City of Santa Clara

Call and Notice of Special Meeting

Planning Commission

Monday, January 23, 2023 **6:00 PM** **City Hall Council Chambers and Zoom**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 708 of the Santa Clara City Charter, the undersigned calls for a Special Meeting of the Planning Commission to commence and convene on January 23, 2023, at 6:00 pm for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, and via Zoom to consider the following matter(s) and to potentially take action with respect to them.

The City of Santa Clara will be conducting Planning Commission meetings in a hybrid manner (in-person and virtual attendance). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution 22-9178, Commissioners may teleconference from remote locations. The City continues to provide methods for the public to participate remotely:

• Via Zoom:
o https://santaclaraca.zoom.us/j/91729202898 Webinar ID: 917 2920 2898 or
o Phone: 1(669) 900-6833
• Via the City's eComment (available during the meeting)

The public may view the meetings on SantaClaraCA.gov, Santa Clara City Television (Comcast cable channel 15 or AT&T U-verse channel 99), or the livestream on the City's YouTube channel or Facebook page.

Public Comments prior to meeting may be submitted via email to PlanningPublicComment@SantaClaraCA.gov no later than noon on the day of the meeting; (Comments received after 12:00 PM on the day of the meeting will be made part of the public record but will not be read out loud during the meeting) and also before and during the meeting via eComment. Clearly indicate the project address, meeting body, and meeting date in the email.

6:00 PM SPECIAL MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

DECLARATION OF COMMISSION PROCEDURES

CONTINUANCES/EXCEPTIONS

CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

No Consent Items

PUBLIC PRESENTATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

PUBLIC HEARING

Items listed above under Items for Council Action will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items.

23-42 Amendment to the City of Santa Clara General Plan by Adopting an Updated Housing Element for the 2023-2031 Housing Element Cycle

Recommendation: Alternative : 1 & 2
1. Recommend the City Council Adopt the Addendum to the Environmental Impact Report
2. Adopt a Resolution to Recommend the City Council Amend the General Plan by Adopting an Updated Housing Element for the 2023-2031 Cycle.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items
2. Commissioner Travel and Training Reports, Requests to attend Trainings

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update
2. Upcoming Agenda Items
3. City Council Actions

ADJOURNMENT:

The next regular scheduled meeting is on February 8, 2023 at 6:00 PM in the City Hall Council Chambers and via Zoom.

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.

23-42 **Agenda Date: 1/23/2023**

REPORT TO PLANNING COMMISSION

SUBJECT
Amendment to the City of Santa Clara General Plan by Adopting an Updated Housing Element for the 2023-2031 Housing Element Cycle

COUNCIL PILLAR
Promote and Enhance Economic, Housing and Transportation Development

BACKGROUND
The Housing Element, one of the required elements of the City's General Plan, includes policies and programs intended to help the City meet the housing needs of all current and future Santa Clara residents. State law requires that local jurisdictions update their housing elements every eight years and that the housing element be reviewed by the State Department of Housing and Community Development (HCD). Housing elements are certified by HCD if found to be in substantial compliance with State Housing law.

The City's current (5th housing cycle) Housing Element, which was adopted on December 9, 2014 and certified by HCD on February 13, 2015, covers the planning period that began on January 31, 2015 and ends on January 31, 2023. For Bay Area towns, cities, and counties, the statutory due date for submittal of an adopted Housing Element, covering the years 2023-2031 (6th housing cycle), is January 31, 2023.

The Housing Element update process begins with the assignment to each jurisdiction of a Regional Housing Needs Allocation (RHNA), establishing a particular number of housing units at various affordability levels that must be accommodated by the local jurisdiction. On January 12, 2022, HCD approved the Association of Bay Area Governments (ABAG) Plan for distributing a share of the region's housing need to each of the Bay Area's towns, cities, and counties. Santa Clara's RHNA for 2023-2031 is 11,632 units, with more than half of these units distributed into three categories of designated affordability as shown in the table below.

City of Santa Clara 2023-2031 RHNA

Very Low Income (<50% AMI)	**Low Income** (50-80% AMI)	**Moderate Income** (80-120% AMI)	**Above Mod. Income** (>120% AMI)	**Total**
2,872	1,653	1,981	5,126	**11,632**

AMI = Area Median Income

Santa Clara, with help from the City's planning consultant MIG, Inc., prepared a comprehensive update of the City's Housing Element and posted a Public Review Draft Housing Element online from

July 1 through August 1, 2022.

The Draft Housing Element was revised to address comments received during the 30-day public review period and on August 22, 2022, the City's Initial Draft Housing Element was submitted to HCD for their 90-day review. Staff had an introductory meeting with HCD on October 12, 2022 to discuss their preliminary feedback on the Initial Draft. HCD provided their formal findings/comments (Attachment 1) on November 18, 2022 and City staff met subsequently with HCD staff on November 29, 2022 to discuss those comments.

A revised Draft Housing Element (Attachment 3) addressing HCDs comments and incorporating community feedback from the earlier drafts will be reviewed by Santa Clara's Planning Commission and City Council, and after adoption by the City Council will be sent to HCD for review and certification.

DISCUSSION

State leadership continues to identify efforts to address the State's housing crisis as a top priority for both legislative and administrative efforts. As a result, the State has significantly increased the requirements placed upon each jurisdiction as they update their local Housing Elements and added more stringent State oversight for the review and approval of each Housing Element. Local jurisdictions follow a staggered schedule for submittal to the State, and based on areas of the state with an earlier submittal deadline, a small minority of local jurisdictions have been able to complete the Housing Element update process, including State approval, prior to the assigned deadline. The lack of a certified Housing Element can reduce the ability of the local jurisdiction to regulate new housing development and also reduce access to State funds for as long as the City remains out of compliance.

City staff is working with the City's consultant to complete the City's Housing Element update in conformance with State requirements prior to the State's deadline of January 31, 2023. To reach this goal, staff is asking that the Planning Commission review the proposed General Plan amendment, "draft Housing Element" (Attachment 3), provide input, and recommend approval to the City Council. Staff will then place the Housing Element update on the January 31, 2023 City Council meeting agenda to complete the City adoption process. Staff is working concurrently with the State to obtain their determination of substantial conformance. The intended goal for these efforts is for the City to have a State certified Housing Element in place by the State's deadline.

Based on State law and guidance provided by HCD, the overall intent of the City's Housing Element is to demonstrate that the City is capable of providing for the housing needs of the local community, both in terms of programs and development capacity. Housing element law requires local governments to assess the housing needs within the community and to adequately plan to meet their existing and projected housing needs, including their RHNA share. The Housing Element also includes a description of the programs operated by the City to support community housing needs. A complete analysis should include a quantification and a descriptive analysis of the specific needs and resources available to address these needs. More recently the State has added an Affirmatively Furthering Fair Housing (AFFH) requirement to address potential historic inequalities in the local provision of housing. The State is also very interested in the community outreach that the City undertook to inform its Housing Element. These required components are further discussed below.

Housing Capacity

In assessing the City's housing capacity, the City must identify constraints, as well as provide an inventory of sites that can be used to meet the City's RHNA. The following discussion summarizes the information that is being provided within the Draft Housing Element to meet the legal requirements.

Constraints

The housing element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for people with disabilities. The analysis should identify the specific standards and processes of these constraints and evaluate their impact on the supply and affordability of housing. The analysis should determine whether local, regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a jurisdiction from meeting its housing needs.

Site Inventory

Local governments are required to prepare an inventory of land within the jurisdiction that is suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites. The assessment of land parcels is based on current land use, zoning, and other factors that could affect its redevelopment to produce housing and/or affordable housing during the Housing Element time period. HCD has indicated that they will carefully review these sites, particularly when they are not currently vacant, to determine if they are in fact likely to be available for redevelopment in the next eight years. As Santa Clara is a built-out city, our inventory sites will require significant amounts of redevelopment.

Santa Clara has taken concrete steps, such as the recent adoption of multiple Specific Plans, to support housing development within the City and as a result is in the process of producing a significant amount of new housing. Jurisdictions may count pipeline projects toward their RHNA and the City's current pipeline is thus very helpful towards this requirement. Pipeline projects include units that are approved, proposed, or under construction that are anticipated to be complete (i.e. have a Certificate of Occupancy) after June 30, 2022 (note this is six months before the beginning of the 2023-2031 Housing Element cycle). Staff has determined that Pipeline projects in Santa Clara can conservatively accommodate 12,712 total units, as shown in the table below. As is to be expected, the majority of these units will be market rate, with a percentage of affordable units brought forward either because of the City's inclusionary requirements or the development of 100% affordable projects. The latter require public subsidy and so are constrained by the availability of funds for this purpose from either the local jurisdiction, the County or the State. Although the current pipeline exceeds the City's total RHNA target, it does not fully meet the RHNA requirement within the affordable housing categories for very low, low, and moderate income categories.

In addition to the current housing production pipeline, the City's housing inventory includes a projection for the construction of new Accessory Dwelling Units (ADUs) based on historic production of these units. The City participated with other Santa Clara County jurisdictions in a survey to determine the typical rent and affordability levels for ADUs. Based on this historic data, new ADU production over the next eight years can be expected to fulfill a significant portion of the City's RHNA obligation, particularly for affordable housing units.

Thirdly, the City prepared a site inventory that identifies other sites within Santa Clara that are anticipated to be developed with new housing units over the 6th housing cycle time period. Following HCD criteria, this capacity can be allocated to different income categories based on factors such as density.

To ensure that sufficient capacity exists in the housing element to accommodate the RHNA throughout the planning period, HCD recommends jurisdictions create a buffer in the inventory of between 15 to 30 percent more capacity than required, especially for capacity to accommodate the lower income RHNA. As shown in the table below, the combination of pipeline projects, ADU units and site identification are sufficient to meet the City's RHNA requirements.

	Total	**VLI**	**LI**	**Moderate**	**Above Moderate**
Pipeline	11,946	390	320	816	9,561
ADUs	340	102	102	102	34
Sites	9,808	3,049	3,049	3,354	
Total	**22,094**	**3,541**	**3,471**	**4,272**	**9,900**
RHNA	11,632	2,872	1,653	1,981	5,126
Surplus	10,462	669	1,818	2,291	4,774
Buffer	**90%**	23%	110%	116%	93%

Housing Programs

Each jurisdiction must identify specific pro-housing programs in its housing element that will allow it to implement the City's stated policies and achieve the City's stated goals and objectives for the provision of housing. Programs must include specific action steps the locality will take to implement its policies and achieve its goals and objectives. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the jurisdiction's specific role in implementation, and (whenever possible) identify specific, measurable outcomes.

Affirmatively Furthering Fair Housing (AFFH)

The AFFH is a new requirement for the current Housing Element cycle and is receiving considerable attention from HCD in the review process. An assessment of fair housing must identify and analyze patterns, trends, conditions, and practices that result in less fair housing choice and must address all of the following assessment components:

1. Summary of fair housing enforcement and outreach: This section describes the ability of a locality and fair housing entities to disseminate information related to fair housing and provide outreach and education to assure community members are well aware of fair housing laws and rights. In addition, enforcement and outreach capacity includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing.
2. Integration and segregation patterns and trends related to people with protected

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characteristics: Housing elements must include an analysis of integration and segregation, including patterns and trends, related to people with protected characteristics.

3. Racially or ethnically concentrated areas of poverty: Housing elements must include an analysis of racially and ethnically concentrated areas of poverty.
4. Disparities in access to opportunity for people with protected characteristics including persons with disabilities: Housing elements must identify and analyze significant disparities in access to opportunity. Access to opportunity means both improving the quality of life for residents of low-income communities, as well as supporting mobility and access to "high resource" neighborhoods.
5. Disproportionate housing needs within the jurisdiction, including displacement risk: Housing elements must include an assessment of disproportionate housing needs, including displacement risk, on people with protected characteristics and households with low incomes. Categories of need are based on such factors as cost burden (housing cost, including utilities, exceeding 30 percent of gross income) and severe cost burden (housing cost, including utilities, exceeding 50 percent of gross income), overcrowding, homelessness, and substandard housing conditions. Displacement can be caused by disinvestment, investment-fueled gentrification, or a process combining the two.

Outreach

Jurisdictions are required to make diligent efforts to include all economic segments of the community and/or their representatives in the development and update of their housing elements. Based upon comments received from HCD, unlike in prior Housing Element cycles, this is a focus area for HCD.

Below is a list of outreach meetings and activities that helped promote and inform the development of the City of Santa Clara's Housing Element Update. This outreach is described in more detail in Appendix A of the Adoption Draft Housing Element (Attachment 3).

2021

- March 12 - Stakeholders Meeting: Affordable Housing Ordinance
- April 6 - City Council Study Session
- August 30 - Community Meeting
- September 22 - Planning Commission Study Session
- November 9 - City Council Study Session: Homelessness

2022

- April 19 - Joint City Council & Planning Commission Study Session
- April 28 - Homelessness Taskforce Meeting #1
- May 5 - Stakeholder Listening Session: Development Constraints
- May 20 - 6th Annual "Be Strong, Live Long" Health & Wellness Fair
- May 26 - Homelessness Taskforce Meeting #2
- May-August - Stakeholder Interviews
- May-July - Housing Element Update Survey
- June - City Hall News
- June 14 - Library Pop-up Meeting (Central)
- June 17 - Library Pop-up Meeting (Northside)
- June - City of Santa Clara Inside Newsletter

- June 23 - Homelessness Taskforce Meeting #3
- July 12 - Joint City Council & Planning Commission Study Session
- July 22 - Interview with Housing Choices
- July 28 - Homelessness Taskforce Meeting #4
- August 1 - Community Meeting
- August 9 - Community Meeting/Forum on Homelessness
- August 12 - Residential Care Home Visit/Interview with Life Services
- August 23 - Regional Equity Advisory Group Meeting
- August 25 - Homelessness Taskforce Meeting #5
- September 17/18 - Art & Wine Festival
- September 19 - Meeting with Riverwood Grove Residents (family housing)
- September 20 - Meeting with Peacock Commons Residents (transition age youth)
- September 22 - Meeting with Liberty Tower Residents (seniors)
- October - Affordable Housing Developer Follow-up Questionnaire
- October - Farmworker Advocate Questionnaire
- October 27 - Homelessness Taskforce Meeting #6
- November 17 - Stakeholders Workshop

The City's Housing Element Update GovDelivery topic currently has 1,535 subscribers. Subscribers have received updates throughout the Update process. In addition to the above, the City participated in the countywide HUD Assessment of Fair Housing from September 2019 through January 2020 to obtain input from community members and stakeholders through a series of community meetings, focus groups, and stakeholder meetings. These meetings provided important regional context for the required Affirmatively Furthering Fair Housing (AFFH) analysis in the Housing Element.

