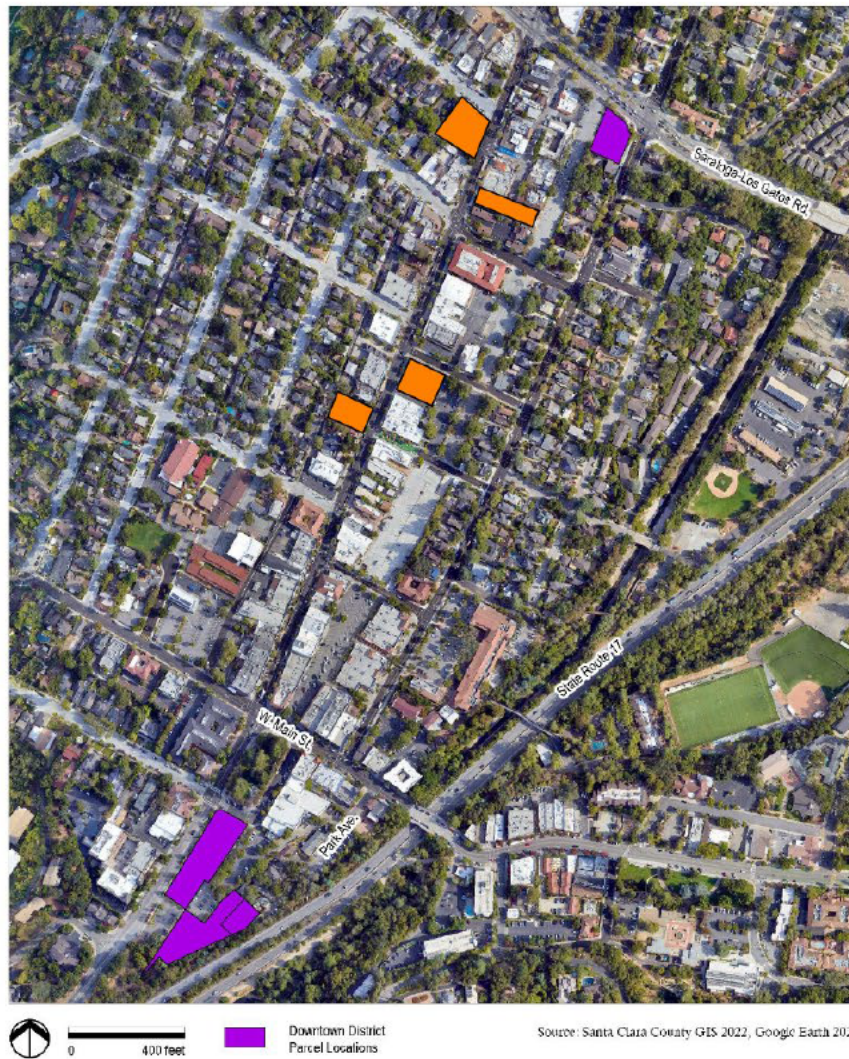


Figure 1  
**Downtown District**  
Tier 1 - Los Gatos Housing Element Update - Draft Site Selection  
6th Cycle (2023-2031)

### Response to Comment #6

- Downtown site additions to Site Inventory
  - The HEAB discussed this subject at a public meeting and collectively determined to continue moving forward with the Downtown sites in the Draft Site Inventory as recommended by the HEAB.
  - The bank sites located in the Downtown on Santa Cruz Avenue Areas, and referenced with this comment, were placed in the Town's third tier of potential sites based on their gross lot area of less than half an acre and because the Town has not received any Property Owner Interest Forms for residential development on those sites.
- Recent changes to State laws
  - The Town is committed to learning more about recent changes to State laws and how these may impact the Town zoning and contribute to opportunities for affordable housing construction and will incorporate them when appropriate.

## Comment Letter #7

To: Town of Los Gatos, Community Development  
(via email to: HEUpdate@losgatosca.gov)

From: Edward S. Morimoto  
[REDACTED]

CC: Joel Paulson, Director, Community Development (via email)  
Katharine Hardt-Mason, Esq. (via email)

Date: September 15, 2022

Re: Town of Los Gatos 2023-2031 Housing Element – comments on the Initial Public Review Draft

Thank you to Town Staff, the Housing Element Advisory Board and the Planning Commission/Town Council for all the hard work that has gone into this important, albeit challenging, planning exercise. Solving for decades of housing production dramatically outstripped by economic/job growth in the South Bay now reflected in RHNA allocations and stricter state mandates is nothing short of a Herculean task that will require not only creativity, but compromise & open-mindedness.

