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A P P E A R A N C E S:

Los Gatos Planning Commissioners:	Melanie Hanssen, Chair Jeffrey Barnett, Vice Chair Susan Burnett Kylie Clark Kathryn Janoff Steve Raspe Emily Thomas
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
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3 P R O C E E D I N G S:

4 CHAIR HANSSEN: We will go ahead to Item 5, and
5 Item 5 is to consider and make a recommendation to the Town
6 Council on the Draft 2023-2031 Housing Element. Location:
7 Town-wide. General Plan Amendment Application: GP-22-003.

8 Who is doing the Staff Report? Oh, Ms. Walters.

9 ERIN WALTERS: Thank you so much and good
10 evening, Commissioners. The Town of Los Gatos is required
11 to adopt an updated Housing Element for the period covering
12 2023 to 2031 by January 31st.

13 Starting in early 2021 the Town worked diligently
14 to comply to State law with the goal of adopting a Housing
15 Element prior to January 31st. The deadline is outlined in
16 Attachment 3 of your report.

17 Under the Housing Accountability Act, Bay Area
18 jurisdictions that have not adopted a Housing Element that
19 is in substantial compliance with the State law by January
20 31st could be required to approve a residential development,
21 even if it does not meet local General Plan or zoning
22 regulations. This is known as the Builder's Remedy and has
23 been in the Housing Accountability Act since 1990. For a
24 project to utilize this it must be a residential
25

1 development that proposes at least 20% low-income units or
2 100% moderate-income units. No applications under the
3 Builder's Remedy were submitted during the two previous
4 Housing Element cycles when the Town missed the statutory
5 deadline for adoption.

6 Staff recognizes that this current element
7 housing cycle is unlike any past cycle and any jurisdiction
8 that adopts a housing element later than January 31st could
9 be subject to the Builder's Remedy.

10 On January 20th of last year the Town Council
11 recommended that the current version of the Draft Housing
12 Element as submitted to HCD on October 14th be considered
13 for adoption prior to the statutory deadline of January
14 31st.

15 In addition, the Town Council recommended that
16 the Sites Inventory of the Housing Element utilize the
17 minimum density requiring additional sites to be added in
18 order to comply with the Town's RHNA and required buffer.

19 The primary purpose of this item tonight is to
20 provide a recommendation to Town Council on whether or not
21 to adopt the Draft Housing Element, which is found in
22 Attachment 1, with the revised Sites Inventory Analysis,
23 Exhibit 4, and Revised Site Inventory Form, which is found
24 in Exhibit 5.

1 The next steps to complete the goal of adopting
2 the Housing Element that is in substantial compliance with
3 State law by the statutory deadline is for Town Council to
4 consider Planning Commission's recommendation on the Draft
5 Housing Element at a special Council meeting on January
6 30th.

7 The Town expects to receive a comment letter from
8 HCD tomorrow. Once the HCD comment letter has been
9 received, a draft memorandum and Response to HCD Comment
10 Letter illustrating how each comment has been responded to
11 and how it is in substantial compliance with State law will
12 be prepared for future view by the Housing Element Advisory
13 Board, and then based on that review and recommendation by
14 HEAB a revised draft will be submitted to HCD. Subsequent
15 review by HCD will take up to 60 days.

16 Based on HCD's second review it is possible that
17 additional revisions may be required before HCD will
18 certify the Housing Element, which means Planning
19 Commission and Town Council hearings for adoption of the
20 revised Housing Element would need to be conducted again.

21 There was an addendum circulated on Tuesday with
22 the Planning Commission's comments.

23 This concludes Staff's report and we are
24 available for any questions. Thank you.

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1 CHAIR HANSSEN: Thank you for your Staff Report.
2 Since three of us, Commissioner Janoff, Commissioner
3 Thomas, and I are on the Housing Element Advisory Board as
4 well as the General Plan Committee, I think Ms. Walters and
5 the Staff Report went through this but as should have been
6 clear from the report, this is not intended as a detailed
7 review of the Draft Housing Element. This is more of a
8 go/no go thing to prevent us from being subject to the
9 Builder's Remedy, and as noted by Ms. Walters, we fully
10 would anticipate making quite a few revisions based on the
11 HCD comments.
12

13 I will ask if any of you have questions for
14 Staff? I do, but I wanted to see if any of the rest of you
15 do. Commissioner Janoff.