The City also received comment letters on the Draft Housing Element posted during the public review period (July 1-August 1) from SV@Home; Housing Choices; Transform; Anne Paulson; Life Services Alternatives; Partnership for the Bay's Future; Carpenters Local Union 405; and Housing Action Coalition. The comment letters have been posted on the Housing Element website (Housing Element Update (2023-2031) | City of Santa Clara (santaclaraca.gov) <https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/general-plan/housing-element-update>). Staff has met with many commentors to earnestly incorporate feedback as feasible.

Specifically, input received through all outreach informed the creation of new efforts in the Housing Element including the following:

- Respondents to outreach and commentors were concerned that the designated levels of affordability in the city's existing inclusionary ordinance are increasingly not affordable for many residents. The Housing Element includes a planned effort to update the inclusionary ordinance to increase a greater number of units in the deeper affordability categories and to redefine the City's moderate affordability category to reflect a lower income range. Also proposed is including in the City's Notice of Funding Availability specifications criteria that would prioritize City funding of Extremely Low Income and Very Low Income units.

- Consistent feedback was received through all outlets and demographics of respondents highlighting the need to better address homelessness. The City's newly created Homelessness Task Force composed of service providers, advocates, and individuals with lived experience of

being unhoused have provided recommendations that are being pursued through the creation in a Homelessness Plan with implementation actions.

- Commentors provided feedback on the need for more displacement prevention. The Housing Plan includes the City Council future consideration of new policies and programs that would require no net loss of income restricted units during construction or rehabilitation of existing housing; replacement of existing affordable housing units at the same or lower affordability levels; landlord and City notification and information for tenants affected by efforts that would cause relocation; require developers to provide relocation benefits beyond State requirements.

- Residents of affordable and special needs housing shared at listening sessions (September 19, 20, 22) that they have been particularly affected by heat waves and wildfire smoke. As part of the City's CDBG program, the City will promote a Notice of Funding Availability process for installation of HVAC improvements for sensitive populations.

Consistency with General Plan

All properties and land uses in the City are governed by the City's General Plan. The General Plan describes the long-term goals for the City's future and guides daily decision-making. The time frame of the General Plan is 2010-2035. The Plan contains the City's official policies on land use and community design, transportation, housing, environmental resources, and health and safety.

The Housing Element is part of the General Plan, but operates on a state mandated schedule. The time frame for the Housing Element is 2023-2031, therefore it has been prepared to maintain internal consistency with the current 2010-2035 General Plan, as required by State law. Specifically, the sites inventory reflects the capacity under the General Plan Phase III land use designations, as amended.

The 6th-cycle Housing Element provides an opportunity to update the goals, policies, and actions identified in the 5th-cycle Housing Element 2015-2023, and with the increased focus on Affirmatively Furthering Fair Housing, which has heavily influenced the document, will provide a framework for how the City evaluates future General Plan amendments and the next comprehensive General Plan update.

State (HCD) Review

On November 18, 2022 the City received HCD's comment letter (Attachment 1) on the City's Draft Housing Element. In general, HCD's comments requested that the City provide additional analysis for specific topics within the Housing Element. HCD determined that the City's Initial Draft Housing Element addresses many statutory requirements, but revisions are necessary to comply with State Housing Element law, in the following six areas:

A. Cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations
B. Housing needs, resources, and constraints
C. Housing programs
D. Quantified objectives
E. General Plan consistency
F. Public participation

HCD staff also asked that the City follow up with community stakeholders that had submitted their

own comments on the draft Housing Element. During and after HCDs 90-day review of the Initial Draft Housing Element, the City conducted additional outreach and received feedback that further informed revisions that are also captured in the Adoption Draft Housing Element (Attachment 3).

To facilitate their review, HCD will be provided a redlined version of the Adopted Housing Element, as well as a matrix showing each HCD comment and the City's responses/revisions (Attachment 2).

ENVIRONMENTAL REVIEW

The City has prepared an Addendum to the 2010-2035 General Plan Environmental Impact Report (Attachment 4), which concluded that there is no substantial change to the General Plan that would require major revisions to the previous EIR; that there is no substantial change in circumstances as a result of modifications to the General Plan that would cause new or substantially more severe significant impacts; and, that there is no new information of substantial importance that identifies new or more intense significant impacts than those identified in the General Plan EIR.

FISCAL IMPACT

There is no fiscal impact associated with this report. On January 25, 2022, the City Council approved a consultant agreement with MIG, Inc. to update the City's Housing Element and accepted $499,150 in reimbursable grant funding from the State's Local Early Action Planning (LEAP) grant program. Of this grant funding, $199,968 will be used to fund MIG's work and the remaining $299,182 will be used to fund City staff expenses. All grant funds must be expended on or before December 31, 2023.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov> or at the public information desk at any City of Santa Clara public library.

On July 1, 2022, pursuant to Government Code Section 65352.3(a)(1), the City mailed letters to a list of tribes provided by the Native American Heritage Commission that included project information on the proposed Housing Element Update and offered an opportunity for the tribes to provide comment on the Draft Housing Element or request a consultation regarding historical resources or tribal cultural resources important to their community that could be impacted by the project. The City did not receive comments or requests for consultation.

On December 16, 2022, pursuant to Government Code 65352(a), the City mailed referral letters to tribes and outside agencies advising them of the City's intent to take action on a General Plan Amendment to adopt the 2023-2031 Housing Element. The referral letters also included notice of the proposed Planning Commission and City Council Hearings.

On January 16, 2023, a GovDelivery bulletin was emailed to the City's 1,535 Housing Element Update topic subscribers to let them know the availability of the Adoption Draft Housing Element on

the Housing Element Update page and to remind subscribers of the proposed hearing schedule. This update was also posted on the City's social media outlets.

ALTERNATIVES

1. Adopt a Resolution to Recommend the City Council Adopt the Addendum to the 2010-2035 General Plan Environmental Impact Report
2. Adopt a Resolution to Recommend the City Council Amend the General Plan by Adopting an Updated Housing Element for the 2023-2031 Cycle.
3. Adopt a Resolution to Recommend the City Council Amend the General Plan by Adopting an Updated Housing Element for the 2023-2031 Cycle with revisions.

RECOMMENDATION

Alternative : 1 & 2

1. Recommend the City Council Adopt the Addendum to the Environmental Impact Report
2. Adopt a Resolution to Recommend the City Council Amend the General Plan by Adopting an Updated Housing Element for the 2023-2031 Cycle.

Reviewed by: Andrew Crabtree, Director, Community Development
Reviewed by: Alexander Abbe, Assistant City Attorney
Approved by: Rajeev Batra, City Manager

ATTACHMENTS

1. HCD Findings/Comment Letter on Draft Housing Element
2. HCD Comments/Response Matrix
3. Adoption Draft Housing Element
4. Addendum
5. Addendum Resolution
6. Planning Commission Resolution

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

November 18, 2022

Andrew Crabtree, Director
Community Development Department
City of Santa Clara
1500 Warburton Ave
Santa Clara, CA 95050

Dear Andrew Crabtree:

RE: City of Santa Clara's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Santa Clara's (City) draft housing element received for review on August 22, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on October 12,2022 with Reena Brilliot, Assistant Director Community Development; Lesley Xavier, Planning Manager; Adam Marcus, Housing and Community Services Division Manager; John Davidson, Principal Planner; John Baty, Consultant Planner; as well as your consultants Edward Samson and Roxanne Borzo Bertrand. In addition, HCD considered comments from several stakeholders and members of the community, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning to make prior identified sites available or accommodate the regional housing needs allocation (RHNA) pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c), shall be completed no later than one year from the statutory deadline. Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites are completed.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

HCD appreciates the cooperation Reena Brilliot, Assistant Director Community Development; Lesley Xavier, Planning Manager; Adam Marcus, Housing and Community Services Division Manager; John Davidson, Principal Planner; John Baty, Consultant Planner; as well as your consultants Edward Samson and Roxanne Borzo Bertrand provided during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Armando Jauregui, of our staff, at jose.jauregui@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX
CITY OF SANTA CLARA

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at https://www.hcd.ca.gov/hcd-memos. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks),* available at https://www.hcd.ca.gov/building-blocks and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

The element must provide an evaluation of the cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness) and revise programs as appropriate.

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   Enforcement and Outreach Capacity: The element must describe the City's compliance with state and federal fair housing laws, including findings, lawsuits, enforcement actions, settlements, or judgments related to fair housing or civil rights. Further, the element could incorporate its outreach into the assessment of fair housing to better understand pattern, trends and needs and formulate appropriate policies and programs. For example, the element appears to gather various outreach related to fair housing (pp. A-5 and A-6) and could integrate that in the assessment.

   Disproportionate Housing Needs, including Displacement Risk: The element provides some discussion on cost-burdened households and overcrowding. However, the element must evaluate trends and patterns within the City for substandard housing and persons experiencing homelessness. This analysis should utilize local data and knowledge and other relevant factors. For substandard housing, the element should discuss areas of the City where proportions of housing units needing rehabilitation may be higher than other areas and may utilize local knowledge such as qualitative

information for code enforcement staff. For homelessness, the element should discuss protected characteristics (e.g., race, disability) and disproportionate impacts as well as areas of the City with higher need, including proximity to transportation and services.

Local Data and Knowledge: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers, City staff and related local and County planning documents.

Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues in the City. For instance, the element can analyze historical land use, zoning and barriers to housing choices, investment practices, seeking investment or lack of seeking investment to promote affordability and inclusion, information about redlining/greenlining, restrictive covenants and other discriminatory practices, land use related lawsuits, local initiatives, demographic trends, or other information that complements the state and federal data.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element must include data on the location of regional housing need allocation (RHNA) sites by income group relative to all fair housing components. The analysis should address the number of units by income group and location, any isolation of the RHNA by income group, magnitude of the impact on existing concentrations of socio- economic characteristics and discuss how the sites improve fair housing conditions. The analysis should be supported by local data and knowledge and other relevant factors and programs should be added or modified as appropriate to promote inclusive and equitable communities.

Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess contributing factors and particularly prioritize those factors then formulate appropriate policies and programs.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

   Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

   Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)

Extremely Low-Income (ELI) Households: While the element quantifies existing and projected ELI households, it must also analyze their housing needs. The analysis of ELI housing needs could consider tenure, overpayment, resources and the effectiveness of strategies and the magnitude of housing need. To assist the analysis, see the enclosed data and sample analysis at http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml.

Housing Costs: While the element includes estimated housing costs based on Fair Market Rents and American Community Survey (ACS) data, the element should consider additional data sources to better reflect local market conditions.

Special Housing Needs: While the element includes some quantification of special housing needs, it must still analyze those needs. The analysis should include, but is not limited to, factors such as trends, household income, tenure, housing types, zoning, available resources, effectiveness of past strategies and an evaluation of the magnitude of the need. Local officials, special needs service providers, or City social and health service providers may be able to assist with information to complete the analysis. For additional information and a sample analysis, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/large-families-female-head-household.shtml.

In addition, the element should quantify and analyze persons with disabilities by type, elderly households by tenure and permanent and seasonal farmworkers (e.g., USDA Agricultural Census data).

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

   Progress toward the RHNA: While the element may utilize pipeline and potential development projects toward the RHNA, it must also demonstrate their affordability and availability in the planning period. Affordability must be demonstrated based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions). Availability should account for the likelihood of project completion in the planning period and should address the status, necessary steps to issue permits, any barriers to development and other relevant factors. Given the element's reliance on pipeline projects, the element should include programs with actions that commit to facilitating development and monitoring approvals of the projects (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals and monitoring of project progress, including rezoning or identification of additional sites, if necessary).

   In addition, the element identifies sites in several large specific plans and should demonstrate the realistic availability of these sites and development in the planning period. For example, the element should discuss planned built out horizons, necessary

steps to make sites available and any impediments to the availability of sites for development in the planning period.

Parcel Inventory: While the element lists parcels by various factors such as parcel number and size, it must also list sites by general plan designation and existing use. The description of existing use should be sufficiently detailed to facilitate an analysis of the potential for additional development in the planning period.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for additional development on nonvacant sites. The analysis shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Availability of Infrastructure: The element includes some introductory statements regarding water and sewer providers but then indicates the discussion will be updated upon completion of the environmental review document. Future versions of the housing element must demonstrate existing and planned water and sewer capacity to accommodate the RHNA and include programs, if necessary.

For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should demonstrate compliance with these requirements and add or modify programs, if necessary. For additional information see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/priority-water-and-sewer.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types:

- *Emergency Shelters*: While the element mentions emergency shelters are allowed in the ML (Light Industrial Zone), it must demonstrate compliance with statutory requirements. The analysis must clarify emergency shelters are permitted without discretionary action; discuss available acreage in the zone; including typical parcel sizes and the presence of reuse and redevelopment opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. Finally, the element should list and evaluate development standards for compliance with statutory requirements and as constraints on emergency shelters. This analysis should additionally address the cap on emergency shelters bases on estimates of persons experiencing homelessness which can act as a constrain. Based on the outcomes of the analysis, the element should add or modify programs as appropriate.
- *By Right Permanent Supportive Housing*: By-right permanent supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate.
- *Employee Housing*: Health and Safety Code section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. The element must demonstrate zoning in compliance with this requirement or add or modify programs as appropriate.
- *Low Barrier Navigation Centers*: Low Barrier Navigation Centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65660. The element must demonstrate compliance with this requirement and include programs as appropriate.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

   Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address heights, lot coverages, parking, and parking in the MU and TMU zones parking (At least one garage or carport per unit and parking space per unit) (Table 5-3) and LASP parking (two spaces per unit for two or more bedroom residential. The analysis should address any impacts on housing cost, supply (number of units), feasibility and ability to achieve maximum densities and include programs to address identified constraints.

In addition, the element should discuss how the City complies with State Density Bonus Law (SDBL) pursuant to Government Code section 65915. The discussion should address whether there is an ordinance and the general process for requesting and approving benefits of SDBL. Based on the outcomes of this discussion, the element should add or modify programs.

