



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/19/2023

ITEM NO: 14

DATE: September 14, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss the Housing Element Work Plan.

RECOMMENDATION:

Discuss the Housing Element work plan.

BACKGROUND:

At the September 5, 2023 Town Council meeting, two Council Members requested that the Housing Element work plan be added as an agenda item on the next possible Town Council meeting. The Mayor scheduled this discussion for September 19, 2023.

DISCUSSION:

A. Earlier Town Council Discussion on August 15, 2023

On August 15, 2023, in response to a previous request from two Council Members, the Council discussed the Housing Element work plan under Agenda Item 15. The deliberation included a series of motions as described in the meeting minutes (Attachment 1).

B. Council Member Requests from September 5, 2023 Town Council Meeting

At the September 5, 2023 Town Council meeting, Council Member Hudes requested an opportunity to provide direction to Town staff and the Town Council's advisory bodies such as the Housing Element Advisory Board (HEAB).

In addition, the following information was requested:

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Town Manager, Town Attorney, Assistant Town Manager, and Community Development Director

DISCUSSION (continued):

- 1) What is the proposed plan to obtain certification from the State Department of Housing and Community Development (HCD) of the Town's Housing Element by the "January 31, 2024, deadline for the Housing Element certification"?
- 2) Discuss the interactions between the Town and HCD.
- 3) Could the Town's Housing Element consultant attend future Housing Element Advisory Board, Planning Commission, or Town Council meetings?

With regard to request #1, the work plan was provided as Attachment 3 to the August 15, 2023 Town Council Staff Report.

Request #1 also referenced a January 31, 2024, deadline for certification. Per State law, there was a January 31, 2023, deadline for adoption of the Housing Element. While there is no deadline in State law for HCD certification of the Housing Element, staff is working to get the Housing Element certified as soon as possible. As stated in the August 15, 2023 Town Council staff report, there is a January 31, 2024 deadline for the Town to rezone the parcels identified in its Sites Inventory. Staff brought those proposed rezonings to the Planning Commission on September 13, 2023, and they are scheduled for Town Council consideration on October 3, 2023.

Regarding request #2, staff and the consultant met with HCD on September 5, 2023. One outcome of the meeting was HCD's positive response to the consultant's analytical approach to demonstrate that the sites identified in the Town's Sites Inventory have a realistic possibility of being redeveloped. Specifically, the analytical approach consists of documenting that the sites identified in the Town's Sites Inventory are similar to sites for which the Town has received planning applications. The analysis identifies characteristics that are common to both sites in the Sites Inventory and sites for which the Town has received planning applications. The characteristics of each site include:

- 1) Size;
- 2) Age of the structure(s);
- 3) Number of stories for each structure; and
- 4) Value of improvements versus land value.

With regard to request #3, staff does not recommend revising the Housing Element consultant's contract to require that the consultant attend Town meetings. It is vital that the consultant focus on obtaining HCD's certification of the Town's Housing Element by completing the necessary work to address all of HCD comments in its May letter to the Town. Staff provided the Town Council with the consultant's proposed methodology to obtain HCD certification as Attachment 3 to the August 15, 2023 Town Council staff report.

DISCUSSION (continued):

The consultant's Site Inventory analysis and justification are expected to be part of the staff report packet for the next HEAB meeting on September 28, 2023. The current goal is to provide the HEAB the required edits to the Housing Element, as well as an updated list of the HCD comments and completed responses.

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comments. Public comments are encouraged throughout the Housing Element update process and can be emailed to HEUpdate@losgatosca.gov.

CONCLUSION:

Staff looks forward to the Town Council's discussion.

COORDINATION:

The Community Development Department coordinated with the offices of the Town Attorney and Town Manager in the preparation of this report.

ATTACHMENTS:

Attachments previously received with the August 15, 2023 Staff Report:

1. Housing Element Update Timeline
2. Zoning and General Plan Amendments Timeline
3. Veronica Tam and Associates Proposal
4. Questions from the Vice Mayor
5. Public Comment received before 11:00 a.m. on August 10, 2023

Attachment previously received with the August 15, 2023 Addendum A:

None

Attachment previously received with the August 15, 2023 Addendum B:

6. Public Comment received between 11:01 a.m., August 11, 2023, and 11:00 a.m., August 14, 2023

Attachment received with this Staff Report:

7. August 15, 2023 Town Council Meeting Minutes

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TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, August 15, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, August 15, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:06 P.M.