16 COMMISSIONER JANOFF: Thank you. I understand the
17 process; I understand what's happening. Two questions, one
18 for Staff.

19 I understand that we received verbal comments. Do
20 you have any indication based on the verbal comments that
21 our Draft General Plan is not in insubstantial compliance?
22

23 ERIN WALTERS: The verbal comments we received
24 were that there is additional work to be done, but the term
25 "substantial compliance" was never brought up or discussed.
It's really to add to what we have.

1 COMMISSIONER JANOFF: Did you get the sense from
2 that verbal communication that we weren't on the right
3 track?

4 ERIN WALTERS: (Shakes head no.)

5 COMMISSIONER JANOFF: All right. I know you
6 didn't get that kind of feedback precisely, but I was
7 curious what the sense of the conversation was from Staff's
8 point of view?

9 ERIN WALTERS: We had one meeting. We didn't
10 receive any fatal flaw comments, but again, we have not
11 received the final letter, and again, we anticipate that
12 hopefully by tomorrow, so from what we've learned to date,
13 we have not heard.

14 COMMISSIONER JANOFF: A second question, if I
15 might, for our Town Attorney. Would you please advise the
16 Planning Commission as to your opinion of why it makes
17 sense for us to proceed with a recommendation for adopting
18 the draft in advance of the certified Housing Element?

19 ATTORNEY WHELAN: It's definitely a policy
20 decision, but the recommendation to do this is based on the
21 fact that the deadline to have an adopted Housing Element
22 is January 31st, and after that date applicants can use the
23 Builders Remedy to submit an application that would not be
24 subject to the Town's planning requirements.

25
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1 Added to that recommendation is the fact that the
2 Town has the ability to amend the Housing Element after
3 it's been adopted based on feedback that we get from HCD.

4 COMMISSIONER JANOFF: So this is not a kind of
5 tricky workaround the deadline, this is a reasonable
6 approach to meeting the deadline with adopting a draft,
7 understanding that there will be revisions coming following
8 HCD's comments?

9
10 ATTORNEY WHELAN: Yes, the recommendation is
11 based on the fact that the Draft Housing Element is very
12 close. It's possible HCD will recommend some minor changes,
13 and the Town would make those minor changes once we have
14 those recommendations in hand.

15 COMMISSIONER JANOFF: All right, thank you.

16 CHAIR HANSSEN: Commissioner Thomas.

17 COMMISSIONER THOMAS: Thank you, Chair. I have
18 two questions.

19 My first question for Staff is where will we be
20 able to find the letter when we get it tomorrow?

21 ERIN WALTERS: That's an excellent question. It
22 will be posted online when we receive it. It will be
23 available to the public and will be on the Town's dedicated
24 Housing Element website, as well as our web page.
25

1 JOEL PAULSON: I'll just add that we'll also
2 actually send it directly to Town Council and Planning
3 Commissioners as well.

4 COMMISSIONER THOMAS: Thank you. Perfect. Very
5 exciting. We've been waiting for this letter, I know.

6 My other question was related to the procedure
7 for making changes. Obviously, if we forward this approval,
8 it goes to Town Council, you explained that. If we have to
9 make changes, will those changes go back to the Housing
10 Element Advisory Board, then to the Planning Commission,
11 then to Town Council? Is that the order that it happens?
12

13 ERIN WALTERS: I would ask either Ms. Armer or
14 Mr. Paulson to answer that.

15 JENNIFER ARMER: I can start by answering that if
16 the Planning Commission makes a recommendation on this
17 tonight, or early tomorrow morning, and it wants to include
18 some recommended changes, that is something that could be
19 done; but it also is possible that comments will be shared
20 tonight, for example, those that were included in writing
21 in the Addendum, and that those will be taken into
22 consideration when we return to the HEAB for their
23 consideration of additional changes in response to the HCD
24 letter.
25

1 So, if you choose as the Planning Commission to
2 include modifications as part of your recommendation in
3 this meeting, that could be part of the recommendation, but
4 it also could just be general comments that we could
5 consider and bring to the HEAB for their consideration and
6 recommendation.