As a resident of the Town and a beneficiary of the prosperity that has given rise to this burden, I would expect any solution to call on my neighbors and I to be accepting that our neighborhood may need to evolve to meet this challenge. And as the owners of the parcels on Oka Road identified in the Draft Housing Element site inventory as E-1 and E-2, we should similarly be open to evolving land use for our properties.

However, I also believe for the Town to succeed in addressing housing needs, planning cannot rely upon imposing unrealistic or unfair land uses, and it is through that lens I would like to express a number of concerns with the Housing Element with regards to the Oka Road sites:

- ***Yielding 5 du/ac in the LDR (Low-Density Residential) parcels with an 8000 sf minimum lot size is unrealistic.*** Although mathematically five, 8000 sf parcels could be created from a single acre (43,560 sf), real-world site geometries, infrastructure & access needs and other development constraints makes this a practical impossibility. Prior efforts to test-fit the 6.2 acre E-2 site has yielded 20 compliant residential parcels (8000 sf+) which equates to 3.2 du/ac (and this did not account for the large utility easement impacting the North side of the property). Absent a reduction in minimum lot size, we believe the Element should account for yielding no more than 3 du/ac on the R-1/LDR parcels in E-1 and E-2.
- ***Accounting for 22 du/ac on the parcels currently zoned R-M:5-12 (HDR under the new General Plan) is not economically realistic.*** In addition to space concerns similar to those expressed above on the LDR parcels, we believe a density of 22 du/ac is a bit of a “tweener” and is dangerously close to a “no man’s land” between economically feasible building types – too dense for townhomes but not dense enough for multi-story, multifamily. For these reasons, we believe it is more realistic to use the “Typical Density” of 18 du/ac as described in the 2040 General Plan for HDR in the Housing Element.
- ***The extremely high proportion of affordable units ascribed to sites E-1 & E-2 is an unfair burden.*** I understand from Town Staff this level of assignment was made in error, so I hope this is corrected in the version submitted for review to HCD. With building costs as high as they are, the Town’s standard 20% BMP



## Los Gatos Response to Public Comments

requirement for larger sites is challenging enough to fulfill, but the levels in the Draft Element are completely unrealistic and, if enforced, would be tantamount to an uncompensated taking.

Although I understand the Housing Element is primarily a planning vehicle which should not preclude land use consistent with underlying zoning & the General Plan (even if it falls short of Housing Element targets), we believe the Town should correct these shortcomings for a number of reasons:

- While legal interpretation varies, our counsel advises “no net loss” provisions create a potential liability on landowners to backfill shortfalls even if the initial planning numbers were unrealistic.
- The imposition of unrealistic targets gives further reason for would-be housing producers to be wary of undertaking projects in Los Gatos, an already notoriously challenging jurisdiction for development.
- Inevitably, production targets in the Element have the potential to color the judgement, whether consciously or unconsciously, of the Town’s land use decision-makers and introduce headwinds to housing projects consistent with the Town’s zoning/General Plan but short of unrealistic Housing Element targets.
- History shows us that when developers fail to meet unrealistic Housing Element targets, the public can interpret this as a nefarious act – a misperception the Town has been either unable or unwilling to correct. This further erodes public trust in those working to produce housing and undermines our collective goal of addressing housing shortfalls.

Thank you for the opportunity to provide comments on the Draft Housing Element. I sincerely hope the issues raised above are addressed in a future draft to produce an Element that is fair and realistic. Not only will this help ensure the Element is approved by HCD but also support the broader objective of making meaningful progress chipping away at the regions housing shortage.