ROLL CALL

Present: Mayor Maria Ristow, Vice Mayor Mary Badame, Council Member Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie (participating remotely under the Brown Act).

Absent: None

PLEDGE OF ALLEGIANCE

Jay Magullari led the Pledge of Allegiance. The audience was invited to participate.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Council Member Hudes stated he met with the Chair of the Community Health and Senior Services Commission (CHSSC), the Friends of Seniors in Los Gatos Foundation, the board Chair and the Director of New Museum Los Gatos (NUMU), and the Director of the Live Oak Nutrition Program.
- Vice Mayor Badame stated she attended Music in the Park, a Conceptual Development Advisory Committee meeting with Mayor Ristow, and a San Jose Spotlight news event.
- Council Member Moore stated he attended the San Jose Spotlight news event, Assembly Member Gail Pellerin's Paws and Policy event, and Music in the Park; hosted a Council Member Community Coffee; met with Los Gatos High School Graduates; and attended a Planning Commission Meeting.
- Council Member Rennie stated he met with a board member and the Director of NUMU; and attended a Valley Transportation Authority (VTA) Policy Advisory Committee (PAC) meeting and a Silicon Valley Clean Energy Authority Board meeting.
- Mayor Ristow stated that August 25 is Ukrainian Independence Day; met with residents on a number of different topics; joined the Los Gatos Beautification Committee to cleanup Parking Lot 6; attended a VTA a Transit-Oriented Development meeting, a Conceptual Development Advisory Committee meeting, both parking meetings hosted by the Chamber of Commerce, a ribbon cutting for Dry Walk Hair Salon, a Regional Housing Bond Symposium, and a Santa Clara County Mayors meeting in Mountain View to tour a safe parking location for the unhoused; gave a reminder that school is starting and encouraged everyone to work together to get to their destinations safely and effectively.

Manager Matters

- Announced the Housing Element sites and Zoning changes will be discussed at a Planning Commission meeting on August 23 at 7:00 p.m. and invited the public to attend.
- Announced a Housing Element Advisory Board special meeting will be held on August 24 at 7:00 p.m. to discuss housing element revisions and invited the public to attend.
- Announced the Town is taking applications for its Leadership Los Gatos program.
- Announced a Joint Planning Commission and Town Council meeting regarding SB 330 is scheduled for September 12 at 7:00 p.m. in the Town Council Chambers.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve Closed Session Council Meeting Minutes of August 1, 2023.
2. Approve Council Meeting Minutes of August 1, 2023.
3. Adopt a Resolution to Extend the Term of the Housing Element Advisory Board.
4. Authorize the Town Manager to Execute the Third Amendment to the Consulting Services Agreement with ActiveWayz Engineering for Additional Engineering Services in an Amount of \$80,224, Resulting in a Total Agreement Amount Not to Exceed \$276,933, for the Shannon Road Pedestrian and Bikeways Improvement Project (CIP No. 813- 0218).
5. Consider the Following Actions Regarding the Howes Play Lot Structure:
 - a. Authorize the Town Manager to Execute a Purchase and Service Agreement with Ross Recreation Equipment to Replace Play Structure Equipment in an Amount of \$115,884 Plus Five Percent for Unforeseen Repairs for a Total Agreement Amount not to Exceed \$121,678; and
 - b. Authorize an Expenditure Budget Adjustment in an Amount of \$121,678 From Available General Fund Special/Capital Projects Reserve.
6. Adopt a Resolution Granting an Appeal of a Planning Commission Decision to Approve a Fence Height Exception Request for Construction of an Automated Vehicular Gate Exceeding the Maximum Height and with Reduced Setbacks on Property Zoned R-1:8. Located at 380 Blackwell Drive. APN 424-12-027. Categorically Exempt Pursuant to CEQA Guidelines Section 15303 (e): New Construction or Conversion of Small Structures. Fence Height Exception Application FHE-23-002. PROPERTY OWNER: Larry Cesnik and Martha Johnson. APPELLANT: Larry Cesnik. APPLICANT: Ramin Zohoor. PROJECT PLANNER: Sean Mullin. **RESOLUTION 2023-043**
7. Adopt an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Section 18.30.040, 'Penalties for Violations,' of Division 1, Article III, of Chapter 18 of the Town Code, 'Social Host Ordinance'." **ORDINANCE 2343**
8. Authorize the Town Manager to Execute the First Amendment to the Consulting Services Agreement with Nichols Consulting Engineers for Additional Engineering Services in an Amount of \$42,500, Resulting in a Total Agreement Amount Not to Exceed \$486,900, and an Extension of Time for the Shannon Road Repair Project (CIP No. 811- 0008).
9. Receive Monthly Financial and Investment Reports (April Amended, May, and June 2023).