7 COMMISSIONER THOMAS: Okay, thank you. I don't
8 feel like there are any major, necessary changes, and I
9 understand. I guess what I'm asking is if this gets
10 approved before January 31st, but then we do need to make
11 changes based on our HCD feedback, then it goes back to
12 HEAB, then back to us, then to the Town Council. The
13 changes need to be approved at those three levels?

14 JENNIFER ARMER: Thank you for that
15 clarification. Yes, the next steps would be to go to HEAB,
16 and then to submit that revised document to HCD to see
17 whether it has addressed their comments and whether they
18 can now certify the Housing Element. If it is certifiable,
19 then it could be forwarded to Planning Commission for
20 consideration and recommendation to Town Council.

21 COMMISSIONER THOMAS: Okay, just wanted to
22 confirm that that was still happening. Okay, thank you.
23
24
25

1 CHAIR HANSSEN: If you don't mind, Commissioner
2 Janoff, I did want to ask a question before I go back to
3 you.

4 As a preface statement, on December 1st the
5 Housing Element Advisory Board—and this is for the benefit
6 of everyone on the Commission and anyone watching—was able
7 to review comment letters that came from HCD to other
8 jurisdictions, for example, Saratoga, but there were
9 probably eight or nine different jurisdictions, to get an
10 idea of what we could expect from HCD.
11

12 I bring this up to ask the question of Staff,
13 when we looked at this stuff on December 1st it seemed like
14 one thing that was very consistent is there were definitely
15 modifications that have to happen, but I didn't see in any
16 of the comment letters where HCD said it could never go and
17 certify it, it wanted modifications versus scraping
18 something and having to bring something anew.

19 Based on the conversation that you guys had in
20 December on the phone, did you hear anything that would
21 lead you to believe that we hadn't followed the process
22 properly, or was it more like we're going to have to put in
23 a lot more detailed information similar to what we saw in
24 those comment letters? So that's my question.
25

1 JOCELYN SHOOPMAN: Thank you for the question. I
2 would say our verbal conversation with the HCD reviewer
3 really mirrored many of those comment letters that HEAB
4 reviewed in December, and it really was the information is
5 there, however we may need more narrative to describe it,
6 more local knowledge, and more data to back that
7 information up.

8 CHAIR HANSSEN: That's where I'm seeing where we
9 are right now, that there are going to be a lot of changes
10 that will happen after the 31st whether this is approved or
11 not, and this is sort of a stopgap thing to buy us some
12 time until we can get this certified.

14 Commissioner Janoff.

15 COMMISSIONER JANOFF: I appreciate the comments
16 that Vice Chair Barnett has offered, and I am thinking that
17 rather than forward those changes to Council with our
18 recommendation tonight that they stay with the general
19 comments so that could go back through the process that
20 Commissioner Thomas clarified, so that we can consider
21 those comments with the HEAB and then on to the Planning
22 Commission, to take it through that process of
23 modification, if that's acceptable.

24 CHAIR HANSSEN: I think that's a good suggestion,
25 but let's see where other comments go.

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1 Commissioner Thomas.

2 COMMISSIONER THOMAS: I agree with that. I think
3 that's a really good idea if Vice Chair Barnett is
4 comfortable with that and feels we discussed or addressed
5 them enough, because HEAB is going to have to go back and
6 go over and make modifications and recommend adding more
7 detail, as Ms. Shoopman said, so I think that's a good
8 idea. I think that's a way to make things more efficient
9 and streamline the process.
10

11 CHAIR HANSSEN: Vice Chair Barnett.

12 VICE CHAIR BARNETT: Thank you. I first want
13 thank the members of the GPAC and HEAB for the tremendously
14 wonderful job that they've done. I've read through the
15 entire document, and unfortunately haven't been able to
16 monitor the hearings of HEAB as they've progressed, but it
17 is a magnificent document and I'm sure we're going to get
18 final approval down the road.