Regards,



Edward Mcrimoto





### Response to Comment #7

- Site Inventory, typical density
  - The Housing Element Sites Inventory Form located in Appendix H and the Overview of Selected Sites located in Appendix D have been updated utilizing the typical density identified in 2040 General Plan Residential Buildout, rather than the maximum allowed density.
- High number of affordable units assigned
  - The Town acknowledges the property owner's concern with the proposed estimated income distribution and capacity estimate for the sites. This is an estimate and has been modified in response to comments received.
- No Net Loss Law
  - The Town acknowledges that there is a concern by property owners that they will bear the required burden of the No Net Loss Law. However, per Government Code section 65863, the No Net Loss Law requires a jurisdiction to maintain a sufficient supply of adequate sites in its Housing Element at all times throughout the Housing Element planning period to meet a jurisdiction's remaining unmet share of the RHNA for each income category. To comply with the No Net Loss Law, jurisdictions must ensure their actions do not create a shortfall of available sites. When making decisions regarding zoning and land use (e.g., downzoning) and/or when approving housing development projects, jurisdictions must assess the impacts those actions have on their ability to accommodate new housing on the remaining sites in their Housing Element Site Inventories. If, at any time during the planning period, the jurisdiction finds that their remaining sites are insufficient to accommodate its remaining RHNA, the jurisdiction must take immediate action to correct the shortfall by amending its Housing Element Sites Inventory to increase capacity by either adding previously unidentified sites or rezoning remaining sites to correct for the shortfall. If a development is approved at a lower density or income distribution than what was assumed in the Sites Inventory of the Housing Element, No Net Loss Law requires a jurisdiction to make written findings and identify additional site capacity. The No Net Loss Law is not the responsibility of the property owner.

## Comment Letter #8

From: Phil Koen [REDACTED] >

Sent: Monday, September 26, 2022 10:28 AM

To: Housing Element <HEUpdate@losgatosca.gov>; [REDACTED]

Cc: [REDACTED]

Subject: Housing Element Update comments on Appendix E

EXTERNAL SENDER

Hello Joel,

In addition to my previous comments submitted regarding the Housing Element, please accept these additional comments on Appendix E.

1. Addendix E discusses the production of housing for the 5<sup>th</sup> RHNA cycle. The write up states the Town “achieved approximately 83 percent of the Town’s RHNA”. While mathematically correct, it is grossly misleading because it fails to explain the 83% is driven by an extreme barbell distribution of production achievement for extremely low, very low and low affordability levels vs. moderate and above moderate levels. It would be the equivalent of having one foot in boiling water and the other foot in freezing water and claiming the average water temperature was 83 degrees. In fact, the Town achieved a dismal 16.7% of the RHNA for extremely low, very low and low affordability housing. At the other end of the barbell, the Town achieved an amazing 150% of the RHNA for moderate and above moderate housing (reference Table A5-2). The point is the Town does not have an issue with the production of above market rate housing. Rather the massive problem is with the production of below market rate housing. As written, the reader is misinformed as to the core issue facing the Town. Given the income levels for the extremely low, very low, and low income groups, to be affordable the purchase price must be approximately \$550 per square foot which is substantially below the current market rate price of approximately \$1,000 per square foot in Los Gatos. This “affordability gap” needs must be addressed by effective goals, objectives and policies which will increase the odds of below market rate housing production. Please add additional language which fully explains the Town’s 83% housing production metric and highlights for the reader the lack of below market rate housing production for the extremely low, very low, and low income groups and the over achievement in production of market rate housing.
2. Appendix E additionally discusses the appropriateness of goals, objectives and policies identified in the 2015 Housing Element. Again, the concept of affordable housing and below market rate housing seems to be conflated. Affordable housing is defined by income level for various income groups, whereas below market rate vs. market rate housing is defined by the current going rate of housing in Los Gatos. They are very different concepts and should be discussed separately. Given the very high price of housing in Los Gatos as measure by price per square foot, it is safe to say that for almost all families in the extremely low, very low, and low income groups, market rate housing is beyond their reach – it is not affordable. By definition, the only housing within their reach will be below market rate housing. On the other end of the spectrum, the vast majority of families in the moderate and above moderate income levels living in Los Gatos are able to find market rate housing that fits their affordability level. This is why the focus needs to be on the production of below market rate housing as opposed to a generalize concept of “affordability”. Because of this conflation, I

believe the conclusion the Town has made that “the Town successfully provided the governmental framework to encourage and facilitate affordable housing through a continuation of its BMP program and enhanced Accessory Dwelling Unit Ordinance” is simply wrong. As written the statement suggests that by simply “providing a governmental framework” the Town is able to claim success with no regard to the actual outcomes. however when measured by the actual production of below market rate housing that would be affordable to the lowest and most needy income groups there is no objective evidence that can remotely substantiate this claim. I suggest that the Town rewrite this section to reflect the actual results achieved.