Fees and Exaction: The element shows the total amount of fees per unit for typical single family and multifamily development but should also list the pertinent fees. In addition, the element should complete this analysis for large multifamily development which is currently described as to be determined.

Local Processing and Permit Procedures: The element lists architecture review process criteria (p. 13.5-17);however, it should also evaluate those criteria for impacts on cost, timing and especially approval certainty. For example, standards such as “desirability of the neighborhood”, “harmonious development” and “comfort” can be subjective and impact approval certainty. The element should explain how these standards are applied and met, whether there are any impacts on cost, timing and approval certainty and add or modify programs to address any identified constraints. In addition, the element should list and evaluate any other approval findings for typical single family and multifamily developments and add or modify programs as appropriate.

In addition, the element generally describes the Planned Unit Development (PUD) process but must analyze this process for impacts on supply, cost, financial feasibility, timing and approval certainty. For example, the analysis should clearly state whether the Planned Development process is mandatory or optional, whether the burden of establishing zoning and development standards typically rests with the City or developers, particularly on identified sites, any absence of fixed development standards, any additional legislative approvals and any other requirements or mechanisms that may act as a constraint.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures to implement SB 35 (Chapter 366, Statues of 2017) and add or modify programs to establish a procedure if necessary.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all fees, zoning and development standards for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1(a)(1).

Housing for Persons with Disabilities (Reasonable Accommodation): The element briefly mentions the City adopted a reasonable accommodation ordinance (p. 13.5-11) but should describe and analyze that process such as the approval body, fees, process timing and most importantly approval findings. The analysis should address any impacts on cost and approval certainty and add or modify programs as appropriate.

Inclusionary Housing Requirements: The element generally mentions the City’s inclusionary requirements such as the percentage of required affordability and fees

must also analyze the City's inclusionary housing requirements, including its impacts as potential constraints on the development of housing for all income levels. The analysis must evaluate the inclusionary broader policy's implementation framework, including the types of options and incentives offered, relationships with SDBL and any other factors that may impact housing costs. The City could engage the development community to facilitate this analysis.

5. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*

   While the element lists several projects at-risk of converting to market rate uses in the planning period, it must provide analysis to guide appropriate policies and programs that commit to preserve these units. Specifically, the element must still:

   - Evaluate the risk of conversion, including ownership type and any known conditions that may lead to potential conversion.
   - Estimate and compare the total cost for producing, replacing and preserving the units at-risk.
   - Identify public and private nonprofit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units.
   - Identify and consider the of use of federal, state and local financing and subsidy programs.

   For additional information and sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/assisted-housing-developments-risk-conversion.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

   To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, programs should have specific commitment toward housing outcomes and discrete and early timing (e.g., at least annually or by a specified date). Examples of programs that should be revised with discrete timing include Actions 1 (Provision of a Variety of Housing Types), 3 (Affordable Housing Incentives and Facilitation), 4 (Maintenance of Housing Stock), 6 (Acquisition of Multifamily Housing), 10 (Adequate Sites Inventory), 15 (Homeownership for First-Time Buyers), 16 (Fair Housing Program) and 17 (Homeless Services).

Additionally, programs must have specific commitment to clear outcomes or deliverables. Several programs include actions with no commitment to housing outcomes (e.g., “determine feasibility”, “explore”,). Examples include:

- Action 1: Provision of a Variety of Housing Types – The program should go beyond determining the feasibility of funding to support housing for ELI persons with disabilities (including developmental) and annually identify housing opportunities and pursue funding.
- Action 3: Affordable Housing Incentives and Facilitation – The program should go beyond exploring incentives to preserve naturally occurring affordable housing and establish and implement actual strategies at least annually and ongoing throughout the planning period.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

   As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

   In addition, the element notes zoning should be amended to encourage and facilitate single-room occupancy and employee housing (Health and Safety Code § 17021.5). However, Program 9 (Zoning Ordinance) commits to only revise zoning “if appropriate”. The element demonstrates zoning must be amended and as a result the program should be revised with specific commitment that zoning will be amended and remove “if appropriate”.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

   As noted in Finding B4, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, as noted on page 5-8, the zoning ordinance does not explicitly acknowledge group homes for seven or more persons and zoning must be amended. Yet, Program 9 (Zoning Ordinance) only commits to amend zoning for this housing type "if appropriate". However, the lack of any explicit language allowing this important housing type for persons with disabilities is clearly "appropriate" to amend zoning. The program should specifically commit to amend zoning, remove "if appropriate" language and clarify that zoning and permit procedures will be amended to permit these housing types in all zones allowing residential use with objective standards to facilitate approval certainty similar to other residential uses.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

   As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numeric objectives and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

5. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

   The element must include programs to establish incentives and promote the creation of accessory dwelling units (ADUs). While the element commits to amend the ordinance and comply with ADU law, it should also commit to establish incentives such as modifying development standards (e.g., heights), pursuing funding, making prototype plans available, waiving fees beyond ADU law, proactive marketing and establishing points of contact to ease permitting processes. In addition, the element should monitor the production of affordability of ADUs at least twice in the planning period and commit to act within a specified time (e.g., six months) if assumptions are not realized.

D. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

While the element includes quantified objectives for new construction, rehabilitation, and conservation (p. 13.2-18), it should include objectives for ELI households. In addition, conservation objectives appear to be limited to units at-risk of conversion to market rate

uses. However, conservation objectives may include many other activities intended to conserve housing such as programs 7 (Code Enforcement), 13 (Residential Displacement) and 14 (Housing Choice Vouchers).

E. General Plan Consistency

The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)

While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.

F. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

While the element includes a summary of the public participation process, it should summarize and describe how public comments were considered and incorporated throughout the housing element process.

HCD Comments November 18, 2022			Response / Revision
A. <u>Review and Revision</u>			
1. *Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)*			
	a.	The element must provide an evaluation of the cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness) and revise programs as appropriate.	<u>Revised Chapter 13.7 Housing Element Program Accomplishments to</u>: 1. Include a narrative summarizing the City's analysis of the effectiveness of the 5th Cycle Housing Plan goals, policies, and related actions with specific attention given to the cumulative effectiveness toward meeting the housing needs of special needs populations, and how that analysis along with community feedback informed proposed changes to the 6th Cycle Housing Plan; and 2. Provide additional information in Table 13.7-2: Actions and Objectives describing, for each 5th Cylce action, the achievements/results, evaluation of effectivness, and recommendations to continue, continue with modifications, or discontinue the action in the 6th Cycle Housing Element.
B. <u>Housing Needs, Resources, and Constraints</u>			
1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*			
	a.	<u>Enforcement and Outreach Capacity</u>: The element must describe the City's compliance with state and federal fair housing laws , including findings, lawsuits, enforcement actions, settlements, or judgments related to fair housing or civil rights. Further, the element could incorporate its outreach into the assessment of fair housing to better understand pattern, trends and needs and formulate appropriate policies and programs. For example, the element appears to gather various outreach related to fair housing (pp. A-5 and A-6) and could integrate that in the assessment.	<u>Revised Chapter 13.3 Affirmatively Furthering Fair Housing to</u>: 1. Add statement at the end of the Fair Housing Enforcemen, Education, and Outreach section stating the City's compliance with all State and federa fair housing laws and regulations and in not aware of any fair housing findings, lawsuits, enforcement actions, settlments, or judgements.

HCD Comments November 18, 2022			Response / Revision
	b.	Disproportionate Housing Needs, including Displacement Risk: The element provides some discussion on cost-burdened households and overcrowding. However, the element must evaluate trends and patterns within the City for substandard housing and persons experiencing homelessness. This analysis should utilize local data and knowledge and other relevant factors. For substandard housing, the element should discuss areas of the City where proportions of housing units needing rehabilitation may be higher than other areas and may utilize local knowledge such as qualitative information for code enforcement staff. For homelessness, the element should discuss protected characteristics (e.g., race, disability) and disproportionate impacts as well as areas of the City with higher need, including proximity to transportation and services.	Revised Chapter 13.3 Affirmatively Furthering Fair Housing (Dispropotionate Housing Needs - Substandard Conditions section) to 1. Add local knowledge regarding areas of the City where proportions of housing units needing rehabilitation may be higher than other areas. Revised Chapter 13.4 Housing Needs Assessment (People Experiencing Homlessness section) to: 1. Include updated 2022 point in time count information on the number of people who were unsheltered or living in emergency shelters in the City and 2021 demographic information/analysis that informed the City's Draft Homeless Response Plan (to be adopted early 2023). 2. Include trend information between 2019 and 2022 on the number of unsheltered and sheltered individuals in the City. 3. Include general location/concentrations of homeless encampments and RV parking.
	c.	Local Data and Knowledge: The element must include local data, knowledge, and other relevant factors to discuss and analyze any unique attributes about the City related to fair housing issues. The element should complement federal, state, and regional data with local data and knowledge where appropriate to capture emerging trends and issues, including utilizing knowledge from local and regional advocates and service providers, City staff and related local and County planning documents.	Community members, advocates, and service providers have provided local data and knowledge across a wide range of topics that have resulted in changes throughout the Housing Element.
	d.	Other Relevant Factors: The element must include other relevant factors that contribute to fair housing issues in the City. For instance, the element can analyze historical land use, zoning and barriers to housing choices, investment practices, seeking investment or lack of seeking investment to promote affordability and inclusion, in formation about redlining/greenlining, restrictive covenants and other discriminatory practices, land use related lawsuits, local initiatives, demographic trends, or other information that complements the state and federal data.	Revised Chapter 13.3 Affirmatively Furthering Fair Housing to: 1. Add a new section called Historic Context that provides a local example of systemic racism in private lending practices, federal looan guarantees, and local zoning and infrastructure decisison and the lingering effects of those discriminatory practices.

HCD Comments November 18, 2022		Response / Revision
e.	Identified Sites and Affirmatively Furthering Fair Housing (AFFH): The element must include data on the location of regional housing need allocation (RHNA) sites by income group relative to all fair housing components. The analysis should address the number of units by income group and location, any isolation of the RHNA by income group, magnitude of the impact on existing concentrations of socio- economic characteristics and discuss how the sites improve fair housing conditions. The analysis should be supported by local data and knowledge and other relevant factors and programs should be added or modified as appropriate to promote inclusive and equitable communities.	Revised Chapter 13.3 Affirmatively Furthering Fair Housing to: 1. Add section called Fair Housing and Housing Resources
f.	Contributing Factors to Fair Housing Issues: Based on the outcomes of a complete analysis, the element should re-assess contributing factors and particularly prioritize those factors then formulate appropriate policies and programs.	Revised Chapter 13.3 Affirmatively Furthering Fair Housing to: 1. Add section called Fair Housing and Housing Resources 2. Add Table 13.3-20: AFFH Meaningful Actions Matrix that identifies contributing factors that create, contribute to, perpetuate, or increase the severity of fair housing issues, and the Housing Plan actions, objectives, timeline/metrics, and geographic targetting serve the purpose of furthring a more integrated and balanced living pattern.
2.	*Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)* *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)* *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*	
a.	Extremely Low-Income (ELI) Households: While the element quantifies existing and projected ELI households, it must also analyze their housing needs. The analysis of ELI housing needs could consider tenure, overpayment, resources and the effectiveness of strategies and the magnitude of housing need.	Revised Chapter 13.4: Housing Needs Assessment to: 1. Expand the analysis in the Extremely Low Income (ELI) Households section

HCD Comments November 18, 2022			Response / Revision
	b.	Housing Costs: While the element includes estimated housing costs based on Fair Market Rents and American Community Survey (ACS) data, the element should consider additional data sources to better reflect local market conditions	Revised Chapter 13.4: Housing Needs Assessment to: 1. Update the Housing Cost Section with current Costar data.
	c.	Special Housing Needs: While the element includes some quantification of special housing needs, it must still analyze those needs. The analysis should include, but is not limited to, factors such as trends, household income, tenure, housing types, zoning, available resources, effectiveness of past strategies and an evaluation of the magnitude of the need. Local officials, special needs service providers, or City social and health service providers may be able to assist with information to complete the analysis.	Revised Chapter 13.4: Housing Needs Assessment to: 1. Update the Persons with Disabilities including persons with Developmental Disabilities section to include additional data/analysis, including from Housing Choices, a local nonprofit focusing on enhancing the lives of people with developmental and other disabilities. 2. Update the Farmworkers section to reflect outreach to farmworker advocate groups 3. Update the People Experiencing Homelessness section with addtional data/analysis 4. Update the At-Risk Housing Analyses section
	d.	In addition, the element should quantify and analyze persons with disabilities by type, elderly households by tenure and permanent and seasonal farmworkers (e.g., USDA Agricultural Census data).	Revised Chapter 13.4: Housing Needs Assessment to: 1. Update the Persons with Disabilities including persons with Developmental Disabilities section to include additional data/analysis, including from Housing Choices, a local nonprofit focusing on enhancing the lives of people with developmental and other disabilities.

HCD Comments November 18, 2022			Response / Revision
3.		*An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*	
	a.	Progress toward the RHNA: While the element may utilize pipeline and potential development projects toward the RHNA, it must also demonstrate their affordability and availability in the planning period. Affordability must be demonstrated based on actual sales price, rent level or other mechanisms ensuring affordability (e.g., deed restrictions). Availability should account for the likelihood of project completion in the planning period and should address the status, necessary steps to issue permits, any barriers to development and other relevant factors. Given the element's reliance on pipeline projects, the element should include programs with actions that commit to facilitating development and monitoring approvals of the projects (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals and monitoring of project progress, including rezoning or identification of additional sites, if necessary).	Revised Chapter 13.6: Housing Resources to: 1. Provide additional background information on the City's progress toward the RHNA, including a reviseed Table 13.6-2 Pending and Approved Projects that lists each project, its number of units in each affordability category, the project status, and mechanism for ensuring affordability.
	b.	In addition, the element identifies sites in several large specific plans and should demonstrate the realistic availability of these sites and development in the planning period. For example, the element should discuss planned built out horizons, necessary steps to make sites available and any impediments to the availability of sites for development in the planning period.	Revised Chapter 13.6: Housing Resources (Sites Inventory Methodology and Assumptions section) to: 1. Provide additional background information demonstrating the realistic availability of specific plan sites for development during the planning period.
	c.	Parcel Inventory: While the element lists parcels by various factors such as parcel number and size, it must also list sites by general plan designation and existing use. The description of existing use should be sufficiently detailed to facilitate an analysis of the potential for additional development in the planning period.	Revised Chapter 13.6: Housing Resources (Densities Appropriate for Accommodating Lower-Income Housing section) to: 1. Add Table 13.6-4 Specific Plan Land Use Designations, which lists the General Plan Land Use designations, the density range, whether the designation meets the default density, number of parcels included in the 6th Cycle, and total acreage of available sites.