19 In terms of my recommendation, I'm certainly
20 comfortable with it being considered at any point that it's
21 easily addressed, and I'm certainly mindful of the January
22 31st deadline. I did have one other suggested change that I
23 haven't yet submitted, so that would also be in the way of
24 a recommendation for consideration down the line.
25

1 CHAIR HANSSEN: So it's not a fatal flaw that
2 would stand in the way of being able to consider it in
3 compliance?

4 VICE CHAIR BARNETT: Absolutely not.

5 CHAIR HANSSEN: And we're talking about in
6 compliance with the process that the State has outlined for
7 doing the Housing Element.

8 Ms. Armer.

9 JENNIFER ARMER: Thank you, Chair. Before the
10 Planning Commission gets too much into discussion I did
11 want to suggest that we open up for public comment if
12 questions of Staff are complete.

13 CHAIR HANSSEN: Do other Commissioners have
14 questions of Staff in terms of process or procedure? And by
15 the way, we will not be going through the entire document;
16 it will be more like general questions. Okay, nobody else
17 has any questions; so let's do that.

18 We will do Verbal Communications, so any member
19 of the public is invited to speak on the Housing Element,
20 and we ask you to limit your comments up to three minutes,
21 and it looks like we have at least one person.

22 JENNIFER ARMER: Yes, thank you, it looks like
23 Rigo Gallardo, and you should be able to unmute now. You
24 have up to three minutes.

25
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1 RIGO GALLARDO: Good evening, Chair and Members
2 of the Planning Commission. My name is Rigo Gallardo, I'm a
3 representative from Carpenter's Local #405 for Santa Clara
4 County and I'm speaking on behalf of approximately 39,000
5 union carpenters, men and women across Northern California,
6 including 18,000 Santa Clara County residents and members.

7 Today I'm here to speak on area labor standards,
8 ones that include a livable wage, healthcare,
9 apprenticeships, and local hire.

10 A livable wage with medical and retirement
11 benefits that allow workers and their families to live in
12 the communities they work in. This also means those wages
13 will be reinvested back into local economic community as
14 they spend their earnings, and their tax dollars will help
15 fund local schools and government.

16 A commitment to accredited apprenticeship
17 programs to guarantee we will continue to have a trained,
18 skilled, and experienced work force that is able to
19 complete high-quality projects in a safe and timely manner.

20 Healthcare is vital in these COVID years and
21 having healthcare for families is a big necessity. I
22 believe if you work hard full time you should have access
23 to healthcare from your employer.

1 Being able to work where you live as a local hire
2 allows you to spend more time with your family and be more
3 involved in your community. My question to you is what are
4 we doing to implement these area labor standards in our
5 upcoming projects? Thank you.

6 CHAIR HANSSEN: Thank you for your comments. The
7 way our Verbal Communications work is we don't normally
8 answer questions if you have them during the Verbal
9 Communications, but I don't know if Staff wants to add
10 anything to that?

11 JENNIFER ARMER: No, but we can answer questions
12 during the discussion.

13 CHAIR HANSSEN: But if any Commissioners have
14 questions for Mr. Gallardo, we can do that.

15 Commissioner Thomas.

16 COMMISSIONER THOMAS: Thank you, Chair. Thank
17 you, Mr. Gallardo, for staying up late and coming to speak
18 on stuff that is important to us. I wanted to ask if you
19 had any specific requests or anything to do with the
20 decision that we're going to be making tonight about the
21 Housing Element, or if your comments are more just general
22 about some of our policies that we're dealing with in Town
23 right now?

24 RIGO GALLARDO: Just the policies.

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1 COMMISSIONER THOMAS: Okay, thank you so much.

2 CHAIR HANSSEN: Thank you, and just know that
3 your comments are noted and will be circulated to the place
4 that can help. Thank you.

