

MINUTES

**SARATOGA CITY COUNCIL/PLANNING COMMISSION
HOUSING ELEMENT JOINT STUDY SESSION
MARCH 10, 2009**

Mayor Page called the Joint Housing Element Study Session meeting to order at 5:00PM.

PRESENT: COUNCILMEMBERS:
Jill Hunter, Susie Nagpal, Howard Miller, Vice Mayor Kathleen King, Mayor Chuck Page,

PRESENT: PLANNING COMMISSION:
Yan Zhao, Linda Rodgers, Susie Nagpal, Joyce Hlava, Manny Cappello

ABSENT: Rishi Kumar and Robert Kundtz

ALSO PRESENT: Richard Taylor, City Attorney
Dave Anderson, City Manager
Ann Sullivan, Acting City Clerk
John Livingstone, Community Development Director
Chris Riordan, Senior Planner
RBF Consulting Representatives: Tricia Schimpp and Michele Kou

REPORT OF CITY CLERK ON POSTING OF AGENDA FOR MARCH 10, 2009

Ann Sullivan, City Clerk, reported that pursuant to Government Code Section 54954.2, the agenda for the meeting of March 10, 2009, was properly posted on March 4, 2009.

COMMUNICATIONS FROM PUBLIC

No one requested to speak at this time.

JOINT MEETING AGENDA ITEM:

1. Discussion on the Update to the City's Housing Element

RBF Consulting Representatives provided a slide presentation on the Housing Element Update noting that every five years the City of Saratoga (City) is required by the State of California to update the City's Housing Element. Housing element law requires a quantification of each city's existing and projected housing needs and requires each to provide their "fair share" of regional housing needs; which is accomplished in part, through the Regional Housing Needs Assessment (RHNA) process. The RHNA defines each city's existing and future housing needs in a regional context. A city's share of the RHNA, as determined by the Association of Bay Area Governments (ABAG), is the projected housing need that must be addressed in the Housing Element. An Administrative Draft of the Housing Element is to be submitted to the California Department of Housing and Community Development (HCD) for review prior to the June 30, 2009 deadline.

ABAG's draft RHNA for the period 2007 – 2012 allocates 292 new housing units to the City of Saratoga with a breakdown based on the type of income categories.

When the planning period began at the beginning of 2007 the City of Saratoga had a credit of 8 units in the moderate-income category and an additional 6 units in the above-moderate income category that are currently under construction, which leaves a remaining need of 278 units.

The focus of discussion was on Chapter 4 – Policy Program.

Representative Michelle Kou presented recent legislation regarding SB 2 – Emergency Shelters; SB 520 – Reasonable Accommodations; AB 2348 – Adequate Sites; SB 1818 and AB 2280 – Density Bonus; and AB 2634 – Extremely Low Income.

COUNCIL DISCUSSION:

- Professional Administrative (PA) Districts and the commitment to look at a Zoning District and allowing by right Emergency Shelters in that Zoning District to be a permitted use, within one year of adoption of the Housing Element.

Council reviewed the various commercial districts that could accommodate emergency shelters by right, such as Neighborhood Commercial, Historic Commercial, and the other Commercial Districts along bus routes.

City Attorney Richard Taylor noted that the City could create a new "Commercial District" that could encompass just the Prospect Area that would allow Emergency Shelters.

Mayor Chuck Page noted the minimum 20 dwelling unit per acre requirement be applied to the commercial area on Prospect Avenue, bordering Lawrence Expressway because that area has transportation and meets the needs of the affordable units better than other districts in the City.

Council discussed the possibility of creating a new Commercial District that would allow Emergency Shelters Permitted by Right Use. Council also discussed whether the PA Zone should be included or excluded.

CONSENSUS:

- Look into allowing Emergency Shelters by Right in the Pa Zone or one of the Commercial Districts.

Council Topics & Discussion Regarding Adequate Sites – SB 2348:

- Low Income Needs (need 158 units with 50% of the need provided on residential zoned only sites).
- Odd Fellows site can accommodate additional 80 dwelling units fulfilling the 50% need on sites zoned residential only.
- Mixed Use Overlay – maximum density standard of 20 units per acre or minimum of 16 units per site with Density Bonus.
- Feasibility of 20 Units minimum per one acre in Mixed Use Overlay Zone, on second floor with setback requirements and other zoning constraints.
- Consideration of revising zoning language standards to accommodate 20 units minimum per acre by allowing 3 stories and changing the 50% residential/commercial mix.
- Exemption for lots one acre or less to provide minimum 20 units per acre.
- Consideration of allowing affordable housing in all commercial mixed use or designation of specific locations for affordable housing.
- Changing the character of commercial areas into housing areas.
- Underground parking with housing above.
- Concerns about decreasing commercial districts and adding affordable dwelling units.
- Ability to say “no” to a developer if City has a valid Housing Element through design review process.
- If no certified Housing Element, developer has a ‘per se right’ to develop.
- State doesn’t require the city to build these affordable housing units; City has to have the provision that the affordable units could be built.
- Need to have housing policies flexible – not rigid.
- Can include zoning language that zoning district would be reviewed to assure accommodation of 20 affordable housing units per acre.
- Hillside properties with 10 acres that are sloped cannot do a secondary unit because the net lot size is too small.

Mayor Page invited public comment.

The following person requested to speak:

Gary Hansen thanked the consultants for the language in Policy Action 4-4.2: Senior Housing and Affordable Senior Housing, noting that it is significantly flexible in addressing the issues for senior housing in the future.

CONSENSUS:

City needs total of 158 low income units in Mixed Use District with a minimum of 20 units per acre.

NEXT STEPS:

- Recommendations from this evening's meeting will be incorporated into the Draft Housing Element
- Draft Housing Element will be submitted to HCD for compliance review
- HCD reviews for compliance and provides the City with a letter of suggested revisions to comply with State law
- City will address HCD comment letter and consider third party comments
- Upon satisfying statutory requirements, HCD will provide a letter of "substantial compliance"
- Planning Commission will recommend adoption of the revised Housing Element to city Council

There being no further discussion Mayor Page asked for a motion to adjourn the Study Session.

MILLER/NAGPAL MOTIONED TO **ADJOURN THE HOUSING ELEMENT STUDY SESSION AT 6:30PM.** MOTION PASSED 5-0-0.

Respectfully submitted,

Ann Sullivan, CMC
City Clerk