3. In a previous note, I pointed out that the achievement noted in Table E-1 for policy 1.2 is factually incorrect and misleading. Rather than again detail this point, I would suggest you refer to my prior notes on this matter.

Thank you.

Phil Koen

## Response to Comment #8

- Production of below market rate housing units
  - The Town recognizes the historic challenges of producing below market rate housing units within the Town. One of the primary purposes of this update of the Town of Los Gatos Housing Element is to increase production of below market rate housing. Goal HE-2: “Provide New Affordable Housing” is supported by 12 policies and numerous implementation programs.
- Defining affordable housing
  - The Town utilizes the Department of Housing and Community Development (HCD)’s definition of affordability housing thresholds through the income categories assigned through Town’s RHNA. HCD with input from the Association of Bay Area Governments (ABAG), and Metropolitan Transportation Commission (MTC), determined the total RHNA for the 2023-2031 period. On December 16, 2021, the ABAG Executive Board adopted the Final RHNA Plan: San Francisco Bay Area, 2023-2031. Los Gatos's allocation is 1,993 units, which is broken down by income category, as shown in the table below:

### **Income Group Number of Units**

Very Low (0-50% AMI) 537

Low (50-80% AMI) 310

Moderate (80-120% AMI) 320

Above Moderate (120%+ AMI) 826

**TOTAL = 1,993**

\*AMI is Area Median Income

- Accessory Dwelling Unit incentive program
  - See response to Comment #2, Accessory Dwelling Unit Incentive Program.



## Los Gatos Response to Public Comments

### Comment Letter #9

-----Original Message-----

From: Bill Ehlers [REDACTED] >  
Sent: Monday, September 26, 2022 9:23 PM  
To: Housing Element <HEUpdate@losgatosca.gov>  
Subject: Public Input

EXTERNAL SENDER

Good day.

I would like to submit the following public comments.

In general, having many sites east of Highway 17 greatly limits the access of these sites to the Los Gatos Creek Trail.

There are no less stress ways for users of active transportation to cross Highway 17, east to west. This is a missed opportunity to encourage active transportation modes.

Overall, I support the plan.

Bill Ehlers

Resident of Los Gatos

These comments are provided as a member of the public.

Town affiliation:

Vice Chair of the Complete Streets and Transportation Commission

[REDACTED]



## Los Gatos Response to Public Comments

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### Response to Comment #9

The recently adopted 2040 General Plan includes numerous goals, policies, and implementation programs to increase access to alternative transportation modes throughout Town. These comments do not raise an issue with the Draft Housing Element; therefore, no changes to the draft Housing Element are necessary.

## Comment #10



September 27, 2022

Via Email: [HEUpdate@losgatosca.gov](mailto:HEUpdate@losgatosca.gov)

Town of Los Gatos  
Community Development Department  
110 E. Main Street  
Los Gatos, CA 95030

### **SUBJECT: Comments on the Initial Public Review Draft Housing Element**

I am writing representing the interests of Grosvenor Americas (Grosvenor). Grosvenor is very interested in developing housing on site D-1 of the North Forty District, formerly identified as Site E-1 in previous Housing Element documents provided for review.

As we have expressed in past public comments, we agree that including site D-1 of the North Forty District in the Town's Housing Element Site Inventory makes sense, and we believe that it will be feasible to develop *at least* 200 housing units on the site during the sixth RHNA cycle's upcoming eight-year planning period. However, the Initial Public Review Draft Housing Element (Draft Element) appears to unintentionally limit site D-1's development potential, and it does not yet include clarifying changes that are necessary for the Housing Element to reflect the intent of Town Council, staff, and the public.

On Page D-19 of Appendix D, the Draft Element says that the *maximum* number of permitted housing units is 200, and that "The site is designated and zoned as North Forty Specific Plan, which would accommodate a maximum of 200 units at a density of 13 du/ac." This information is repeated on Page D-39 of Appendix D, where the Draft Element says that the 2040 General Plan allows 13 du/ac for a maximum of 200 units, with 130 units assumed to be available as affordable to low and very low income households.