Consent Items – continued

Council Member Hudes pulled item #3.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Vice Mayor Badame to approve consent items 1, 2, and 4-9. Seconded by Council Member Moore.

VOTE: Motion passed unanimously by roll call vote.

VERBAL COMMUNICATIONS

Jacob, S.U.A.S Veteran Crisis Q.R.F.

- Commented on the mission of S.U.A.S Veteran Crisis Q.R.F. and invited volunteers to serve.

Jan Schwartz, NUMU Board Member

- Commented on NUMU services and requested financial support for rent and the Los Gatos History Project.

Tyler Haus, Civic Bell

- Commented on a local civic technology platform called Civic Bell and how the system works.

Jennifer Lin, Executive Director of Los Gatos Chamber of Commerce

- Introduced herself and stated she is excited to serve the community and continue collaborative efforts with the Town.

Joseph Enz

- Commented on homeless individuals, cleanup of the creek, and the Police Department.

Lynley Hogan

- Read an article on child trafficking and commented in opposition of a number of legislative bills.

Stanford and Daniel Stickney

- Requested the Council maintain the Post Office as a community asset.

Beverly

- Requested the Town Council allocate funds to a hotel voucher program and showers.

OTHER BUSINESS

10. Adopt a Resolution for the California Public Employees' Retirement System Retirement Plan to Waive the 180-Day Retiree Rehire Wait Period and to Appoint Sean Rose as the Temporary Capital Projects Manager in the Parks and Public Works Department.

RESOLUTION 2023-044

Salina Flores, Human Resources Director, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

MOTION: Motion by Vice Mayor Badame to adopt a resolution for the California Public Employees' Retirement System Retirement Plan to waive the 180-day retiree rehire wait period and to appoint Sean Rose as the Temporary Capital Projects Manager in the Parks and Public Works Department per Attachment 1 of the staff report.

Seconded by Council Member Moore.

VOTE: Motion passed unanimously by roll call vote.

11. Review the Library Board Work Plan for Calendar Year 2023.

Ryan Baker, Library Director, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item and commended the Library Board for their work.

12. a. Receive the Information Provided in the Police Services Report: January – June 2023; and
b. Approve the Technical Sharing of Information Obtained from the Town's Automated License Plate Reader (ALPR) Technology and Information Captured by the Flock Safety Technology with Other Law Enforcement Agencies in Santa Clara County

Jamie Field, Police Chief, presented the staff report.

Opened public comment.

Other Business Item #12 – continued

Lee Fagot

- Commented on community policing, and concerns with noisy vehicles and electric bicycles.

Closed public comment.

Council discussed the item.

MOTION: Motion by Vice Mayor Badame to receive the information provided in the Police Services report: January – June 2023 and approve the technical sharing of information obtained from the Town’s Automated License Plate Reader (ALPR) technology and information captured by the Flock Safety technology with other law enforcement agencies in Santa Clara County. **Seconded by Council Member Hudes.**

VOTE: Motion passed unanimously by roll call vote.

Recess 8:57 p.m.

Reconvene 9:12 p.m.

13. Receive an Update on American Rescue Plan Act (ARPA) Public Safety Expenses and General Fund Council Priorities – Economic Recovery Reserve Tracking and Provide Direction for the Use of the Remaining Funds in this Reserve.