5 We have another speaker, Ms. Quintana.

6 LEE QUINTANA: Wow, thank God this is the last
7 item on the agenda.

8 I find this process rather difficult, because it
9 feels like we're making comments based on a moving target,
10 which makes it very difficult to make comments, so I will
11 focus my comments on the Implementation section, and I do
12 want to make a few comments.

13 The Implementation section has over 60
14 implementation programs, and it seems to me that there are
15 at least eight items that are subject to the use of BMP
16 funds. There are also at least five items that have to do
17 with rehabilitation and repair. There are other groups of
18 items that have to do with outreach to the public and
19 outreach to the development community.

20 It seems to me that as a user-friendly document
21 it would make a lot of sense to revise the organization of
22 the Implementation section to focus on areas of common
23 concern rather than having rehabilitation issues spread out
24 throughout the document stated in slightly different ways

1 to meet slightly different policies but essentially they're
2 all the same, and I think that's really important.

3 One other comment I would specifically make is
4 Habitat for Humanity is mentioned in the Implementation
5 programs, and I would ask that you recommend to Council
6 that before they specifically mention HFH they verify with
7 HFH that they are willing to participate in rehabilitation
8 and repair programs in Los Gatos, given the fact of the
9 result of their participation in the Dittos Lane project.
10 It's my understanding that HFH has decided that it won't
11 touch anything in Los Gatos in the future. Those are my
12 comments for now.

14 CHAIR HANSSEN: That's good information to follow
15 up on, and as with the General Plan we had a lot of
16 implementation programs in the General Plan, and so getting
17 them in a good organization so that people can work from
18 them is a very good suggestion.

19 LEE QUINTANA: Do I have any time? I have one
20 more thing to say.

21 CHAIR HANSSEN: Oh, do you have more time? Okay.

22 LEE QUINTANA: I would like to say that also in
23 the Implementation section I think it needs to be more
24 specific about what we're trying to accomplish; not just
25 rehab this and rehab that from this organization and that

1 organization, but the actual number of rehabs that we're
2 aiming for.

3 The same thing with the BMP funds. It seems like
4 we don't have that large a pot of BMP funds that it's
5 enough to stretch over eight different programs. I also
6 think we need to have more specific statements of what the
7 objectives of these programs are and what we intend to
8 accomplish by them specifically.

9
10 CHAIR HANSEN: It looks like Commissioner Thomas
11 has a question for you.

12 COMMISSIONER THOMAS: Hi, Ms. Quintana. Thank you
13 for staying up late and offering some input. Would you be
14 willing to submit a list of the categories you feel like
15 the implementation program should be clumped into so that
16 HEAB can explore that when this goes through the progress
17 of the modifications?

18 LEE QUINTANA: I will be very honest with you. I
19 have a terrible problem with putting things in writing, and
20 it is almost to the point of being disabling. I went
21 through the implementation programs and just looked at
22 where the funding was coming from and what the topics were
23 and could easily identify numerous things. I will try, but
24 I don't think it's my responsibility to do that.
25

1 COMMISSIONER THOMAS: So your opinion in that it
2 should be organized in a different way. You don't have an
3 ideal structure in mind, just that it needs to be organized
4 in a way that...

5 LEE QUINTANA: Well, I've given you three
6 examples of specific categories that they could be broken
7 down in. There are probably other categories that would
8 need to be added to that.

9 COMMISSIONER THOMAS: I think like giving Staff
10 and our consultants a little bit of an idea of the
11 direction that you were thinking about would be helpful,
12 but no, I agree, that's not your responsibility. Thank you.

13 CHAIR HANSSEN: Any other questions for Ms.
14 Quintana? Thank you again for your comments. Is there
15 anyone else that would like to speak about the Housing
16 Element? I'm not seeing any other hands raised, so we can
17 go back to the Commission.

18 Our objective is to make a recommendation to
19 Council. We have only three people out of seven that have
20 been on the Housing Element, and this is fairly
21 complicated, so I wanted to see if anyone had any questions
22 about the process or the document that would help you to
23 make a recommendation? What we're looking for is are there
24 any fatal flaws relative to thinking that this thing has
25

1 substantial compliance with what is needed for the State.

