

**MINUTES**  
**MONDAY, JANUARY 25, 2021**  
**SARATOGA CITY COUNCIL SPECIAL MEETING**

**CALL TO ORDER**

Mayor Zhao called the virtual Special Meeting to order at 6:01 p.m. via teleconferencing through Zoom.

Prior to Roll Call, the Mayor and City Clerk explained that the City Council meeting was conducted pursuant to provisions of the Brown Act and a recent Executive Order issued by the Governor to facilitate teleconferencing to reduce the risk of COVID-19 transmission at public meetings. Ordinarily the Brown Act sets strict rules for teleconferencing. The Governor's Executive Order has suspended those rules. The Executive Order does require that public agencies continue to notice meetings in advance and provide members of the public an opportunity to observe the meeting and offer public comment. The City Council met all of the applicable notice requirements and the public is welcome to participate in this meeting. Information on how the public can observe the meeting and provide public comment was also shared. Additionally, the Mayor explained that votes would be taken through roll call.

**ROLL CALL**

PRESENT: Mayor Yan Zhao, Vice Mayor Tina Walia, Council Members Rishi Kumar, Kookie Fitzsimmons, Mary-Lynne Bernald  
(All Council Members appearing via teleconference)

ABSENT: None

ALSO PRESENT: James Lindsay, City Manager  
Richard Taylor, City Attorney  
Crystal Bothelio, Assistant City Manager  
Debbie Bretschneider, City Clerk  
Debbie Pedro, Community Development Director  
John Cherbone, Public Works Director  
Mary Furey, Finance & Administrative Services Director  
Lauren Pettipiece, Public Information Officer  
(All staff members appearing via teleconference)

City Clerk Debbie Bretschneider confirmed all City Council members could hear the meeting proceedings and no doubts were expressed regarding the identities of the individuals representing themselves as City Council Members.

**ORAL COMMUNICATIONS ON NON-AGENDIZED ITEMS**

None

## **AGENDA ITEMS**

### **Housing Laws and New Legislation Update**

Richard Taylor, City Attorney, provided an overview of the legal environment for housing-related development applications, including State legislation adopted in 2020 and proposed for 2021. Topics included the Housing Accountability Act, the Density Bonus Law, streamlined Ministerial Approval (SB 35), the Housing Crisis Act of 2019, the Housing Element Law, and a review of Saratoga's Measure G. He noted that the agenda packet included a summary of State legislation, including laws not related to housing, adopted in 2020 that may impact Saratoga. There was also an overview of an amendment to California's Brown Act, AB 992, which clarifies social media rules for Council and Commission members.

Mayor Zhao invited public comment on the item.

The following people requested to speak:

Jeffrey Schwartz suggested that public questions be accepted during the presentation. He asked who would be responsible for public work improvements under the Streamlined Ministerial Approval laws if the improvements are required by a project.

City Attorney Richard Taylor responded that if the developer would normally be responsible for the cost of improvements, then the developer would continue to be responsible for those costs.

Razi Mohiuddin asked about the voter approval requirements under Measure G and the increased intensity in residential areas that may be needed to reach the City of Saratoga Regional Housing Needs Assessment (RHNA) allocation for the next Housing Element cycle.

City Attorney Richard Taylor responded that Measure G includes provisions that exempt voter approval if an increase in intensity in a residential is needed to achieve a certified Housing Element.

David McIntyre asked how these laws influenced the Quito Village project.

City Attorney Richard Taylor responded that jurisdictions that fail to reach RHNA targets are subject to the Streamlined Ministerial Approval. Since Saratoga is subject to the law, the Quito Village project was allowed to be submitted under this law with only 10% of units qualifying as affordable.

No one else requested to speak.

Council Member Kumar suggested that residents should contact their State representatives to voice their opinions on legislation.

WALIA/FITZSIMMONS MOVED TO **ACCEPT THE REPORT ON HOUSING LAWS AND NEW LEGISLATION UPDATE**. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.

Mayor Zhao requested a break at 7:27 p.m. and resumed the meeting at 7:36 p.m.

### **Housing Element Update Kick Off**

Debbie Pedro, Community Development Director, provided a staff report on the Housing Element Update Kick Off. Topics included a background on the Housing Element, the draft Bay Area RHNA methodology and allocations, the structure of the Housing Element, Building Site inventory, Community Priorities, and a timeline for Saratoga's Housing Element.

Mayor Zhao invited public comment on the item.

The following people requested to speak:

Doug Case suggested that the RHNA allocation be based on a multiplier or apportionment. He noted the significant increase in the RHNA allocation for the next Housing Element cycle compared the current cycle.

Jeffrey Schwartz expressed frustration with the Housing Element process and said it reflects the efforts of the State and ABAG to force urbanization on cities and to homogenize cities. He asked how often housing production is evaluated to assess if the Streamlined Ministerial Approval law applies.

Community Development Director Debbie Pedro responded that it is evaluated several times during the Housing Element cycle.

Jojo Choi asked how does the State and ABAG account for market interest in housing development, if the State would force the City to rezone if unable to meet RHNA targets, and if there has been analysis of availability of undeveloped land in other cities.

Community Development Director Debbie Pedro responded that all jurisdictions are seeing a significant increase in the draft RHNA allocations. The State and ABAG do not factor in availability of vacant land when RHNA allocations are decided. The goal of the State is to remove barriers to residential development and some of the State's recent efforts reflect a perspective that local jurisdictions are partly at fault for lack of market interest for residential development.

No one else requested to speak.

City Manager James Lindsay spoke on the next steps on the Housing Element, which will include bringing an engagement strategy to the City Council for consideration.

Council Member Kumar suggested that the City create a webpage with information on the Housing Element with information about the last 2 to 3 Housing Element cycles to provide a historical perspective on the process. He also emphasized the need to engage the entire community in the update process. He suggested that the City stay connected with other nearby cities, such as Cupertino, Los Gatos, and Campbell, that will face similar challenges in the Housing Element update.

Vice Mayor Walia noted that the update to the Housing Element could fundamentally impact the character of Saratoga. If the City wants to retain its character and local control as much as possible, the City will need a certified Housing Element. She added that it will be important to engage the community as soon as possible. She proposed the engagement strategy come before the City Council in March.

Council Member Fitzsimmons agreed that early engagement is important.

Council Member Bernald agreed on the importance of early engagement and information sharing. She suggested that all Council Members could communicate with their constituents to sign up on the City website for updates after this project is on the website.

Mayor Zhao agreed on the importance of early engagement. She supported the proposal to consider the engagement strategy in March. She spoke about how the City wants to keep the Community priorities of building heights, single-family neighborhoods, keeping commercial services, and protecting the wildland urban interface.

**WALIA/FITZSIMMONS MOVED TO ACCEPT THE STAFF REPORT AND REQUESTED THAT THE COMMUNITY ENGAGEMENT STRATEGY FOR THE HOUSING ELEMENT TO BE BROUGHT TO THE COUNCIL IN MARCH 2021. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.**

## **ADJOURNMENT**

**BERNALD/WALIA MOVED TO ADJOURN THE MEETING AT 8:53 P.M. MOTION PASSED BY VERBAL ROLL CALL. AYES: BERNALD, FITZSIMMONS, KUMAR, WALIA, ZHAO. NOES: NONE. ABSTAIN: NONE. ABSENT: NONE.**

Minutes respectfully submitted:

Debbie Bretschneider, City Clerk  
City of Saratoga