Gitta Ungvari, Finance Director, presented the staff report.

Opened public comment.

Kimberly Snyder, Executive Director NUMU

- Commented on the cultural service of NUMU, and requested an allocation of \$93,000 in one-time funds for rent and a match for the Los Gatos History project.

Tom Picraux

- Commented in favor of utilizing the remaining ARPA funds for a community center and to convene a group of stakeholders regarding the existing facility.

Dick Konrad

- Commented in favor of utilizing some remaining ARPA funds for a community center, convene a group of stakeholders regarding the existing facility, and address a shortfall with Live Oak Nutrition.

Closed public comment.

Other Business Item #13 – continued

Council discussed the item.

MOTION: Motion by Council Member Hudes to create an effort to design and construct the Adult Recreation Facility to provide space for a variety of non-profit agencies to provide services to the community and reconfigure the existing space to provide better services to adults and make it more open and inviting to the community. The funding of these improvements will be achieved by allocating up to \$1,000,000 of ARPA funds to a Community Center Development Fund by immediately allocating the remaining General Fund monies made available from the American Rescue Plan Act qualified public safety expenses in the amount of \$866,281, and if over the next two years, Capital funds including previously allocated ARPA funds were not expended as budgeted, an additional amount of up to \$133,719 of Capital funds would be allocated to the Community Center Development Fund by future Council action. The initial funding would be allocated to near-term improvements and to inform the improvements by convening a group of concerned residents and community partners focused on older adult services and community services in general in the decision about the specifics of how the existing facility could be improved. This would include the Community Health and Senior Services Commission (CHSSC), older adults 501c3 foundation, which is being formed, Los Gatos-Saratoga Recreation, Successful Aging Solutions & Community Consulting (SASSC) group in Saratoga, and non-profits who provide services, faith leaders, and potentially representation from Supervisor Joe Simitian's Office. A recommendation from staff and this group would then be considered by the Town Council during the 2024 Capital Budget period. **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously by roll call vote.

A majority of Council supported a recommendation to have the Policy Committee define core services and look at policies pertaining to the grant program to allow for more financial support for items considered core services.

14. Receive the Report on Downtown Paid Parking Program Models and Consider the Following Actions:

- a. Direct Staff to Return to Council with an Updated Fee Resolution to:
 - i. Increase the Rates Effective January 1, 2024 for Residential Permit Parking to \$52 per Year for Vehicle One, and \$72, \$92, and \$112 for Vehicles Two, Three, and Four, Respectively;
 - ii. Set Rates for Residential Permits in the Olive Zone to Match Rates for the Town's Other Residential Parking Zones Effective January 1, 2024; and

Other Business Item #14 – continued

- iii. Eliminate the Annual Fee for Employee Parking in the Olive Zone Effective January 1, 2024;
- b. Provide Direction to Staff Regarding the Establishment of Residential Permit Rates for Low Income Residents Defined as Households with Income of Less than 80% of Area Median Income;
- c. Provide Direction to Staff Regarding the Two Free Visitor Passes that are Available to Each Household in the Residential Permit Parking Areas; and
- d. Provide Feedback and/or Direction on the Paid Parking Program Options, Pricing Models, Service Delivery Scenarios, and Staffing Alternatives Required to Support a Functioning and Effective Downtown Paid Parking Program.

Nicolle Burnham, Parks and Public Works Director, presented the staff report.

Opened public comment.

Ron Meyer

- Commented on concerns with paid parking and requested a cost benefit analysis.

Ali Miano

- Commented on concerns with paid parking, suggested alternative transportation options, and stated people parking for more than four hours should probably pay for parking.

Jennifer Lin, Los Gatos Chamber of Commerce

- Requested the Town pause the paid parking program implementation to get more information to address the business community's concerns.

Randi Chen

- Commented on concerns with the paid parking program, stated the wayfinding signage should be installed before implementing a pay to stay program, and requested the Town add clear signage for employee parking.

Lynley Hogan

- Commented on concerns with an increase in fees for the residential parking permits causing an overflow onto streets that have free parking and asked about Accessory Dwelling Unit parking.

Closed public comment.