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	d.	Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for additional development on nonvacant sites. The analysis shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the City's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.	Revised Chapter 13.6: Housing Resources to: 1. Provide additional analysis in the Realistic Capacity and Suitability of Non Vacant Sites section to demonstrate the potential for additional development on non-vacant sites.
	e.	In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. (Gov. Code, § 65583.2, subd. (g)(2).) Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.	Revised Chapter 13.6: Housing Resources to: 1. Provide additional analysis in the Realistic Capacity and Suitability of Non Vacant Sites section to demonstrate that existing uses are not an impediment to additional residential development.
	f.	Availability of Infrastructure: The element includes some introductory statements regarding water and sewer providers but then indicates the discussion will be updated upon completion of the environmental review document. Future versions of the housing element must demonstrate existing and planned water and sewer capacity to accommodate the RHNA and include programs, if necessary.	Revised Chapter 13.5: Constraints to: 1. Revise text in Environmental and Infrastructure Contraints section, and include text in Water Supply, and Wastewater sections to demonstrate existing and planned water and sewer capacity is sufficient to accommodate the RHNA.

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	g.	For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should demonstrate compliance with these requirements and add or modify programs, if necessary.	Revised Chapter 13.5: Constraints to: 1. Add text in Water Supply noting that the City's Water and Sewer Department has specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. 2. Including a commitment to incorporate the provisions of Gov. Code § 65589.7 into the City's regulatory framework within the next calendar year.
	h.	Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD.	The City will submit a copy of the Electronic Sites Inventory to HCD as Appendix B to the adopted Housing Element.
	i.	Zoning for a Variety of Housing Types:	
		Emergency Shelters: While the element mentions emergency shelters are allowed in the ML (Light Industrial Zone), it must demonstrate compliance with statutory requirements. The analysis must clarify emergency shelters are permitted without discretionary action; discuss available acreage in the zone; including typical parcel sizes and the presence of reuse and redevelopment opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. Finally, the element should list and evaluate development standards for compliance with statutory requirements and as constraints on emergency shelters. This analysis should additionally address the cap on emergency shelters bases on estimates of persons experiencing homelessness which can act as a constrain. Based on the outcomes of the analysis, the element should add or modify programs as appropriate.	Revised Chapter 13.5 Constraints to: 1. Include in the Emergency Shelters section a description of the City's Zoning Ordiance update where emergency shelters are proposed to be allowed by right in the R-3 and R-4 Residential districts, the C-C and C-R Commeercial districts, the MU-VHD Mixed Use district, and the LI Light Industrial district. Revised Chapter 13.2: Housing Plan to: 1. Include a discrete objective that the Zoning Ordinance update will allow a variety of housing types by right, including emergency shelters.

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By Right Permanent Supportive Housing: By-right permanent supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate.	Revised Chapter 13.5: Constraints to: 1. Add a note in the Supportive Housing section that the Zoning Ordinance update will allow supportive housing as a by-right use in all multi-family and mixed-use zones. Revised Chapter 13.2: Housing Plan to: 1. Include a discrete objective that the Zoning Ordinance update will allow a variety of housing types by right, including permanent supportive housing.
Employee Housing: Health and Safety Code section 17021.5 requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. The element must demonstrate zoning in compliance with this requirement or add or modify programs as appropriate.	Revised Chapter 13.5 Constraints to: 1. Correctly label a section Employee Houisng that describes how the City's Zoning Ordinance update will treat employee housing for six or fewer employees as a single-family strucure and will be permitted in the same manner as other dwellings of the same type in the same zone. Revised Chapter 13.2: Housing Plan to: 1. Include a discrete objective that the Zoning Ordinance update will allow a variety of housing types by right, including empoloyee housing.
Low Barrier Navigation Centers: Low Barrier Navigation Centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65660. The element must demonstrate compliance with this requirement and include programs as appropriate.	Revised Chapter 13.5: Contraints to: 1. Add a new section called Low Barrier Navigation Centers that describes how the City's Zoning Ordinance update will allow low barrier navigation centers as a use permitte dby right in mixed-use zones and non-residential zones permitting multi-unit uses. Revised Chapter 13.2: Housing Plan to: 1. Include a discrete objective that the Zoning Ordinance update will allow a variety of housing types by right, low barrier navigation centers.

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4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*		
	a. Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address heights, lot coverages, parking, and parking in the MU and TMU zones parking (At least one garage or carport per unit and parking space per unit) (Table 5-3) and LASP parking (two spaces per unit for two or more bedroom residential. The analysis should address any impacts on housing cost, supply (number of units), feasibility and ability to achieve maximum densities and include programs to address identified constraints.	Revised Chapter 13.5: Constraints (Parking Standards section) to: 1. Add text explaining that over the three most recently adopted Specific Plans (in order of adoption: Lawrence Station, Tasman East, and Patrick Henry Drive), residential parking requirements have been progressively reduced and now stand at one parking space per unit (or less) in both Tasman East and Patrick Henry Drive. 2. Include footnote to Table 13.5-3 Parking Standards to note that the MU and TMU zones exist only in the current Zoning Code, but are not applied anywhere in the City and these zones will not be used in the future Zoning Ordinance update. Revised Chapter 13.2: Housing Plan (Action 3) to: 1. Include an objective to analyze parking reforms as part of proposed long-range plans, including the El Camino Real Specfiic Plan and the Santa Clara Station Are Plan. Revised Chapter 13.2: Housing Plan (Action 9) to: 1. Include an objective that the Zoning Ordinance update will include a revamping of residential parking requirements, including unbundling and making appropriate reductions in parking requirements according to housing type (i.e. reduced parking requirements for units for people with developmental and other disabilities).

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	b.	In addition, the element should discuss how the City complies with State Density Bonus Law (SDBL) pursuant to Government Code section 65915 . The discussion should address whether there is an ordinance and the general process for requesting and approving benefits of SDBL. Based on the outcomes of this discussion, the element should add or modify programs.	Revised Chapter 13.5: Constraints (Density Bonus section) to: 1. Include additional language stating that the City's Zoning Ordiannce update will bring the City into compliance with State Density Bonus Law (SDBL), and how density bonus requests are currently processed and how that will be streamlined with the Zoning Ordinance update. Revised Chapter 13.2: Housing Plan (Action 9) to: 1. Include an objective that the Zoning Ordinance udpate will bring the City into compliance with SDBL, including recently adopted legislation that goes into effect in 2023.
	c.	Fees and Exaction: The element shows the total amount of fees per unit for typical single family and multifamily development but should also list the pertinent fees. In addition, the element should complete this analysis for large multifamily development which is currently described as to be determined.	Revised Chapter 13.5: Constraints (Planning and Development Fees section) to: 1. Revise Table 13.5-5: Planning and Development Fees and Table 13.5-6: Regional Comparison of Planning and Development Total Fees to update the total fees for Single Family, Small Multi-Family, and add the fee for Large Multi-Family projects in the City of Santa Clara.
	d.	Local Processing and Permit Procedures: The element lists architecture review process criteria (p. 13.5-17);however, it should also evaluate those criteria for impacts on cost, timing and especially approval certainty. For example, standards such as "desirability of the neighborhood", "harmonious development" and "comfort" can be subjective and impact approval certainty. The element should explain how these standards are applied and met, whether there are any impacts on cost, timing and approval certainty and add or modify programs to address any identified constraints. In addition, the element should list and evaluate any other approval findings for typical single family and multifamily developments and add or modify programs as appropriate.	Revised Chapter 13.5 Constraints (Architectural Review Process section) to: 1. Note that the Architectural Review process was revised in 2020 to create a streamlined process replacing a committee structure as the approval body for Architectural Reviews with the the Director of Community Development. 2. Clarify that the Community Development Director (or designee) limits decisions on multifamily projects to a review of objective standards in conformance with the State's Housing Accountability Act. 3. Note that since the City Council adopted the streamlined Architectural Review process in 2020, no Architectural Review applications for multifamily housing have been denied.

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	e.	In addition, the element generally describes the Planned Unit Development (PUD) process but must analyze this process for impacts on supply, cost, financial feasibility, timing and approval certainty. For example, the analysis should clearly state whether the Planned Development process is mandatory or optional , whether the burden of establishing zoning and development standards typically rests with the City or developers, particularly on identified sites, any absence of fixed development standards, any additional legislative approvals and any other requirements or mechanisms that may act as a constraint.	Revised Chapter 13.5: Constraints (Planned Development section) to: 1. Add a paragraph explaining that the Zoning Ordinance update should reduce the number of projects that have historically relied on the Planned Development process by including new high-density residential and mixed-use zoning districts that conform to the General Plan and new provisions that streamline the permitting process for projects that meet new objective development standards.
	f.	SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures to implement SB 35 (Chapter 366, Statues of 2017) and add or modify programs to establish a procedure if necessary.	Revsied Chapter 13.5: Constraints to: 1. Add section called SB 35 Streamlining Revised Chapter 13.2: Housing Plan (Action 3) to: 1. Include an objective that by March 2023, an SB 35 checklist and written procedures for processing SB 35 applications will be created.
	g.	Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all fees, zoning and development standards for each parcel on the jurisdiction's website pursuant to Government Code section 65940.1(a)(1).	Revised Chapter 13.5: Constraints to: 1. Add section called Zoning Transparency, noting that the City provides the Zoning Ordinance, Zoning designations for every parcel, and the City's fee schedule online.
	h.	Housing for Persons with Disabilities (Reasonable Accommodation): The element briefly mentions the City adopted a reasonable accommodation ordinance (p. 13.5-11) but should describe and analyze that process such as the approval body, fees, process timing and most importantly approval findings. The analysis should address any impacts on cost and approval certainty and add or modify programs as appropriate.	Revised Chapter 13.5: Constraints (Reasonable Accommodation section) to: 1. Added paragraph to state that the City conducted an analysis of its Zoning Ordinance, permitting procedures, development standards, and building codes to identify potential constraints for housing for persons with disabilities.

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	i.	Inclusionary Housing Requirements: The element generally mentions the City's inclusionary requirements such as the percentage of required affordability and fees must also analyze the City's inclusionary housing requirements, including its impacts as potential constraints on the development of housing for all income levels. The analysis must evaluate the inclusionary broader policy's implementation framework, including the types of options and incentives offered, relationships with SDBL and any other factors that may impact housing costs. The City could engage the development community to facilitate this analysis.	Revised Chapter 13.5: Constraints (Inclusionary Housing section) to: 1. Explain the history of inclusionary housing in Santa Clara (housing policy since 1992 and Affordable Housing Ordinance 2018) and the requirements of the City's Affordable Housing Ordinance. 2. Explain that the Affordable Housing Ordinance offers flexibility in the options available for projects to meet their obligations.
5.	*Analyze existing assisted housing developments that are eligible to change to non-low- income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).)*		
	a.	While the element lists several projects at-risk of converting to market rate uses in the planning period, it must provide analysis to guide appropriate policies and programs that commit to preserve these units. Specifically, the element must still: Evaluate the risk of conversion, including ownership type and any known conditions that may lead to potential conversion. Estimate and compare the total cost for producing, replacing and preserving the units at-risk. Identify public and private nonprofit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units. Identify and consider the of use of federal, state and local financing and subsidy programs.	Revised Chapter 13.4: Housing Needs Assessment (At-Risk Housing Analyses section) to: 1. Include updated data and analysis Revised Chapter 13.2: Housing Plan (Action 5) to: 1. Add objective to provide funding, by December 2024, for rehabilitation of the Sobrato Family Living Center I project and negotiate an extension to the affordability term of 32 units (City intends to negotiate for a fifteen-year extension until approximately 5/21/2044). 2. Refine/add objectives regarding preservation of at-risk income restricted projects.

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C. Housing Programs			
1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*			
	a.	To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, programs should have specific commitment toward housing outcomes and discrete and early timing (e.g., at least annually or by a specified date). Examples of programs that should be revised with discrete timing include Actions 1 (Provision of a Variety of Housing Types), 3 (Affordable Housing Incentives and Facilitation), 4 (Maintenance of Housing Stock), 6 (Acquisition of Multifamily Housing), 10 (Adequate Sites Inventory), 15 (Homeownership for First-Time Buyers), 16 (Fair Housing Program) and 17 (Homeless Services).	Revised Chapter 13.2 Housing Plan (Implementing Actions) to: 1. Categorize objectives for each action as either "Discrete" (objective to be completed during the timeframe of the Housing Element) or "Ongoing" (objective that happens throughout the timeframe of the Housing Element). 2. Added discrete timing for objectives
	b.	Additionally, programs must have specific commitment to clear outcomes or deliverables. Several programs include actions with no commitment to housing outcomes (e.g., "determine feasibility", "explore",). Examples include:	Revised Chapter 13.2 Housing Plan (Implementing Actions) to: 1. Include specific commitments to clear outcomes or deliverables
		Action 1: Provision of a Variety of Housing Types - The program should go beyond determining the feasibility of funding to support housing for ELI persons with disabilities (including developmental) and annually identify housing opportunities and pursue funding.	Revised Chapter 13.2 Housing Plan (Action 1) to: 1. Include a discrete objective to prioritize loans for multifamily and shared housing development serving extremely low, very low, and low-income households with scoring criteria that encourage deeper levels of affordability, projects with a portion of units designed for accessibility and inclusion of persons with disabilities, and projects located in TCAC's high or highest opportunity census tracts.

