

SUMMARY MINUTES OF A REGULAR MEETING OF THE GENERAL PLAN COMMITTEE OF THE TOWN OF LOS GATOS **AUGUST 26, 2009** HELD AT THE NEIGHBORHOOD CENTER ROOM 214, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

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

Members absent: Barbara Spector

Staff present: Wendie Rooney, Director of Community Development; Suzanne Davis, Associate Planner; Joel Paulson, Associate Planner; Bud Lortz, Deputy Town Manager

Public attendees: Ray Davis

VERBAL COMMUNICATIONS:

Ray Davis brought to the Committee's attention that there is a public meeting in Cupertino on September 17, 2009 to receive comment on the proposed continued operation of the cement plant. The plant affects a number of local communities including Los Gatos, Saratoga, Cupertino and Los Altos, and needs to be cleaned up or shut down.

ITEM 1 HOUSING ELEMENT GOALS, POLICIES & IMPLEMENTING STRATEGIES

Wendie Rooney introduced the item, noting that there are two main topics to be discussed this evening; SB 2, emergency shelter requirements and an affordable housing overlay zone.

There are four options to consider relative to the Housing Element:

- Do not rezone to meet Regional Housing Needs Allocation (RHNA) housing numbers and consequently it is unlikely State Department of Housing and Community Development (HCD) will certify the Housing Element.
- Rezone up to 100 acres with the assumption that at high density (12-20 units/acre) 20% of generated units would be affordable.
- Rezone about 20 acres at 100% affordable.

- Pursue a hybrid that includes an affordable housing overlay zone that would be placed on specific sites. The overlay zone could be tailored to each individual site. The Town can designate the percentage of affordability that will be required, for example, 10% low income, 20% very low, etc.

Marcia Jensen asked about the meaning of “allowed by right” in bullet 1 on page 4. *Wendie Rooney* responded that the use would be a permitted use (a conditional use permit would not be required), and that only an Architecture and Site application would be needed for a project. The Town would have discretion over the design but not the use.

Referring to *Marcia Jensen*’s comment, *John Bourgeois* clarified that the language would be an implementing strategy in the Housing Element that would companion the overlay zone.

Barbara Cardillo asked about the approval process for the overlay zones. *Bud Lortz* answered that it is part of the public hearing process and that neighbors are notified.

John Bourgeois asked about larger parcels and the requirement to be a PD. *Wendie Rooney* said that it will not be required in the Housing Element since it could be viewed as a constraint by HCD, but PD’s are encouraged on parcels larger than 40,000 square feet. *Bud Lortz* noted that once the overlay zone is established it is the same as a PD in that the use is approved along with development parameters.

Marcia Jensen commented that the 4th bullet on page 4 appears to conflict with the A&S process.

John Bourgeois commented on the first bullet, asking if the intent is that they are additive.

Joe Pirzynski commented that the Napa overlay zone example is good, but he would like to know how it will fit into Senate Bill (SB) 1818 (State Density Bonus Law) and what the HCD requirements are to achieve certification.

Joel Paulson said it may be as simple as stating that the Town will rezone specific site with an affordable housing overlay zone within a year. Staff will obtain more information on the minimum requirements.

Jane Ogle asked for background on SB 1818. *Bud Lortz* explained that it is a state required density bonus. If the criteria is met (it is on a sliding scale) the jurisdiction is required to provide that level of density bonus. For example, a 100 unit project that meets affordability requirements for 20 units gets those units in addition to the units allowed by density (for a total of 120 units).

Joe Pirzynski commented that SB 1818 that was enacted in 2005 has nothing to do with what is being proposed. He asked who makes the choice on which obstacles will be eliminated. *Wendie Rooney* noted that many jurisdictions have not yet adopted a density bonus ordinance.

Bud Lortz said that one incentive might be a reduction in parking which would require a parking impact study to support.

Bud Lortz commented that the process of getting the Housing Element certified is long and difficult. The last time around it took two years.

The draft affordable housing overlay implementing strategy will be modified based on the Committee's discussion in an attempt to meet HCD requirements and addressing the concerns that have been raised.

Emergency Shelters:

Wendie Rooney provided background on SB2. The Committee was hopeful that St. Luke's homeless program would meet shelter requirements, but that is not the case. Existing group homes can be considered supportive housing. Emergency shelters and transitional housing need to be addressed. The options are as follows:

- Add provisions to the Zoning Ordinance to allow emergency shelters and transitional housing (temporary, short term housing) by right. These uses need to be allowed in at least one zone.
- Partner with an adjoining jurisdiction to plan and enter into an agreement to provide a facility that can be open by June 2011.

There are approximately 30 homeless people in the Town so there is not a great need.

Marcia Jensen clarified that the requirements for an emergency shelter means building an independent structure as opposed to sending individuals to an existing facility.

Bud Lortz suggested partnering with Campbell or San Jose. The difficulty in allowing a shelter by right is there would be no opportunity for neighbors to participate and comment.

Tom O'Donnell suggested going down two tracks simultaneously and pursuing both options.

Wendie Rooney suggested that staff will evaluate it further and return with a recommendation on which district(s) might be considered for rezoning.

Joe Pirzynski commented that in the past the Town has contributed to the armory in San Jose, which serves as a regional shelter. He wondered who will operate a shelter in Los

Gatos and questioned how successful it would be. His impression is that opening a shelter will not necessarily mean it will be used, since many homeless people prefer to live on the street.

Jane Ogle commented that it is an emergency shelter that is being required, and asked if it is required to be open year round.

Barbara Cardillo clarified that the requirement is to identify a zone and allow the use, but not to actually build and operate the shelter.

Tom O'Donnell commented that neighbors of proposed zones that will allow shelters will not be happy.

Barbara Cardillo clarified that the number of homeless people in Town used to be very small and noted that Community Services participates in an annual homeless count.

Joe Pirzynski noted that some of the homeless population is transitory.

Marcia Jensen asked if there is a way of determining what the need is and tailoring the requirements. *Wendie Rooney* noted that the Town may be able to include objective criteria such as a minimum distance between facilities, maximum size, etc.

It was decided that staff will investigate the possibility of partnering with another jurisdiction, identify suitable zone districts, and will provide the entire statute to the Committee via email.

Item 2 Approval of Minutes

Joe Pirzynski moved to approve the minutes of July 22, 2009. *Tom O'Donnell* seconded the motion and it passed unanimously.

OTHER BUSINESS - None

ADJOURNMENT

Meeting was adjourned at 6:35 PM. The next meeting of the General Plan Committee is scheduled for September 9, 2009.

Prepared by:


Suzanne Davis, Associate Planner