Other Business Item #14 – continued

MOTION: Motion by **Mayor Ristow** to expand the employee permit parking and signage to include Saturdays. **Seconded** by **Council Member Moore**.

VOTE: Motion passed unanimously by roll call vote.

MOTION: Motion by **Council Member Moore** to make a budget adjustment to hire one full time employee (FTE) for 1-year, not to exceed \$200,000. **Seconded** by **Mayor Ristow**.

VOTE: Motion passed 3-2 by roll call vote. Hudes and Badame voted no.

MOTION: Motion by **Vice Mayor Badame** to extend the meeting to hear the remaining items. **Seconded** by **Council Member Moore**.

VOTE: Motion passed 4-1 by roll call vote. Council Member Rennie voted no.

MOTION: Motion by **Mayor Ristow** to bring back the fee schedule with an increase in residential permit parking rates to \$52 per year for vehicle one, and \$72, \$92, and \$112 for vehicles two, three and four respectively, with annual adjustments each year in line with the Consumer Price Index (CPI). **Seconded** by **Council Member Moore**.

VOTE: Motion passed unanimously by roll call vote.

MOTION: Motion by **Council Member Moore** to eliminate the fee for employee parking in the Olive Zone, with the caveat that when paid parking is implemented it will apply universally. **Seconded** by **Mayor Ristow**.

VOTE: Motion passed unanimously by roll call vote.

15. Receive and Discuss a Status Update on the 2023-2031 Housing Element Process.

Jennifer Armer, Planning Manager, presented the staff report.

Opened public comment.

Other Business Item #15 – continued

Ron Meyer

- Commented on concerns with the process.

Albert Lustre

- Requested standards of labor be added to the Housing Element.

Lee Quintana

- Commented in support of postponing any final action on the pending Zoning and General Plan amendments and expressed concerns with the analysis of the past Housing Elements.

Closed public comment.

MOTION: Motion by Council Member Hudes to bring the final draft of the Housing Element for approval to the Council prior to submittal to HCD. **Seconded by Vice Mayor Badame.**

VOTE: Motion failed 2-3. Council Members Rennie, Moore, and Mayor Ristow voted no.

MOTION: Motion by Council Member Hudes to direct staff wherever possible to utilize reviewed and certified language from other jurisdictions to respond to HCD and to update the Housing Element. **Seconded by Council Member Moore.**

VOTE: Motion passed 4-1. Council Member Rennie voted no.

MOTION: Motion by Council Member Hudes to direct HEAB to meet every other week. **Seconded by Vice Mayor Badame.**

VOTE: Motion failed 2-3. Council Members Rennie, Moore, and Mayor Ristow voted no.

MOTION: Motion by Council Member Hudes to ask staff and consultants take written notes on any calls with HCD and distribute them to Council. **Seconded by Vice Mayor Badame.**

VOTE: Motion failed 2-3. Council Members Rennie, Moore, and Mayor Ristow voted no.

Other Business Item #15 – continued

MOTION: Motion by Council Member Hudes to include the consultants to be available for questions at the public hearings of the Planning Commission and Town Council for the Housing Element adoption. **Seconded** by Vice Mayor Badame.

VOTE: Motion passed unanimously by roll call vote.

MOTION: Motion by Council Member Hudes to direct the Town Manager to bring any additional expenditure in excess of \$50,000 over the approved amount for the Housing Element to Council for review and approval. **AMENDMENT:** to clarify the direction is through certification of this Housing Element cycle. **Seconded** by Vice Mayor Badame.

VOTE: Motion passed unanimously by roll call vote.

PULLED CONSENT ITEMS

3. Adopt a Resolution to Extend the Term of the Housing Element Advisory Board. **RESOLUTION 2023-042**

Jennifer Armer, Planning Manager, presented the staff report.

Opened public comment.

No one spoke.

Closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to extend the Housing Element Advisory Board as described in item #3. **Seconded** by Mayor Ristow.

VOTE: Motion passed unanimously by roll call vote.

ADJOURNMENT

The meeting adjourned at 1:26 a.m.

Respectfully Submitted:

/s/ Jenna De Long, Deputy Town Clerk