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		Action 3: Affordable Housing Incentives and Facilitation - The program should go beyond exploring incentives to preserve naturally occurring affordable housing and establish and implement actual strategies at least annually and ongoing throughout the planning period.	Revised Chapter 13.2: Housing Plan (Action 3) to: 1. Include a discrete objective to establish a relationship and meet with intererested property owners of naturally occuring affordable housing (NOAH) to facilitate possible connections between sellers, affordable housing developers, and funding sources. 2. Added an ongoing objective to monitor the risk of conversion of NOAH
2.	*Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*		
	a.	As noted in Finding B3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.	The Housing Element includes a complete site analysis and it has been determined that there are adequate sites to accommodate the City's RHNA with a substantial buffer at all affordability levels.
	b.	In addition, the element notes zoning should be amended to encourage and facilitate single-room occupancy and employee housing (Health and Safety Code § 17021.5). However, Program 9 (Zoning Ordinance) commits to only revise zoning "if appropriate". The element demonstrates zoning must be amended and as a result the program should be revised with specific commitment that zoning will be amended and remove "if appropriate".	Revised Chapter 13.5 Constraints to: 1. Add a section called Single-Room Occupancy (SRO) Housing with text that describes how the Zoning Ordinance update will allow SROs by right in the C-C Community Commercial, C-R Regional Commercial, C-D Downtown Commercial, MU-CC Mixed Use Community Commercial, and MU-RC Mixed Use Regional Commercial districts.

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3.	*Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*	
a.	As noted in Finding B4, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.	Revised Chapter 13.5 Constraints to: 1. Include additional background and analysis of potential governmental and non-governmental constraints and how those contraints would be addressed through programs such as with the Zoning Ordinance update.
b.	In addition, as noted on page 5-8, the zoning ordinance does not explicitly acknowledge group homes for seven or more persons and zoning must be amended. Yet, Program 9 (Zoning Ordinance) only commits to amend zoning for this housing type "if appropriate". However, the lack of any explicit language allowing this important housing type for persons with disabilities is clearly "appropriate" to amend zoning. The program should specifically commit to amend zoning, remove "if appropriate" language and clarify that zoning and permit procedures will be amended to permit these housing types in all zones allowing residential use with objective standards to facilitate approval certainty similar to other residential uses.	Revised Chapter 13.2 Housing Plan (Action 1) to: 1. Include a discrete objetive that the Zoning Ordinance update will acknowledge shared housing (including bu not limtied to group homes and residential care facilities) for 7 or more residents separately enumerating residential shared housing (incluidng but not limited to group homes and residential care facilities) with 6 or fewer residents.

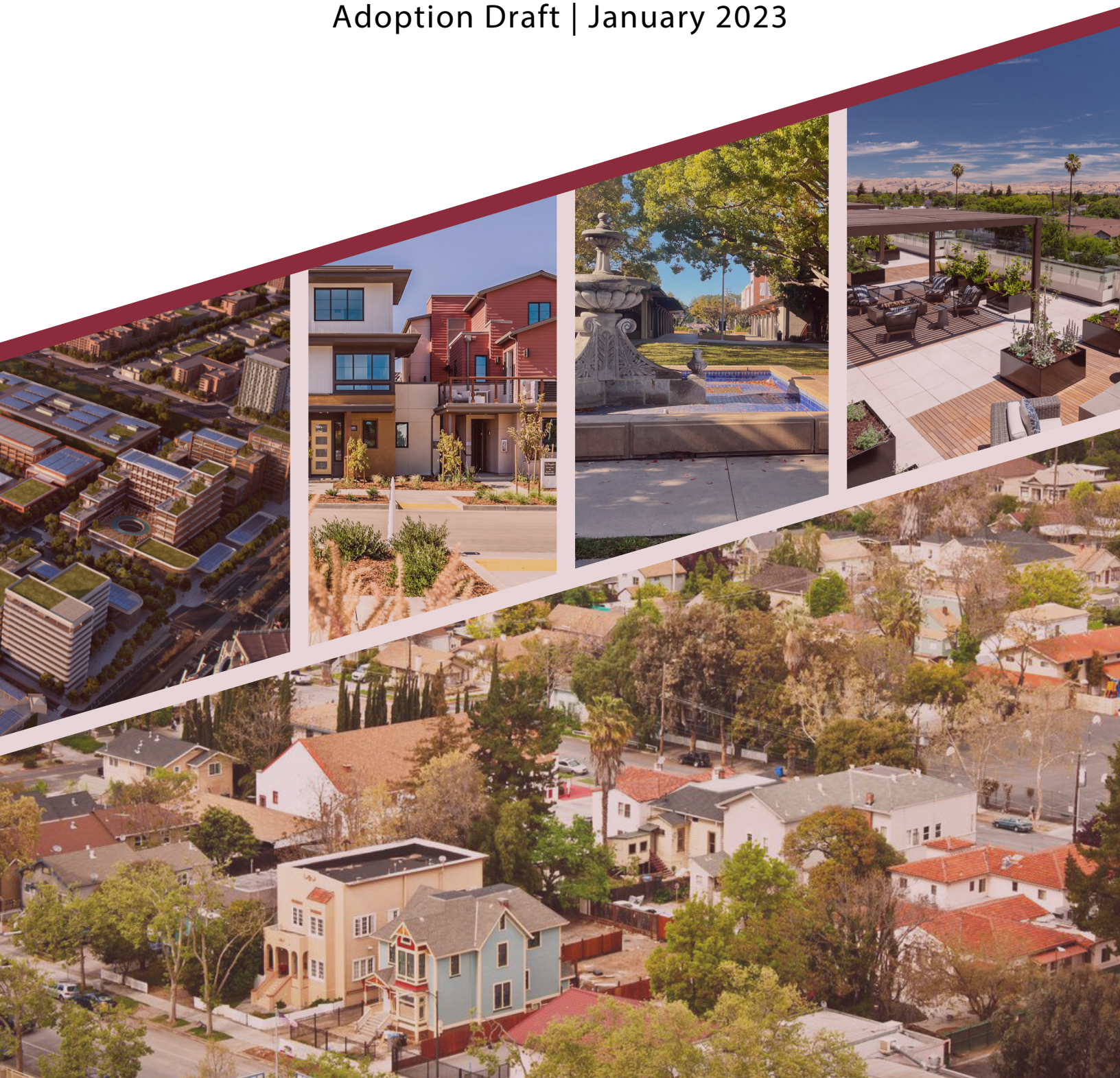
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4.	*Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*	
a.	As noted in Finding B1, the element must include a complete analysis of AFFH. The element must be revised to add goals and actions based on the outcomes of a complete analysis. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numeric objectives and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.	Revised Chapter 13.3 Affirmatively Furthering Fair Housing to: 1. Include Table 13.3-20: AFFH Meaningful Actions Matrix, which identifies contributing factors by fair housing issues, and the Housing Plan actions, objectives, timeline/metrics, and geographic targetting.
5.	*Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*	
a.	The element must include programs to establish incentives and promote the creation of accessory dwelling units (ADUs). While the element commits to amend the ordinance and comply with ADU law, it should also commit to establish incentives such as modifying development standards (e.g., heights), pursuing funding, making prototype plans available, waiving fees beyond ADU law , proactive marketing and establishing points of contact to ease permitting processes. In addition, the element should monitor the production of affordability of ADUs at least twice in the planning period and commit to act within a specified time (e.g., six months) if assumptions are not realized.	Revised Chapter 13.2 Hosuing Plan (Action 1) to: 1. Include a discrete objective that the ADU requirements in the Zoning Ordinance update will comply with State law and to further incentivize the creation of ADUs by removing parking requirements and providing more flexible height standards. 2. Include an ongoing objective to promote the Santa Clara County Planning Collaborative ADU website, guidebook, cost estimating tool, and gallery of ADU plans to help homeowners plan and build ADUs. 3. Include an ongoing objective to annually report on the production of ADUs through the City's Annual Progress Report (APR) and if the pace of ADU production falls below the level necessary to achieve 340 ADUs during the planning period, present a plan to City Council to remove barriers and/or further incentivize ADU production.

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D.		**Quantified Objectives**	
	1.	*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*	
	a.	While the element includes quantified objectives for new construction, rehabilitation, and conservation (p. 13.2-18), it should include objectives for ELI households . In addition, conservation objectives appear to be limited to units at-risk of conversion to market rate uses. However, conservation objectives may include many other activities intended to conserve housing such as programs 7 (Code Enforcement), 13 (Residential Displacement) and 14 (Housing Choice Vouchers).	Revised Chapter 13.2 Housing Plan (Quantified Objectives section) to: 1. Add Extremely Low Income row to Table 13.2-1
E.		**General Plan Consistency**	
	1.	*The Housing Element shall describe the means by which consistency will be achieved with other general plan elements and community goals. (Gov. Code, § 65583, subd. (c)(7).)*	
	a.	While the element discusses how internal consistency will be achieved with other elements of the general plan as part of the housing element update, it should also discuss how internal consistency will be maintained throughout the planning period.	Revised Chapter 13.1 Introduction to: 1. Include General Plan Consistency section (replaces Relationship to Othe General Plan Elements section)
F.		**Public Participation**	
	1.	*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)*	
	a.	While the element includes a summary of the public participation process, it should summarize and describe how public comments were considered and incorporated throughout the housing element process.	Revised Chapter 13.1 Introduction (Public Participation section) to: 1. Include a summary of the general outreach efforts and how that engagement was used to inform edits to the Housing Element. Throughout the Housing Element, notes were added where specific content was provided or informed by the public outreach process.

City of Santa Clara

2023-2031 Housing Element

Adoption Draft | January 2023



City of Santa Clara

2023-2031 Housing Element

Adoption Draft | January 2023

Acknowledgments

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City of Santa Clara Planning Division

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Chapter 13.1 Introduction

Background and Purpose

The City of Santa Clara continues to be a desirable place to live and in recent years the City has adopted new policies and provided funding to achieve more affordable housing opportunities in the community, as well as preparing long range plans to add new high-density, amenity rich neighborhoods that provide a variety of affordability options.

The historic agricultural nature of Santa Clara was forever changed with the invention of the semiconductor chip in the 1950's. Since then, the growth of the technology industry has fueled job growth and propelled Santa Clara to the current population of about 127,000 residents.[1] Santa Clara's population is expected to grow by about 26 percent to 159,500 by 2040. The composition of the housing stock in Santa Clara has shifted, with more multi-family units being built than single family homes. This trend likely reflects the limited availability of land for development, the high cost of homeownership, and the growing number of young adults moving to this job rich area.

Demand for home ownership continues to exceed the supply and prices are increasingly out of reach even for moderate income households. As of 2019, 43 percent of homes were owner households and 57 percent were renter households, reflective of the high cost of home ownership in the area. Housing supply in general is tight with the vacancy rate of renter occupied homes only at 4.8 percent and owner homes at less than one percent.

The City's motto, the "Center of What's Possible", conveys the City's can-do commitment to addressing housing challenges and ensuring a high quality of life for current and future residents. In response to the daunting local and regional housing supply challenges, the City has been active in increasing housing access and choice, and removing barriers to development, as well as streamlining the development process to facilitate housing development. Additionally, the City is nearing completion of a comprehensive Zoning Code update which will further streamline processes with the inclusion of objective standards and new zoning districts that better align with the City's General Plan. In 2018, the City began implementing an affordable housing ordinance with inclusionary requirements for new housing development. The ordinance also includes a commercial linkage fee so that office, R&D, and data centers contribute fees to support affordable

[1] Census.gov

housing development. Since the fall of 2021, the linkage fee has generated over $5.6 million, and those funds will be used to address affordable housing needs in the City.

The City has also partnered with affordable housing developers providing gap financing and is working expeditiously to facilitate entitlements and building permits for construction, meeting tight financing deadlines and requirements. Infill areas of the City such as El Camino Real, Stevens Creek Boulevard, Winchester Boulevard, and Homestead Road with strong access to transit, retail, schools, and services are the sites of several new affordable, supportive, and transitional housing projects under construction which have benefited from new State laws that streamline processes and, in many cases, have also been financially supported by the City. New neighborhoods in the long-range planning areas of Lawrence Station, Tasman East, Patrick Henry Drive, Freedom Circle, and Downtown will have access to high quality transit, parks, community center(s), schools, and entertainment.

Through this updated Housing Element, the City puts forth strengthened housing goals, policies and actions that will support housing opportunities for new residents and existing residents facing displacement pressures so that Santa Clara can continue to be a vital and diverse city in the heart of the Silicon Valley.

Regulatory Framework

The Housing Element is one of the required components of a General Plan and must be consistent with all other elements of the General Plan. It identifies ways in which the housing needs of existing and future residents can be met. State law describes in great detail the necessary contents of the Housing Element: 1) identifying housing needs; 2) affirmatively furthering and assessing fair housing; 3) analyzing constraints to housing production; 4) examining past accomplishments from prior housing element planning efforts; 5) understanding how past planning practices may have excluded groups of people from housing opportunities; 6) documenting how the public has been engaged in the planning process; and 7) assessing and describing how land and financial resources will be marshalled to meet all housing needs. This Housing Element responds to those requirements and responds specifically to conditions and policy directives unique to Santa Clara.

The California Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State's main housing goal. Recognizing the important part that local planning programs play in pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of their comprehensive General Plans.

Section 65581 of the California Government Code reflects the legislative intent for mandating that each city and county prepare a Housing Element:

1. To ensure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goal.

2. To ensure that counties and cities will prepare and implement Housing Elements which, along with federal and State programs, will move toward attainment of the State housing goal.
3. To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the State housing goal, provided such a determination is compatible with the State housing goal and regional housing needs.
4. To ensure that each local government cooperates with other local governments to address regional housing needs.

Scope and Content of the Housing Element

The 2023-2031 City of Santa Clara Housing Element has been prepared to meet the intent and requirements of State law and is intended to be integrated into the City's 2010-2035 General Plan. The Housing Element covers the planning period that begins January 31, 2023, and ends January 31, 2031, focusing on ways to promote residential infill development, given land supply and cost constraints. The intent of this Element is to plan for an adequate variety of safe, appropriate, and well-built housing for all residents of Santa Clara.