2 All right, I don't see anyone with any questions.

3 This is like any other hearing though, so if
4 there are questions for Staff, that's good, or if you have
5 comments you'd like to make on the Housing Element and what
6 we're trying to do with certification, this would be a good
7 time to do that, and I don't think we're quite ready for a
8 motion, but maybe.

9 Commissioner Janoff.

10 COMMISSIONER JANOFF: Thank you. Having been
11 involved with the process gives us a little bit of an
12 advantage, because we've read every word and gone through
13 that drafting process.

14 I would like to say that what I believe we are
15 being asked to do tonight is forward a recommendation for
16 Town Council to approve the draft. I think I could find
17 that our draft is in substantial compliance. There was a
18 great deal of work by Staff, by consultants, we've got
19 public comments, and we've followed the guidelines that the
20 HCD had provided. I think that I can competently say that
21 this draft is in substantial compliance having worked on
22 it, not having received any comments back, but I think that
23 there's a fairly low risk in our making this recommendation
24 to Council. We can anticipate that there might be changes
25

1 coming, as Staff has indicated, but I would not expect
2 those changes to substantially alter the draft that we have
3 before us such that our recommendation would be hollow, so
4 I very much would support making the recommendation to Town
5 Council that they approve this draft and the associated
6 documents.

7 CHAIR HANSSEN: Thank you, Commissioner Janoff.
8 Commissioner Thomas and then Commissioner Burnett.

9 COMMISSIONER THOMAS: I agree with Commissioner
10 Janoff's comments, and as someone that has been sitting on
11 the Housing Element Advisory Board, I actually wasn't at
12 the meeting where we approved this, but I did look at all
13 the feedback and was keeping up and I do think that this
14 needs to get forwarded. I'm really happy with the process
15 that we would be able to modify anything that we need to,
16 concerns that come up related to HCD and official
17 certification or not, or acceptance by HCD.

18 What I really am most concerned about though is
19 us missing the deadline. As my time on the Planning
20 Commission, the Housing Element Advisory Board, and the
21 General Plan Update Committee, I feel like it's really
22 important that we meet this deadline.

23 I attended a couple of online Zoom meetings and
24 information sessions about the Builder's Remedy, and I know
25

1 that it hasn't been used that much in the past, but I went
2 to some Zoom sessions on some things and there are
3 contractors, people, and a slew of lawyers that are really,
4 really, really ready to jump on using the Builder's Remedy
5 to get projects pushed through like on February 1st, and
6 everything is very organized and lined up with a lot of
7 different organizations and it's heavy supported by a lot
8 of people at the State level, I think, because of the
9 housing crisis.

10
11 So I think that from my experience on the
12 Planning Commission, on the Housing Element Advisory Board,
13 and the General Plan Committee, I know that for the people
14 that live in Los Gatos a really, really high priority is
15 maintaining local control over what gets built where, and
16 if we don't certify this, we're going to lose that control,
17 and so I think that that's something that's really
18 important. I was pretty surprised at how organized some of
19 these groups are with being ready and having the resources
20 to really use the Builder's Remedy to get some projects
21 through.

22 CHAIR HANSSEN: And without local control.

23 COMMISSIONER THOMAS: Yes, and I guess that's the
24 most important part; this Builder's Remedy is we would have
25 no say. Planning Commission, Town Council, Town Staff would

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1 have zero say essentially on what would be built, and so we
2 would just lose all local control essentially and that, I
3 know, is really the last thing that a lot of people in Town
4 want.

5 CHAIR HANSSEN: Thank you for that, Commissioner
6 Thomas.

7 Commissioner Burnett.

8 COMMISSIONER BURNETT: Yes, good evening. It's
9 been an interesting evening. Yes, I do agree with
10 Commissioner Janoff and Commissioner Thomas. I believe this
11 is a good document and I would definitely be for it and
12 sending it back to the Town Council. I also like the idea
13 that two new sites were added, which would help maintain
14 the RHNA plus a buffer, so I think it would be the correct
15 decision to send it back to the Town Council as it is.
16 Thank you.