Not only is the above information incorrect, but it directly contradicts the Draft Element's Implementation Programs, which are required to identify how the Town will achieve its housing goals. Specifically, Program D on Draft Element Page 10-30 says that the Town will amend the North Forty Specific Plan (which includes site D-1) "to increase the maximum allowable density from 20 dwelling units per acre to more than 30 dwelling units per acre and increase the total number of dwelling units allowed in the Specific Plan." It is our understanding that this Program D accurately reflects the Town's intent, and the conflicting misstatements in Appendix D should be corrected.

Note that we agree that it is appropriate for the Town to take credit for up to 200 units of housing on site D-1, as that is what is currently economically feasible. However, it would be a mistake to characterize this as a "maximum" or to limit the density to preclude additional housing should market conditions change before Grosvenor submits its application. We also note that the Town would be unable to support its affordability assumptions if it maintains the current density designations in Appendix D. Under the Government Code's and HCD's current default densities appropriate to accommodate lower-income households, a density of at least 30 du/ac would be necessary to support the Town's affordability assumptions.

Harmonie Park Development | 221 Bachman Avenue | Los Gatos, CA 95030

Accordingly, we request the following edits to the Draft Element, Appendix D:

- Page D-19's header text should be revised to reflect a maximum unit count of 462 units (15.4 acres x 30 du/ac) and a projected unit count of 200 units.
- The text on Page D-19 should be revised as follows: "The site is designated and zoned as North Forty Specific Plan where it is projected to include at least 200 units and that the Town will amend to permit up to 30 du/ac, which would accommodate a maximum of 200 units at a density of 13 du/ac."
- The table on Page D-39 should reflect a maximum density of 30 du/ac, rather than 13 du/ac.

Although we do not think that buildout of more than 200 units is feasible under current market conditions, as expressed in prior communications, we remain interested in providing additional housing should conditions change in the future. Designating Site D-1 for 30 du/ac (as discussed in the Draft Element's Implementation Programs) will preserve the flexibility to deliver more than 200 units in the future, which would help take development pressure off of other sites in the Town's Housing Element site inventory. Moreover, to maintain the ability to create 200 units as part of a mixed-use development, it may be necessary to go above 13 du/ac on parts of the site, while devoting other parts of the site to commercial uses.

Finally, we also note that the Draft Element assumes that 130 of the 200 units be planned as affordable for very low, low, and moderate income households. This is higher than the Town previously considered. Although when the property develops we fully expect to meet the Town's generally applicable affordability requirements, and we are open to possibly exceeding them to the extent feasible, we do not anticipate developing a project that includes the exact affordability mix shown. Therefore, if the Town elects to keep the affordability mix as shown to help with its current planning obligations, it likely will need to make "no net loss" findings when it takes action to approve residential development on Site D-1.

Thank you for your consideration and your efforts to ensure that the Town has a legally compliant and realistic Housing Element, and we look forward to continuing to work with the Town to deliver much needed housing in the coming years.

Thank you for your consideration.

Sincerely,



Don Capobres

cc: Steve Buster, Grosvenor Americas  
Whitney Christopoulos, Grosvenor Americas  
Eric Phillips, BWS Law  
Jennifer Renk, Sheppard Mullin

## Los Gatos Response to Public Comments

### Response to Comment #10

- Site D-1, maximum allowable density and maximum number of housing units
  - Site D-1 has been updated to reflect a maximum of 461 units at a minimum density of 30 dwelling units per acre (Appendix D and Appendix H). Implementation Program D includes amending the North Forty Specific Plan to increase the maximum allowable density from 20 dwelling units per acre to 30 dwelling units per acre and increase the total number of dwelling units allowed in the Specific Plan (Sites D-1, D-2, D-3, D-4, D-5, D-6 and D-7) as discussed in the update process for the 2040 General Plan.
- Meeting affordability requirements
  - The distribution of affordability levels in the Site Inventory is an estimate prepared based on a combination of factors including lot size; vacancy; property owner interest; minimum and maximum density; and other development regulations. The Site Inventory includes a 15 percent buffer to allow flexibility in consideration of development proposals without triggering the No Net Loss provisions of State law. In addition, please see Response to Comment #7, No Net Loss Law.