To comply with State Housing Element Law the he Housing Element consists of:

- An overview of the housing element and its relation to other elements in the General Plan
- A review and assessment of the 2015-2023 Housing Element
- A summary of the housing needs assessment
- An assessment of Fair Housing
- An analysis of special housing needs
- A review of constraints to housing development
- An analysis of at-risk housing
- A sites analysis of land parcels suitable for housing
- Goals, policies, and actions that support the Housing Element

Acronyms

This element includes use of many acronyms to identify agencies, housing programs, funding sources, and planning terms. Commonly used acronyms are:

ABAG/MTC – Association of Bay Area Governments/Metropolitan Transportation Commission

ADU – Accessory Dwelling Unit

AFFH - Affirmatively Furthering Fair Housing

AI - Analysis of Impediments to Fair Housing

ACS - American Community Survey

AMI – Area Median Income

APR – Annual Progress Report

BMP – Below Market Purchase Program

BMR – Below Market Rental Program

CDBG – Community Development Block Grant

CEQA – California Environmental Quality Act

CHAS – Comprehensive Housing Affordability Strategy

CHDO – Community Housing Development Organization

COPA – Community Opportunity Purchase Act

DOF – State of California Department of Finance

HCD – State of California Department of Housing and Community Development

HOME – HOME Investment Partnership Program

HOME-ARP – HOME American Rescue Plan

HPS – Homelessness Prevention System

HUD – Federal Department of Housing and Urban Development

HVAC – Heating Ventilation and Air Conditioning

LIHTC – Low-Income Housing Tax Credit

LMI – Low to Moderate Income

MCC – Mortgage Credit Certificate

MFI – Median Family Income

MRB – Mortgage Revenue Bonds

NCIP – Neighborhood Conservation and Improvement Program

NOAH – Naturally Occurring Affordable Housing

NOFA – Notice of Funding Availability

PHLA – Permanent Local Housing Allocation

RHNA – Regional Housing Needs Allocation

SRO – Single Room Occupancy

SVP – Silicon Valley Power

TBRA – Tenant Based Rental Assistance

TCAC – California Tax Credit Allocation Committee

TOD – Transit-Oriented Development

Relationship to Other General Plan Elements

Since statutory requirements addressed in this Element overlap with other General Plan components, such as Land Use, Transportation, Environmental Quality, and Public Facilities and Services, it is necessary to look at the 2010-2035 General Plan in its entirety for an understanding of the relationship between the Housing Element and these topic areas. This Element meets the minimum standards required by State law for a housing element. Related housing issues can be found elsewhere in the General Plan. This Element incorporates and is intended to be consistent with the 2010-2035 General Plan, adopted in 2010.

Public Participation

The Housing Element must reflect the values and preferences of the community; therefore, public participation in the planning process is critical to ensuring this Housing Element represents community voices. Government Code Section 65583(c)(9) states: "Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort."

At its core, a Housing Element is an opportunity to have a community conversation about how to address local housing challenges, establish goals, develop policies, and find solutions. As such, the public engagement process for Santa Clara utilized several channels to solicit input from a variety of stakeholders. Key comments gathered from the engagement process are summarized in Appendix A: Community Outreach and a list of general outreach efforts are listed below:

- Community Meetings
- Stakeholders Meetings, Questionnaires, and Interviews
- Digital Surveys: English, Spanish, Vietnamese, Chinese (Simple)
- Community Events
- Community Pop-ups
- Tenant Listening Sessions
- Planning Commission and Community Council Meetings

At a high level, the community engagement was utilized to balance and align community input with State Housing Law requirements. With, consistent themes of affordability, housing type and tenure, housing choice, tenant protections, and homelessness the outreach process informed the Housing Plan actions, polices, and actions, and confirmed or highlighted trends identified by the demographic analysis. Specifically, outreach informed the creation of new efforts in the Housing Element as follows:

- Respondents to outreach and commentors were concerned that the designated levels of affordability in the city's existing inclusionary ordinance are increasingly not affordable for many residents. The Housing Element includes a planned effort to update the inclusionary ordinance to increase a greater number of units in the deeper affordability categories and to redefine the City's moderate affordability category to reflect a lower income range. Also proposed is including in the City's Notice of Funding Availability specifications criteria that would prioritize City funding of Extremely Low Income and Very Low Income units.
- Consistent feedback was received through all outlets and demographics of respondents highlighting the need to better address homelessness. The City's newly created Homelessness Task Force comprised of service providers, advocates, and individuals with lived experience of being unhoused have provided recommendations that are being pursued through the creation in a Homelessness Plan with implementation actions.
- Commentors provided feedback on the need for more displacement prevention. The Housing Plan includes the City Council future consideration of new policies and programs that would require no net loss of income restricted units during construction or rehabilitation of existing housing; replacement of existing affordable housing units at the same or lower affordability levels; landlord and City notification and information for tenants affected by efforts that would cause relocation; and require developers to provide relocation benefits beyond State requirements.
- Residents of affordable and special needs housing shared at listening sessions that they have been particularly affected by heat waves and wildfire smoke. As part of the City's CDBG program, the City will promote a Notice of Funding Availability process for installation of HVAC improvements for sensitive populations.

A summary of community engagement meetings and survey data are included in Appendix A: Community Outreach.

Public Review Draft and HCD Draft Housing Element

The Draft Housing Element was posted on the City's website on July 1, 2022. From July 1, 2022 through August 1, 2022, the draft Housing Element was advertised for public review by emails to the City's Housing Element Update email list (944 subscribers as of 8/9/2022), City's Planning

Developer Stakeholder list (110 subscribers as of 8/9/2022), Housing non-profit agencies and developers list (282), and emails to the Planning Commission and City Council. An online comment form was available for the public to provide feedback on the Draft Element. During this time, 24 public comments were received, as well as formal comment letters from Housing Choices, SV@Home, Partnership for the Bay's Future, Carpenters Local 425, Anne Paulson, Life Services Alternatives, TransForm, and Housing Action Coalition. A summary of public comments and the formal comment letters are included in Appendix A: Community Outreach. In response to these comments, the Housing Element was reviewed, and edits were made incorporating public comments including, but not limited to:

- additions and clarifications to the Housing Plan,
- additions and clarifications to the Affirmatively Furthering Fair Housing analysis and clarifications on the Housing Resources calculations
- edits to the Housing Resources parcel inventory
- and other minor edits and clarifications that were less substantive but were provided for readability.

The draft Housing Element was then submitted to HCD on August 22, 2022 for a 90-day review and formal comment. The draft Housing Element remained available on the City's website for additional public review and comment during the HCD review period. During the HCD review period the jurisdiction conducted additional public outreach and received additional public comment that was again incorporated into the draft Housing Element. And, upon receipt of the formal HCD comment letter the draft Housing Element was edited to address the findings specified in the letter and posted for public comment.

The Housing Element was revised in response to these comments and the public was invited to attend and comment on the Housing Element at hearings held before the Planning Commission and the City Council in January 2023. The revised Draft Housing Element was available on the website and at City Hall prior to each hearing.

General Plan Consistency

All properties and land use in the City are governed by the City's General Plan. The General Plan describes the long-term goals for the City's future and guides daily decision-making. The time frame of the General Plan is 2010-2035. The Plan contains the City's official policies on land use and community design, transportation, housing, environmental resources, and health and safety.

The Housing Element is part of the General Plan but operates on a state mandated schedule. The time frame for the Housing Element is 2023-2031, therefore it has been prepared to maintain internal consistency with the current 2035 General Plan as required by State law. Specifically, the sites inventory reflects the capacity under the land use designations of the 2035 General Plan, as amended.

The 6th-cycle Housing Element provides an opportunity to update the goals, policies, and actions identified in the 5th-cycle Housing Element (2015-2023), and with the increased focus on Affirmatively Furthering Fair Housing, which has heavily influenced the document, will provide a framework for how the City evaluates future General Plan amendments and the next comprehensive General Plan update.

13.1

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Chapter 13.2
Housing Plan

The goals, policies, and actions delineated in this chapter serve to support the City's vision of providing decent housing and a suitable living environment for every resident.

Goals and Policies

The Housing Plan identifies the City's goals for neighborhood conservation, housing production, housing support, and housing opportunities. The goals are supported by policies which are implemented through a series of actions.

Goal A Create and maintain high-quality, livable, and diverse housing stock within the City of Santa Clara.

Policy A-1: Maintain and improve the quality of residential housing stock, address housing deficiencies and prevent future blight through the encouragement of ongoing maintenance, rehabilitation, and conservation of existing housing stock.

Policy A-2: Provide residential code enforcement for conformance with City Code and Zoning Ordinance regulations.

Policy A-3: Utilize objective design standards to streamline the housing development process.

Policy A-4: Seek collaborative efforts with regional entities and utility service providers to subsidize and incentivize residential energy and water conservation.

Policy A-5: Proactively plan for sufficient housing capacity through infill development that is compatible with existing neighborhoods and through the preparation of neighborhood plans that will support the development of new, complete neighborhoods.

Goal B Designate suitable vacant or underutilized sites for new residential development.

Policy B-1: Identify potential sites for affordable housing units in areas of "high opportunity" as defined by the state.

Policy B-2: Encourage the building of high-density housing on appropriate vacant or underutilized sites.

Policy B-3: Identify and facilitate the award of local, regional, state, and federal funding sources to support housing development, housing infrastructure, and amenities.

Policy B-4: Identify and potentially designate surplus land that can accommodate low, very-low, and extremely low-income residential development.

Policy B-5: Encourage high density residential development utilizing the City's higher density and mixed-use residential designations in proximity to transit and other residential services.

Goal C Increase special needs housing opportunities for persons of all economic levels.

Policy C-1: The City shall collaborate with services agencies and community-based organizations to prioritize loans and grants toward housing for seniors, persons with disabilities, persons with mental illness, large families with children, female-headed households, victims of domestic violence, and people who are experiencing homelessness.

Policy C-2: Improve proximity and connections between special needs housing and high-quality transit stops, job centers, educational institutions, day care, open space, community services, and healthy food options.

Policy C-3: Participate in local, regional, State, and federal programs and efforts that support affordable, transitional, supportive, and permanent housing and address the needs of disadvantaged populations and those experiencing homelessness.

Policy C-4: Ensure compliance with all State and federal regulations relating to housing opportunities and the prevention of discrimination based on religion, gender, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or mental or physical disability and any other protected classes under federal and State law.

Goal D Promote a variety of housing types, tenure, and location, including higher density where possible, especially for lower and moderate income and special needs households.

Policy D-1: Continue to identify and apply for funding that supports the development of housing for extremely-low and very low-income residents and special needs households.

Policy D-2: Continue to utilize General Plan land use and zoning updates to provide increased opportunity and flexibility in providing a variety of housing types and tenure.

Policy D-3: Periodically review the City's ordinances, policies, and procedures and make changes as necessary to reduce or remove constraints to housing development.

Policy D-4: Promote the use of density bonuses and development incentives to facilitate a variety of housing types and tenure.

Policy D-5: Encourage the construction of accessory and junior accessory dwelling units through outreach, education, and links to regional technical assistance.

Goal E Affirmatively further fair housing by increasing access to opportunity, reducing displacement impacts, reducing cost burden, targeting outreach to lower income residents, and rehabilitating substandard living conditions.

Policy E-1: Improve access to opportunity by working to improve the quality of life for residents of lower income communities, as well as supporting residents' mobility and access to 'high resource' neighborhoods.

Policy E-2: Work to reduce displacement of lower income residents from Santa Clara and to reduce the impact of relocation on low-income households.

Policy E-3: Conduct proactive outreach in areas of the City with less access to opportunity, to build awareness of services including fair housing complaint investigation, landlord tenant mediation, eviction and homelessness prevention counseling, and opportunities to apply for new affordable housing through the HouseKeys application portal.

Policy E-4. Conduct regular outreach, education, and affirmative marketing with community partners that have access to populations experiencing disproportionate housing problems and encourage early participation from a diverse set of residents and other stakeholders in the development of long-range plans and the review of new development proposals.

Policy E-5: Increase public participation by translating public outreach documents (e.g., flyers, surveys) as part of the public participation process and when marketing the City's affordable housing lotteries.

Policy E-6: Continue to provide, when appropriate and feasible, options for either virtual, in-person, or hybrid community meetings to allow for broader community participation.

Implementing Actions

Each Goal outlined in the Housing Plan is supported by one or more policies, which are often implemented by specific actions. Many of the identified actions below will implement multiple policies and goals. Some policies offer direction to Staff and appointed/elected officials in making decisions related to the provision of housing but are not implemented through specific housing programs.

Objectives for each action are either categorized as "Discrete" (objective to be completed during the timeframe of the Housing Element) or "Ongoing" (objective that happens throughout the timeframe of the Housing Element).

Action 1: Provision of a Variety of Housing Types

The City of Santa Clara supports and encourages the development of a variety of housing types to rent and to own in a variety of locations to maintain social and economic diversity in the community. During the Housing Element planning period, the City will promote the development of accessory units, affordable one- and two-story additions to single-family homes, and other lower income housing alternatives.

Funding Source: Departmental Budget

Responsible Agency:

Planning Division and Housing and Community Services Division

Discrete Objectives:

- By May 2023, adopt the comprehensive Zoning Ordinance update with revised provisions to allow a variety of housing types, including:

- Single-room occupancy and employee housing

- Emergency shelters, low barrier navigation centers, and by-right permanent supportive housing

- Acknowledging group homes (residential care facilities) for 7 or more residents and separately enumerating residential care facility uses with 6 or fewer residents.

- Complying with Accessory Dwelling Unit (ADU) law and incentivizing the creation of ADUs by removing parking requirements and providing more flexible height standards

- By January 1, 2024, the City of Santa Clara Building Division will:

  - Compile and post on the Building Division page a list of information needed to approve a post entitlement phase permit
  - Post on the Building Division page an example of a complete approved application and an example of a complete set of post entitlement phase permits for at least 5 types of housing development projects: ADU, duplex, multifamily, mixed use, and townhome.

- By 2026, or as funds become available, through the provision of a notice of funding availability (NOFA), prioritize loans for the development of extremely low and very low-income housing alternatives, such as single-room occupancy (SRO) units, senior housing, family housing, housing for persons with disabilities (including developmental disabilities), licensed residential care homes, etc. (This responds to community feedback that 80-120% AMI housing is no longer affordable enough for many residents in Santa Clara).

- By the end of 2026, reassess demand for urban farmworker housing (current and retired workers) and gauge the interest and feasibility among developers to utilize the Joe Serna Jr. Farmworker Housing Grant Program when funds become available.

Ongoing Objectives:

- On an annual basis, report on the production of ADUs through the City's Annual Progress Report (APR). If the pace of ADU production falls below the level necessary to achieve 340 ADUs during the 2023-2031 planning period (approximately 43 ADUs/year), present a plan to City Council to remove barriers and/or further incentivize ADU production.

Relevant Policies: Policy A-3, Policy B-1, Policy B-3, Policy C-1, Policy C-2, Policy C-3, Policy C-4, Policy D-1, Policy D-2, Policy D-3, Policy D-4, Policy D-5

Action 2: Affordable Housing Ordinance

The City's Affordable Housing Ordinance requires developers of residential developments of 10 or more units to provide the following:

- Rental projects - 15% of rental units must be affordable to renters of extremely low, very low, low, and moderate income households, as long as the distribution of affordable units averages to a maximum of 100% of AMI.
- For sale/ownership projects - 15% of units must be affordable to extremely low, very low, low, and moderate income households, as long as the distribution of affordable units averages to a maximum of 100% of AMI.