17 CHAIR HANSSEN: Thank you for the comments.
18 Commissioner Clark.

19 COMMISSIONER CLARK: I have a question, and then
20 I can make some comments. I was wondering how much money is
21 in the Town Affordable Housing Fund and the BMPP funds? I
22 had thoughts similar to Ms. Quintana's about those being
23 applied to a lot of programs and I was wondering what those
24 funds look like.
25

1 JOEL PAULSON: Thank you, Commissioner Clark. I
2 don't have a number off the top of my head, and there has
3 been some shifting with some of the funds relating to the
4 Dittos Lane project, that was about \$1.2 million, so I
5 would assume it's probably somewhere in the range of about
6 \$2.5 million currently.

7 COMMISSIONER CLARK: Okay, thank you. I don't
8 know, maybe something for the Town Council to consider is
9 whether that is sufficient for all the things that we have
10 them allocated for.

11 I don't have any concrete changes that I'm going
12 to recommend tonight, I just have a few things that I'd
13 appreciate being included in comments to the Council when
14 it's reviewed, or reviewed by the Housing Element Advisory
15 Board, in the future.

16 I think that there's a lot about preservation and
17 repair of apartments and things like that, but a big
18 problem I think we all see on the Planning Commission is
19 the constant loss of starter homes in our town. If there's
20 a home that is relatively affordable and maybe is one or
21 two bedrooms and is one-story and kind of old, it gets
22 bought by someone who has the money to afford it and then
23 it gets turned into a really big home that from then on
24 nobody will be able to afford, and so we're losing places

1 that people can buy when they want to purchase their first
2 home, and so I'd like to see something about preservation
3 of starter homes included.

4 One idea that I have floated around is something
5 like if a family buys a property, they aren't allowed to
6 demolish the home within their first five years of owning
7 it or something, so that people with a huge amount of
8 wealth don't buy a tiny home in order to demolish it. Just
9 in general, something along those lines.

10 And maybe like Policy HE-4.4, which is Naturally
11 Occurring Affordable Units, because that's an example of
12 that.

13 Also, there is not an implementation program for
14 Policy HE-2.2, Housing Vouchers, and I think Section 8
15 vouchers are really important and I really liked seeing
16 that policy in there, but without an implementation program
17 nothing really concrete around it will happen, so I think
18 we should have an implementation program related to that
19 policy on Section 8 vouchers.

20 For Program D, the North Forty Specific Plan,
21 there's an increase in the maximum density and I think that
22 we should include an increase in the maximum height as
23 well, because with the first section of the North Forty
24 that people are pretty upset with, the height restriction
25

1 is definitely part of what made them more expensive I know
2 from speaking with the builders of the complex. Also part
3 of the reason why it's not aesthetically pleasing to a lot
4 of people is because they built as high as they could and
5 then couldn't really add any shape at the top or anything.

6 So those are the comments. I saw you all taking
7 notes, so thank you; I appreciate it.

8 CHAIR HANSSEN: Those are very good comments. I
9 don't know how much of the Housing Element you got to read,
10 and the devil is certainly in the details, but one of the
11 major goals in the Housing Element is preserving the
12 existing housing stock, so to me that would be a very
13 important detail that we need to have covered as part of
14 that goal. And the policies tend to be fairly high-level
15 too, and sometimes they're specific, but the implementation
16 programs is where we would have a lot more details, so
17 thank you for those very specific suggestions.

18 COMMISSIONER CLARK: Yes, thank you.

19 CHAIR HANSSEN: I just wanted to add on to
20 Commissioner Janoff's comments that I feel very
21 comfortable, and even though I've been through this
22 document a million times I felt even more comfortable after
23 I read the Staff Report, because the way I was looking at
24 it was it's not all the way in the details about like what
25

1 density do you have on what site, it's the process that we
2 went through.