## Comment Letter #11



Campaign for Fair Housing Elements  
fairhousingelements.org



YIMBY  
LAW

The Town of Los Gatos

Via email: [HFUpdate@losgatosca.gov](mailto:HFUpdate@losgatosca.gov)

Cc: [HousingElements@hcd.ca.gov](mailto:HousingElements@hcd.ca.gov)

September 27, 2022

**Re: Los Gatos's Draft Housing Element**

To the Town of Los Gatos:

YIMBY Law appreciates the Town's recognition that "densification is the only practical solution to providing [its] fair share of future housing." (Los Gatos Draft [Housing Element](#), pp.10-22, D-41.) The Town is correct that it (and the region) will become "less competitive" if it fails to stem the housing crisis (*id.* p.10-2); the South Bay's [shrinking population](#) warns us that its decline may have begun. Los Gatos effectively failed to produce any multifamily housing in the 2010s; overall home production peaked six decades ago. (*id.* pp.B-22 to -23.) The Town must address this humanitarian disaster by throwing out the constraints it created to produce it. (Gov. Code § 65583(c)(3).)

We reject the Californian planning folklore that towns like Los Gatos are "largely built out." (Contra Draft, pp.10-22, D-41.) This just isn't true. [Vast swathes](#) of Los Gatos are zoned R-1, with building illegal on half of any lot (see *id.* p.C-1), and the Town enforces wasteful lot sizes far beyond any household's wildest needs (*id.* p.C-4; cf. *id.* p.A-9 [euphemizing lot sizes as "generous"]). The Town also charges thousands of dollars just to redraw the imaginary lines that prevent homes from being built. (*id.* p.C-13.)

State law requires none of this. It *does* require that affordable housing in Los Gatos be allowed to develop at at least 30 homes per acre ([HCD Default Densities](#), p.18), and we call for the Town's affordable-housing overlay (Draft, p.C-5) to be raised to at least that level. Better still, legalize density across the Town. Similarly, the Town should *exceed*



## Los Gatos Response to Public Comments

what SB 9 already requires with respect to lot splits. (See *id.* pp.10-22.) Doing so would show that Policies HE-1.2, -1.7, and -6.5 are serious. (*id.* pp.10-24, -28.)

Besides density, processing time is a major known contributor to the housing shortage. We thank the Town for publishing that it takes 1-1½ years to permit an approved multifamily development. (*id.* p.C-20.) While this is on par with other Santa Clara County jurisdictions (*id.* p.C-19), there's no inherent reason the process should take so long: safe, dense, and affordable cities preexist our modern approval processes by millennia. Be bold and dismantle any nonsafety design standards.

Finally, we appreciate the Town's confirmation that the owners of several opportunity sites "ha[ve] expressed interest in residential redevelopment." (See *id.* pp.D-2 to -36.) It appears, however, that the owners of many other sites have not. (See *ibid.*) We question whether it is in fact realistic that those sites will see housing in this cycle.

We look forward to the City's next draft. Please contact me with questions.

Sincerely,



**Keith Diggs**

Housing Elements Advocacy Manager, YIMBY Law



Campaign for Fair Housing Elements  
fairhousingelements.org

## Response to Comment #11

- Increase density for the Affordable Housing Overlay Zone (AHOZ)
  - Program BE increases the density of the AHOZ Overlay Zone from 20 to 40 dwelling units per acre.
- Enable SB-9 projects in excess of minimum State standards
  - The Town is currently in process to update their SB 9 regulations to implement as a permanent ordinance with clear standards and processes which comply with State law and include provisions in excess of the minimum required, for example, allowing an additional 10 percent FAR for use by the first primary housing unit developed through a Two Unit Housing Development application to encourage these additional housing units.
- Reduce permit process time
  - The Draft Housing Element includes,
    - Policy HE-3.1 Regulatory Incentives for Affordable Housing: Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance. Continue expediting the permit processing system for affordable residential development applications and proactively seek out new models and approaches in the provision of affordable housing.
    - Policy HE-3.3 Efficient Development Processing: Explore continued improvements to the entitlement process to streamline and coordinate the processing of permits, design review, and environmental clearance.
    - Implementation Program F: Update Permit Software System to better monitor average processing times for ministerial and discretionary development permits. Use data to set baselines timelines to drive improvements. Update the Town planning and zoning regulations and remove permit processing constraints as appropriate.
    - Implementation Program M: Lot Consolidation: The Town will conduct outreach to property owners in these areas to identify meaningful incentives to facilitate lot consolidation, lot assemblage and redevelopment in mixed use and commercial areas. Based on this feedback, within two years of Housing Element adoption, the Town will consider the development of a Lot Consolidation Ordinance to include specific incentives such as: flexible development standards such as reduced setbacks, increased lot coverage, increased heights, reduced parking, and reduced fees. Streamlined permit processing through administrative staff review. Upon adoption of the Ordinance, the Town will work with property owners that are receptive to lot consolidation/lot assemblage to assist them in facilitating the parcel merge process in a streamlined and timely manner.
    - Implementation Program AD: Special Needs Housing: Prioritize special needs housing by allowing for reduced processing times and streamlined procedures for applicable

