

TOWN OF LOS GATOS  
110 East Main Street, Los Gatos, CA 95030 (408) 354-6872

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SUMMARY MINUTES OF A REGULAR MEETING OF THE GENERAL PLAN COMMITTEE OF THE TOWN OF LOS GATOS **APRIL 22, 2009** HELD AT THE NEIGHBORHOOD CENTER, 208 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

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The meeting was called to order at 5:30 pm by Jane Ogle.

**ATTENDANCE**

Members present: John Bourgeois, Barbara Cardillo, Marcia Jensen, Tom O'Donnell, Jane Ogle, Joe Pirzynski, Chuck Sloan, Barbara Spector

Members absent: None

Staff present: Wendie Rooney, Director of Community Development, Suzanne Davis, Associate Planner; Joel Paulson, Associate Planner.

Public attendees: Ray Davis, Laura Worthington-Forbes, Rick Freeman

**VERBAL COMMUNICATIONS:**

*Ray Davis* stated that having the General Plan Community meeting on a Saturday precluded parents from attending the meeting due to conflicts with weekend youth sports.

**ITEM 1      Below Market Price Housing Program**

*Joel Paulson* introduced the item, noting the BMP Ordinance amendments and revised guidelines are tentatively scheduled to be considered by the Planning Commission on May 13, 2009. The Community Services Commission will consider the draft documents on May 3, 2009. Mr. Paulson summarized the following principal changes to the Below Market Price Housing Draft Guidelines and Ordinance dated April 16, 2009.

BMP Housing Program Guidelines:

- Made changes to specifying when BMP units are required to be included in a project (Draft Guidelines, Page 1, Section I.A).
- Added exception allowing BMP units to be developed off-site (Draft Guidelines, Page 2, Section B.2).
- Added a provision to allow current residents within a condominium conversion project to qualify under the First Time Buyer requirements (Draft Guidelines, Page 4, Section II.3).

*Committee Comments:*

- Use of the word “fewer” versus “less” should be consistent and follow rules of grammar.
- Clarify the rationale behind allowing a developer to provide units off-site and incorporate criteria for determining the appropriateness of allowing off-site units (indicate how and when off-site units are appropriate).
- Add provisions to ensure that BMP units are to be distributed throughout a project rather than clustering the units.
- Indicate circumstances that will constrain the Town from obtaining affordable units.
- The guidelines should clearly indicate that the Town’s objective is to have the units provided on-site rather than paying an in-lieu fee.
- Develop criteria that would be used for determining if a Planned Development application is exempt from providing BMP units.
- The guidelines should clearly state the goal and purpose of the program are to provide on-site BMP units.
- Create a framework that would be used to determine when BMP units can be provided off-site and when an in-lieu fee can be paid. This should be contained in a separate “Exception Provision” rather than in the “General Provisions”.
- The Community Services Commission should review the Draft prior to Town Council consideration.
- Add a requirement that off-site units must be developed within the Town of Los Gatos.
- The Guidelines should include phasing requirements for BMP units that are developed off-site and the original project should have conditions or triggers that require the development of the off-site units at a prescribed time.
- Section B.3 should include criteria for determining qualifications of a resident in a condominium conversion project to purchase a BMP. The criteria could be based on length of residency or the tenant residing in the unit prior to the Notice of Intent to convert the building to a condominium (Section B.3, Page 6).

BMP Ordinance: Mr. Paulson summarized the proposed changes to the Draft BMP Ordinance. The proposed changes are as follows:

- Added “condominium conversions” to the applicability Section (Section 29.10.3015).
- Added exception criteria to allow the Town Council to grant exceptions to the BMP requirements (Section 29.10.3025).
- Included provisions that allow the Town Council to modify the price of the BMP units and the in-lieu fees (Section 29.10.3030).
- Added to the Administration Section that the Town Council can modify the requirements for where the BMP units are constructed (Section 29.10.3040).

*Committee Comments:*

- Ensure that the Ordinance numbering is accurate.
- The “Scope Section” (Sec. 29.10.3025) should provide better clarity on when BMP units are required and when a fee can be paid in lieu of providing the units.
- The Draft Ordinance does not address non-compliance. Revise to include a non-compliance section.
- Units should remain affordable for as long as practical or as long as can be required by State law. The Town prefers to have units restricted in perpetuity.

**APPROVAL OF MINUTES**

*Barbara Spector* noted that some areas of minutes are unclear.

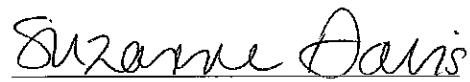
*Joe Pirzynski* agreed and said that the minutes should clearly document decisions..

The February 25 and March 25, 2009 minutes will be reviewed by staff and returned to the Committee for action.

**ADJOURNMENT**

Meeting was adjourned at 6:35 PM. The next meeting of the General Plan Committee is scheduled for May 13, 2009.

Prepared by:

  
Suzanne Davis, Associate Planner