The Affordable Housing Ordinance has two components: Below Market Rental (BMR) program and Below Market Purchase (BMP) program. The City offers BMR and BMP units to income-qualified households. This program is an important tool for providing very low, low and moderate income housing opportunities.

Funding Source: Inclusionary Housing

Responsible Agency:

Housing and Community Services Division

Discrete Objectives:

- By the end of 2024:

  - Assess the feasibility of updating the citywide affordable housing ordinance to align with recent feasibility studies for the Patrick Henry Drive Specific Plan that support deeper affordability requirements (5% very low income, 5% low income, and 5% moderate income) for inclusionary rental and ownership projects.

  - Assess the feasibility of updating the ordinance's definition of "moderate income" units from 120% AMI to 100% AMI to further distinguish the difference between "moderate income" and market rents. This responds to stakeholder feedback that 120% AMI is not affordable for many residents and in some cases exceeds market rents.

- By the end of 2024, determine the feasibility and marketability of changes to the BMP program that would keep new BMP homes affordable, or deed restricted, for 20-30 years instead of just five years. Such changes could also make the City's BMP program compatible with the County's new Below Market Rate Partnership program which aims to assist low and very low-income first time homebuyers. This responds to stakeholder feedback that homeownership is desired but increasingly less attainable in Santa Clara.

Ongoing Objectives:

- On an annual basis, monitor and report the effectiveness of the Affordable Housing Ordinance in expanding affordable housing choices through the City's Annual Progress Report to HCD.

Relevant Policies: Policy B-1, Policy B-2, Policy B-3, Policy C-1, Policy C-2, Policy C-3, Policy C-4, Policy D-1, Policy D-4

Action 3: Affordable Housing Incentives and Facilitation

For-profit and nonprofit developers play a significant role in providing affordable housing in Santa Clara. The City will proactively encourage and facilitate the development efforts of developers and organizations for the construction of affordable housing for lower income households, particularly those with special needs including seniors, large households, extremely low income households, households with persons who have disabilities (including developmental disabilities), and licensed residential care homes.

Funding Source: CDBG; HOME; General Fund

Responsible Agency:

Planning Division and Housing and Community Services Division

Discrete Objectives:

- By March 2023, create an SB 35 checklist and written procedures for processing SB 35 applications.

- Prior to the end of 2024, the City will conduct public outreach and issue a request for proposals to develop mixed income or 100% affordable housing on the vacant former site of the King's Highway Motel on El Camino Real.

- By the end of 2024, establish a relationship and meet with interested property owners of naturally occurring affordable housing (NOAH) to facilitate possible connections between sellers, affordable housing developers, and funding sources.

Ongoing Objectives (on an annual basis, unless otherwise noted)**:**

- In 2025, 2027, and 2029, monitor the risk of conversion of naturally occurring affordable housing (NOAH) by contacting owners of the highest risk properties to determine their intentions and to explore options for conversion to income-restricted affordable housing.

- Encourage and assist in efforts to combine public and private funds in joint housing ventures that maximize affordability.

- As appropriate, support and/or partner with housing developers in the application for affordable housing funding, such as providing technical data, assistance in identifying available and appropriate sites, and expediting review and processing of affordable housing.

- Analyze parking reforms as part of proposed long-range plans, including the El Camino Real Specific Plan and the Santa Clara Station Area Plan, including transit pass requirements, and particularly how updated parking policies could positively impact housing, transportation, and other goals.

- As appropriate, collaborate with neighboring jurisdictions to pursue funding opportunities for affordable housing programs.

- Utilize CDBG and HOME funds in conjunction with other cities' funds to construct or rehabilitate shelters, public service facilities, and to provide housing services.

- Review best practices to identify appropriate incentives and policies to support affordable housing development in the City including fee deferral, reduction, or waivers.

Relevant Policies: Policy B-1, Policy B-2, Policy B-3, Policy B-4, Policy B-5, Policy C-1, Policy C-2, Policy C-3, Policy C-4, Policy D-1, Policy D-2, Policy D-3, Policy D-4, Policy D-5

Action 4: Maintenance of Housing Stock

Since 1976, the City of Santa Clara has assisted more than 1,000 homeowners to rehabilitate and increase the value of their homes through the Neighborhood Conservation and Improvement Program (NCIP). Under the direction of the City of Santa Clara Housing and Community Services Division and in partnership with Rebuilding Together Silicon Valley, NCIP offers technical and financial assistance to qualified homeowners. The program is designed for citywide households with gross incomes at or below 80 percent of County median income. Various types of minor and major repairs may be addressed, including accessibility improvements, re-roofing, plumbing, heating/cooling, electrical, termite damage, foundation, and weatherization. The costs for home repairs are covered through a grant or a loan depending on the size of the project.

The Multi-Family Affordable Energy Efficiency program allows for the City's special revenue funds in partnership with Silicon Valley Power (SVP) to pay for energy consultants to recommend and create a scope of work for specific SVP project rebates. The program also allows for the City to provide assistance for the cost of installation and facilitates the grant administration process.

Funding Source: CDBG, HOME / Special Revenue Funds (in partnership with SVP)

Responsible Agency:

Housing & Community Services Division

Discrete Objectives:

- By 2023, conduct outreach to single-family home residential care facilities that serve protected classes including persons with disabilities to determine interest in and the feasibility of including these properties in future CDBG/HOME Notices of Funding Availability to address rehabilitation and emergency repairs in these facilities. (This objective responds to feedback from Life Services Alternatives)

Ongoing Objectives:

- Assist approximately 200 low, very low, and extremely low income homeowners with rehabilitation and emergency repair assistance through loans and grants.

- Continue to conduct inspections of homes on a request and complaint basis, providing referrals to the NCIP and assistance where possible to correct identified issues and problems in both primary and secondary dwelling units.

- Through the CDBG program, to address rising average temperatures, promote NOFA process for installation of HVAC improvements for sensitive populations, including seniors in multifamily housing. (This response to feedback from seniors that live in apartments that do not have air conditioning).

Relevant Policies: Policy A-1

Action 5: Preservation of Assisted Rental Housing

To meet the housing needs of persons of all economic groups, the City is committed to guarding against the loss of housing units reserved for lower income households. Five assisted rental projects in Santa Clara are identified to be at potential low risk of conversion to market rate use in 2028-2031.

Funding Source: Departmental Budget

Responsible Agency: Housing and Community Services Division

Ongoing Objectives (on an annual basis, unless otherwise noted)**:**

- When funding is available, continue to assist property owners of income restricted housing to make periodic capital improvements to the property, to improve energy efficiency and to extend affordability.

- Continue to monitor at-risk income restricted projects by maintaining contact with the property owners annually regarding long-term plans for the projects.- Establish and maintain contact with public and nonprofit agencies interested in purchasing, managing, or financing the acquisition of at-risk units.

-When possible, work with owners of at-risk income restricted housing to restructure City loans in exchange for extended affordability restrictions.

Relevant Policies: Policy A-1, Policy A-2, Policy A-4, Policy B-1, Policy B-4, Policy C-4, Policy D-1, Policy D-2, Policy D-3, Policy D-4, Policy D-5

Action 6: Acquisition of Multi-Family Housing

As a strategy to expand the City's affordable housing inventory, Santa Clara will continue to explore opportunities for the acquisition/rehabilitation of multi-family housing. As funding permits, the City will work with nonprofit organizations to acquire and rehabilitate deteriorating and distressed properties and convert them into affordable rental housing for lower income households, including those with special needs.

Funding Source: CDBG; HOME

Responsible Agency:

Housing & Community Services Division

Discrete Objectives:

- By early 2027, present to the future Housing Commission the findings from an analysis of the need/benefit and resources required to implement a Community Opportunity Purchase Act (COPA) program in the City of Santa Clara. A COPA program gives a qualified nonprofit buyer the right to make a first offer on a residential property that is for sale covered by the program.

Ongoing Objectives (on an annual basis, unless otherwise noted)**:**

- Explore funding sources available at the regional, state, and federal levels to support affordable housing developers with acquisition/rehabilitation opportunities.

- Work with nonprofit entities to acquire properties and rehabilitate existing multi-family structures to be maintained as or converted into affordable rental housing.

Relevant Policies: Policy B-1, Policy C-1, Policy C-2, Policy C-3, Policy D-1

Action 7: Code Enforcement Program

Code enforcement is essential to ensuring housing conservation and rehabilitation. The City maintains a strong housing inspection and code enforcement program to ensure adequate maintenance of the housing stock and quality of residential neighborhoods. In an average year, the City receives several thousand complaints related to possible code enforcement violations. In many cases, the responsible party for the code violation is given the opportunity to voluntarily correct the situation and comply with current codes without a penalty.

Funding Source: CDBG, General Fund

Responsible Agency:

Planning Division, Building Inspection, Police Department

Discrete Objectives:

- By the second half of 2024, establish pilot multi-family residential housing inspection and educational programs that are self-funded through fees.

Ongoing Objectives:

- Proactively and systematically respond to housing code violations.

- Provide special attention to maintaining the stability of residential neighborhoods through development and enforcement of minimum standards of allowed use of the City's streets, as well as maintenance of front and other yard areas visible from the public right-of-way.

- Explore using CDBG dollars to fund proactive code enforcement and place-based capital improvements to improve access to opportunities in HUD designated low-income and distressed areas of the City.

Relevant Policies: Policy A-1, Policy A-2, Policy A-3

Action 8: Neighborhood Relations Programs

Since 1990, the Neighborhood-University Relations Committee (NURC) (formerly Student Housing Committee) has been responsible for reviewing student housing issues. NURC meets regularly to facilitate on-going communication and problem solving among City officials, neighborhoods, property owners and Santa Clara University (SCU) officials and students. Santa Clara University has established a Residency Requirement for Freshman and Sophomore students, with some exceptions, to live on campus. In 2022, the City convened an ad hoc Homelessness Task Force which will be replaced in 2023 with a permanent Housing Commission. The new commission will advise on the use of the City's federal CDBG and HOME funds, and on the City's homelessness response efforts.

Funding Source: General Fund

Responsible Agency:

Housing and Community Services Division

Ongoing Objectives:

- Starting in early 2023, utilize the newly formed Housing Commission to advise on CDBG and HOME grant administration for capital projects and community services, and on the City's homelessness response efforts.

- Improve the maintenance of student-occupied homes and behavior of the occupants via owner outreach to minimize impacts on neighborhoods surrounding SCU.

- Enhance code enforcement and special police patrols to address the problems in the area.

- Continue to hold meetings three times per year with student tenants, landlords, SCU, residents, and the City to allow opportunities for stakeholders to discuss neighborhood issues and concerns.

- Continue to work with neighbors (residents, businesses, and institutions such as Santa Clara University) to ensure that development is compatible with existing neighborhoods and that neighbors are satisfied with the design, density, and parking requirements of projects.

Relevant Policies: Policy A-1, Policy A-2, Policy A-3, Policy C-4, Policy E-2, Policy E-3

Action 9: Zoning Ordinance

The City is currently undertaking a comprehensive update to its Zoning Ordinance to reflect the current goals and policies of the 2010-2035 General Plan. As part of this update, the City will reconsider, and revise, if appropriate, its provisions for parking, mixed use developments, residential care facilities, employee housing, and SRO housing. The update is expected to be completed in early 2023. The comprehensive Zoning update is intended to bring consistency between the Zoning Ordinance and the General Plan, implementing the General Plan goals by facilitating mixed use development and higher density residential development, protecting existing neighborhoods, and incentivizing redevelopment with appropriate development standards and streamlined procedures.

Funding Source: General Fund

Responsible Agency:

Planning Division

Discrete Objectives:

- Complete the comprehensive update to the Zoning Ordinance by early 2023. The Zoning Code will include provisions that:

  - Provide for by-right approval of a variety of housing types (see Action 1)
  - Reduce dependence on Planned Developments (PDs) by including new high-density residential and mixed-use zoning districts that conform to the General Plan and streamline the permitting process for projects that meet new objective development standards
  - Allow by-right expansion of single-family homes built with non-conforming side setbacks and/or one-car garages

- Bring the City into compliance with State Density Bonus Law (SDBL), including recently adopted legislation that goes into effect in 2023.
- Revamp residential parking requirements, including unbundling and make appropriate reductions in parking requirements according to housing type (i.e., reduced parking requirements for units for people with developmental and other disabilities)

Ongoing Objectives:

- On an annual basis, monitor the Zoning Ordinance for any potential constraints to the development of housing, particularly housing for persons with special needs (including those with developmental disabilities) and amend the Zoning Ordinance as necessary to address those constraints.

Relevant Policies: Policy B-2, Policy B-4, Policy B-5, Policy C-2, Policy D-2, Policy D-3, Policy D-4, Policy D-5

Action 10: Adequate Sites Inventory

The City is committed to ensuring that adequate sites at appropriate densities remain available during the planning period, as required by law. The residential sites analysis completed for the 2023-2031 Housing Element indicates the City can accommodate its RHNA of 11,632 units, including 2,872 very low income units, 1,653 low income units, 1,981 moderate income units, and 5,126 above moderate income units.

Funding Source: Departmental Budget

Responsible Agency:

Planning Division

Discrete Objectives:

- To supplement the City's housing sites inventory and to prepare for the 7th Housing Element cycle:
  - By the end of 2025, to encourage transit-based development, complete the Santa Clara Station Area Plan.
  - By the end of 2025, to encourage mixed-use development, complete the El Camino Real Specific Plan.

Ongoing Objectives (on an annual basis, unless otherwise noted)**:**

- Maintain an inventory of housing sites appropriate for a range of income levels and housing types, including supportive housing for persons with disabilities and developmental disabilities.

- Provide information and technical assistance on Federal and State funding sources or referrals to appropriate agencies.

- Monitor and report on the dispersion of affordable units throughout the City.

- Review housing sites inventory at time of development proposal to determine consistency with proposed density and assumed density in the Housing Element.

- Maintain a no net loss of units identified in the sites inventory of this Housing Element. If the assumed density is not entitled, a finding must be made that the displaced units can be redistributed to other opportunity sites.