3 One of the things that we had to do in this
4 Housing Element is add in affirmative fair housing—it's a
5 new law in California—and so we have a consultant, and the
6 consultants worked on that to make sure that we've
7 incorporated all the appropriate language for that. We have
8 to have the site inventory; that part is done, and we have
9 to have goals and policies that would lead us to being
10 successful in meeting our RHNA.
11

12 The way I really think this will end up happening
13 is once we get the comment letter from HCD, and that's why
14 I asked about the comment letters comparing this to the
15 comment letters of the other jurisdictions, because it is
16 very clear in all those comments that what they really want
17 is don't just say I'm going to make affordable housing
18 happen. I'm just using it as an example. It would be like
19 I'm going to take these steps to make this project happen
20 here or this kind of project happen, and so that's all the
21 stuff that we would think would come from HCD.

22 But I feel really comfortable that we went
23 through this whole process, that we have a good site
24 inventory that could potentially produce the RHNA, and that
25 we have the right kinds of goals and policies and it just

1 needs to go to the next level in terms of detail, and I'm
2 going to guess that when we see HCD's comments it will be
3 pretty much like that, and there are certainly some
4 modifications that have to happen to make sure we're in
5 compliance with the State law, because they keep changing,
6 but those are all modifications.

7 Other thoughts from the rest of the Commission?
8 If you don't have any other concerns we could try a motion
9 and see if we're there, and if not, we can keep talking.

10 Commissioner Raspe.

11
12 COMMISSIONER RASPE: Thanks, Chair. I don't have
13 any particular concerns. I've read the document and I think
14 you're right, the devil is in the details and there's a lot
15 in there. I'm relying heavily on Staff and the highly
16 qualified members of this Commission who have spent
17 countless hours on it, and I think you've done a fantastic
18 job, so I'm comfortable that this document represents our
19 best current efforts and is suitable to go forward.

20 I'm also uncomfortable in the knowledge of the
21 downside if we don't move forward, what the risks are, and
22 so I think it behooves us to recommend to Town Council that
23 we forward the recommendation of approval of this newly
24 revised Housing Element update.
25

1 CHAIR HANSSEN: Well said, thanks. Commissioner
2 Janoff.

3 COMMISSIONER JANOFF: That sounded like a motion.

4 COMMISSIONER RASPE: It is now.

5 COMMISSIONER JANOFF: If it was, then I'll second
6 that motion.

7 CHAIR HANSSEN: Do you want that to be a motion,
8 Commissioner Raspe?

9 COMMISSIONER RASPE: Sure. Do you want me to make
10 it a little more formally?
11

12 CHAIR HANSSEN: Sure, why don't you go ahead?

13 COMMISSIONER RASPE: I move that we provide to
14 Town Council a recommendation to adopt the Draft 2023-2031
15 Housing Element as set forth in Exhibit 1 of our Staff
16 Report, with revised Sites Inventory Analysis as provided
17 in Exhibit 4, and a revised Sites Inventory Form as
18 provided in Exhibit 5.

19 CHAIR HANSSEN: Excellent. Second? Commissioner
20 Janoff.

21 COMMISSIONER JANOFF: Second.

22 CHAIR HANSSEN: Any other comments before we
23 vote? I don't see any.

24 Commissioner Thomas.

25 COMMISSIONER THOMAS: Yes.

LOS GATOS PLANNING COMMISSION 1/11/2023
Item #5, General Plan Amendment
re: Draft 2023-2031 Housing Element

1 CHAIR HANSSEN: Commissioner Raspe.
2 COMMISSIONER RASPE: Yes.
3 CHAIR HANSSEN: Commissioner Janoff.
4 COMMISSIONER JANOFF: Yes.
5 CHAIR HANSSEN: Commissioner Clark.
6 COMMISSIONER CLARK: Yes.
7 CHAIR HANSSEN: Commissioner Burnett.
8 COMMISSIONER BURNETT: Yes.
9 CHAIR HANSSEN: Vice Chair Barnett.
10 VICE CHAIR BARNETT: Yes.
11
12 CHAIR HANSSEN: And I vote yes as well, so that
13 passes unanimously, and since this is a recommendation I'm
14 just going to clarify with Staff that there are no appeal
15 rights.
16 JENNIFER ARMER: That is correct.
17 (END)

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