## Los Gatos Response to Public Comments

zoning/land use applications. Include preferential handling of special needs populations in management plans and regulatory agreements of funded projects.

### Verbal Draft Housing Element Comments

Verbal comments were received on the Draft Housing Element at a HEAB meeting held on Thursday, September 15, 2022, via Zoom. The verbal comments and responses to those comments are presented below.

#### Verbal Comment #1 Mitch Vinciguerra

The speaker stated three standards that should be included in the Housing Element including: labor standards; healthcare standards; and apprenticeship program standards. The speaker suggested labor standards be implemented to ensure developers are paying area standard wages so skilled workers can afford to live in the local community. Additionally, the speaker emphasizes the value of local hiring to ensure money generated by new developments stay in the community in the form of sales and property tax revenue. Secondly, the speaker touched on workers' reliance on emergency rooms resulting in taxing an overburdened system. Lastly, the speaker suggested the use of apprentice programs to assist individuals in obtaining employment at no cost to taxpayers.

#### *Response to Verbal Comment #1*

Many of these topics are part of State laws recently enacted or currently under consideration. The Town will comply with State law. These comments do not raise an issue with the Draft Housing Element; therefore, no changes to the Draft Housing Element are necessary.

#### Verbal Comment #2 Susan Burnett

The speaker stated concerns regarding the number of proposed units for the Downtown Area and existing congestion. The speaker noted that an increase of housing units is likely to result in exacerbated parking, traffic, and overall density challenges in an already small, congested area.

#### *Response to Verbal Comment #2*

The Housing Element Advisory Board (HEAB) discussed this subject at a public meeting and collectively determined to continue moving forward with including these sites on the Site Inventory List as accepted by Town Council.

#### Verbal Comment #3 Brian Handy

The speaker stated two concerns including: potential health impacts associated with the proximity of proposed housing sites to major roadways; and the privacy and protection of backyards for multi-story buildings.

#### *Responses to Verbal Comment #3*

While there are trade-offs for housing opportunity locations, several factors have been considered through the site selection process, including locations that have existing infrastructure and access to

## Los Gatos Response to Public Comments

services, even though those locations are often near major roadways. On June 7, 2022, the Town Council accepted the draft Site Inventory as recommended by the HEAB. The Site Inventory has since been modified based on the receipt of a new Property Owner Interest Form and a request to be removed by a property owner. The International Building Code includes some requirements that mitigate effects of buildings in close proximity to highways, including maximum noise standards. Objective Design and Development Standards can be a tool for local communities to affect future land-use compatibility in the built environment, and the Town is currently in the process of developing Objective Standards for multi-family and mixed-use developments which includes standards related to privacy.

### **Modifications to the Draft Housing Element in Response to Public Comments**

Pursuant to AB215, following the 30-day public comment period, the public comments received by the Town were considered during the 10-day consideration and revision period prior to the Housing and Community Development (HCD) submittal for first comments.

The following modifications were made to the Town's Draft Housing Element in response to public comments:

- Added Implementation Program BH – Provide Adequate Sites for Lower Income Households on Nonvacant and Vacant Sites Previously Identified in the 5<sup>th</sup> Cycle Housing Element;
- Revised the housing density for the Site Inventory to be consistent with the typical density identified in the 2040 General Plan Residential Buildout;
- Increased the density within the North Forty Specific Plan area to align with the related Implementation Program D;
- Increased the density within the Affordable Housing Overlay Zone (AHOZ) to align with the related Implementation Program BF; and
- Corrected employment characteristics.