Relevant Policies: Policy B-1, Policy B-2, Policy B-3, Policy B-4, Policy C-2, Policy D-1, Policy D-2, Policy D-3, Policy D-4, Policy D-5

Action 11: Impact Fees

The City charges various impact fees to provide essential services and facilities to serve new development. The City will conduct an impact fee study to compare the City's fees with surrounding and similar jurisdictions.

Funding Source: Departmental Budget

Responsible Agency:

Planning Division

Discrete Objectives:

- By the end of 2025 conduct and present the results of an impact fee study to the City Council to assess if impact fees are constraining development or providing a competitive edge for the City. If City fees deviate significantly from those charged by comparable communities for either market rate or affordable developments, take actions to adjust fees as appropriate.

- By the beginning of 2030 conduct and present the results of an impact fee study to the City Council to assess if impact fees are constraining development or providing a competitive edge for the City. If City fees deviate significantly from those charged by comparable communities for either market rate or affordable developments, take actions to adjust fees as appropriate.

Relevant Policies: Policy B-2, Policy B-3, Policy B-5, Policy C-3, Policy D-1

Action 12: Affordable Housing Funding

The City will continue to explore gaining access to additional resources that provide a steady funding stream for affordable housing. These may include, funding from the Bay Area Housing Finance Authority, County, State, federal, housing or land trust funds, and private sector support, partnerships, or philanthropy.

Funding Source: Departmental Budget Planning

Responsible Agency:

Planning Division and Housing and Community Services Division

Discrete Objectives:

- By the end of 2025, staff will organize a City Council study session to explore new sources of funding for the development of extremely low income and very low-income affordable housing including strategies to compete for and leverage federal, state, county and philanthropic funds, financial contributions from large employers, local revenue measures and other funding sources.

Ongoing Objectives (on an annual basis, unless otherwise noted)**:**

- Annually, staff will evaluate Notices of Funding Availability (NOFAs) from State, federal, and regional programs and pursue funding applications as appropriate.

Relevant Policies: Policy B-3, Policy C-1, Policy C-3, Policy D-1

Action 13: Residential Displacement

Development in the City has primarily occurred as the recycling of existing marginal commercial and industrial uses into higher density multi-family housing. As such, the City has not yet experienced direct displacement of lower income households due to new development. As redevelopment of existing uses continues, the City will evaluate potential displacement of residents, and develop and adopt measures, as appropriate, to address the risk of direct or indirect displacement of those existing residents. The City will monitor such measures bi-annually for effectiveness and make necessary adjustments.

Funding Source: Departmental Budget

Responsible Agency:

Planning Division

Discrete Objectives:

- Within one year of Housing Element adoption, evaluate and provide recommendations to City Council on new programs and policies that prevent displacement and/or facilitate soft landings when relocation is unavoidable. This evaluation will include the following policy areas at a minimum:

    - Requiring no net loss of income-restricted residential units during the construction of new housing or rehabilitation of existing housing.
    - Requiring the replacement of existing affordable units at the same or lower income level as a condition of development.
    - Requiring landlords to notify tenants and the City at least one year in advance of redevelopment and/or potential conversion to market rate housing. Provide information regarding tenant rights and conversion procedures.
    - Require developers to provide relocation benefits beyond those required by the state.

- Within two years of Housing Element adoption, as necessary and appropriate, adopt programs and policies to address displacement with bi-annual monitoring and reporting of effectiveness.

Ongoing Objectives (on an annual basis, unless otherwise noted)**:**

- Continue to fund tenant landlord resources and dispute resolution services.

- Continue to fund the regional Homelessness Prevention System (HPS) lead by Destination Home which provides emergency rent and deposit assistance and housing counseling services.

- Continue to market new below market rate rental (BMR) and ownership (BMP) opportunities broadly, and especially to residents living in lower income areas of the City.

Relevant Policies: Policy B-1, Policy B-2, Policy B-3, Policy B-4, Policy B-5, Policy C-1, Policy C-3, Policy D-2, Policy D-3, Policy D-4, Policy D-5

Action 14: Housing Choice Voucher Program

The Section 8 Housing Choice Voucher Program extends rental subsidies to very low income households, as well as elderly and disabled persons. The subsidy represents the difference between 30 percent of the monthly income and the allowable rent determinedby the Section 8 program. Vouchers permit tenants to locate their own housing and rent units beyond the federally determined fair market rent in an area. The City's role in this action will be to advocate for more Housing Choice Vouchers for Santa Clara residents.

Funding Source: Section 8

Responsible Agency:

Housing Authority of the County of Santa Clara Continue to participate in and promote the Housing Choice Voucher Program.

Ongoing Objectives:

-Advocate for additional project and person-based vouchers for seniors and other special needs groups on fixed incomes in Santa Clara through partnerships with the affordable housing developers, Santa Clara County Housing Authority, and the County's Office of Supportive Housing. This responds to stakeholder feedback that seniors and households on fixed incomes cannot afford rent increases that are based on escalating HCD Income Limits.

- Annually assist the Housing Authority with the promotion of incentives that encourage landlords to accept Housing Choice Vouchers to ensure that voucher holders can find housing and avoid displacement or homelessness.

- Continue to refer households in need to the Housing Authority's Housing Choice Voucher Application Portal.

Relevant Policies: Policy B-3, Policy C-1, Policy C-3, Policy D-1

Action 15: Homeownership for First-Time Buyers

The City continues to create affordable ownership units through its Inclusionary Housing Policy. HouseKeys partners with Santa Clara staff to offer the units created through the Inclusionary Housing - Below Market Purchase (BMP) program to income-qualified households. The intent of the BMP program is to offer low and moderate income homebuyers an opportunity to purchase a home they would not ordinarily be able to afford. If a BMP homeowner wishes to sell the home between 6-20 years after purchase, they must pay back the City's remaining note value and a share of the equity increase.

Other resources for affordable homeownership are also available to Santa Clara residents. These include the Housing Trust Silicon Valley, Mortgage Credit Certificates, Habitat for Humanity, and Santa Clara County's Office of Supportive Housing.

The Housing Trust Silicon Valley Empower Homebuyers SCC program provides loans to low- and moderate-income homebuyers in Silicon Valley in the form of low-interest, second mortgages and down-payment assistance. Santa Clara residents are eligible for two types of assistance offered by the Housing Trust, mortgage assistance and gap assistance.

The Mortgage Credit Certificate Program (MCC), administered by the County of Santa Clara Office of Affordable Housing, provides financial assistance to first-time homebuyers. The Santa Clara County MCC tax credit reduces the federal income taxes of qualified borrowers purchasing qualified homes, thus having the effect of a mortgage subsidy. The current tax credit rate is up to 15 percent of the interest paid to the lender on the first loan.

Habitat for Humanity East Bay/Silicon Valley provides ownership opportunities for first-time homebuyers via a sweat equity and savings plan programs. Households, friends, and family contribute 250-500 hours of sweat equity into the construction of their homes.

Santa Clara County's Measure A also sets aside funds to assist first time homebuyers. In 2023, the County will roll out new programs that help low income households attain home ownership.

Additionally, SB 9, signed into law in September of 2021 and effective January 1, 2022, allows property owners within single-family residential zones to build two units and/or to subdivide an

existing lot into two parcels, for a total of four units that can each be sold as separate units, can help enable affordable home ownership for first time buyers.

Funding Source: Inclusionary Housing

Responsible Agencies: Housing and Community Services Division and HouseKeys

Discrete Objectives:

- By the end of 2024, explore and present to the Housing Commission changes to the BMP program to keep homes affordable for longer than 5 years by requiring resale to income eligible homeowners in the program. This change could also make Santa Clara's BMP program compatible with Santa Clara County subsidies that are intended to make homeownership attainable for low and very low income households.

Ongoing Objectives:

- Continue to promote homeownership for first time buyers through units that are income restricted and marketed under the City's inclusionary ordinance.

- Encourage program participation for all levels of household income that meet eligibility criteria.

- Continue to promote homebuyer assistance programs through the Housing Trust Silicon Valley, County of Santa Clara, Habitat for Humanity, and the County's Office of Supportive Housing (Measure A).

Relevant Policies: Policy B-3, Policy C-1, Policy D-1

Action 16: Fair Housing Program

The City contracts with a qualified fair housing services provider to provide fair housing services to its residents. Currently, the City utilizes Project Sentinel, a nonprofit agency that provides information and dispute resolution services to tenants, landlords, and roommates. Since 2009, Project Sentinel has assisted over 1,000 Santa Clara households and landlords to resolve disputes through counseling, conciliation, and mediation.

Funding Source: CDBG

Responsible Agency: Housing and Community Services Division

Discrete Objectives:

- By the end of 2024 analyze the feasibility of setting a rent deposit limit and present findings from that analysis to the Housing Commission and City Council.

Ongoing Objectives:

- Continue to refer tenant-landlord complaints to an agency offering meditation.

- Provide referral services and promotional support to linkthose experiencing discrimination in housing with public or private groups who handle complaints against discrimination.

- Seek state and federal enforcement of fair housing laws and continue to cooperate with local agencies investigating claims of discrimination in lending practices and predatory lending.

- Provide outreach and education materials about fair housing services and nonprofit partners (e.g., Project Sentinel).

- Continue to hold open house events and meetings to distribute fair housing information and resources to tenants and homeowners in need of assistance.

- Refer disputes between property owners to the County Human Relations Commission's Dispute Officer.

Relevant Policies: Policy B-3, Policy C-1, Policy C-4, Policy D-1

Action 17: Homeless Services

In 2022 the City convened a six-month Homelessness Taskforce. The Taskforce included stakeholders with a range of perspectives and experience to help identify priorities and provide recommendations related to the development of a local plan to reduce homelessness and its impacts. Additionally, the City's Police Department conducts outreach through the Community Response Team and the Housing and Community Services Division administers grants to several local agencies that offer services to the homeless. The following agencies have received funding from the City:

- WeHope Dignity on Wheels Mobile Shower and Laundry Service
- Santa Clara County Homelessness Prevention System (HPS)
- Santa Clara County case management for permanent supportive housing clients
- Next Door Solutions to Domestic Violence
- Emergency Housing Consortium

- St. Justin Community Ministry
- Bill Wilson Center
- Abode Services
- Community Technology Alliance
- InnVision

Funding Source: CDBG, HOME, HOME ARP, PHLA

Responsible Agency: Housing and Community Services Division

Discrete Objectives:

- Adopt and begin implementation the City's Homelessness Response Plan in early 2023. The Plan identifies the following priority areas:
  - Conduct proactive street outreach with the goal of assessing people for supportive housing
  - Address basic needs of people living outside, including shelter, health, and hygiene
  - Build community understanding of the causes, needs, and experience of homelessness
  - Reduce the impacts of unsheltered homelessness throughout the community
  - Create broad based support for interim and permanent supportive housing as well as Extremely Low Income (ELI) housing development across the City
  - Prevent homelessness for at-risk City residents

Ongoing Objectives:

- Continue to provide street outreach through the Police Department's Community Response Team and additional proactive strategies to ensure that people experiencing homelessness in the City are assessed as part of the Coordinated Entry System and connected to other services.

- Continue to invest HOME funds into the City's Tenant Based Rental Assistance (TBRA) program.

- Continue to invest in the regional Homelessness Prevention System to provide emergency rent assistance, deposit assistance, and case management services.

- Target services to vulnerable populations, including at-risk youth, seniors, and persons with disabilities.

Relevant Policies: Policy B-3, Policy C-3, Policy D-1

Action 18: Shared Housing

Shared housing can be an affordable alternative for lower income seniors, disabled, and special needs residents when sufficient support and property management services are included. The City can support this housing type through acquisition and rehabilitation subsidies.

Funding Source: Departmental Budget, CDBG

Responsible Agency: Housing and Community Services Division

Discrete Objectives:

- In 2024, evaluate the need for shared housing services as part of the 2025-2030 HUD Consolidated Planning process.

- By 2025 explore the creation of a new City position to help seniors and other special needs groups navigate the housing market and to access subsidized housing. (This objective was added in response to feedback from seniors, senior care providers, and Project Sentinel)

- By 2026 explore ways to increase access to service enhanced senior housing with rents capped at 30 percent of income versus based on median income limits. (This objective was added in response to feedback from seniors).

Ongoing Objectives:

- Continue to support the creation of new shared housing for lower income persons with developmental disabilities by including acquisition or rehabilitation as a category in a notice of funding availability for affordable housing prior to 2026 (This objective was revised to reflect community feedback that home sharing can work well for persons with developmental disabilities, but not as well for elderly residents).

Relevant Policies: Policy B-1, Policy C-2, Policy C-3, Policy C-4, Policy D-1, Policy D-2

Quantified Objectives

Table 13.2-1 summarizes the City of Santa Clara's quantified housing objectives for the 2023-2031 Housing Element planning period.

Table 13.2-1: Quantified Objectives

	Units to be Constructed (RHNA)	*Units to Be Rehabilitated*	*Units to Be Conserved*
Extremely Low Income	1,436	2	5
Very Low Income	1,436	148	30
Low Income	1,653	50	45
Moderate Income	1,981	0	0
Above Moderate Income	5,126	0	0
Total	**11,632**	**200**	**80**

Source(s): City of Santa Clara, 2022

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Chapter 13.3 Affirmatively Furthering Fair Housing

AFFH and the Housing Plan

As part of the Housing Element outreach and analysis, the City of Santa Clara has identified specific issues that provide the basis for a focused AFFH strategy in the Housing Plan. The City's five AFFH focus areas are 1) Segregation/Integration Patterns and Disparities in Access to Opportunity, 2) Disproportionate Housing Needs and Displacement Risk, 3) Cost Burden, 4) Targeted Fair Housing Outreach, and 5) Substandard Conditions. The table below defines each issue, followed by a brief discussion of how these issues impact the City, and how and where these issues overlap. This chapter also includes data and maps to further analyze the contributing factors that are driving these issues. The matrix at the end of the chapter summarizes contributing factors and the action the City will take to respond to them. Each of these issues will be thoroughly addressed by the Goals, Policies, and Actions of the Housing Plan in Chapter 13.2.

Table 13.3-1: AFFH Focus Areas

Issues	*Definition*
1. Segregation/Integration Patterns and Disparities in Access to Opportunity	A concept to approximate the link between place-based characteristics (e.g., education, employment, safety, and the environment) and critical life outcomes (e.g., health, wealth, and life expectancy). Ensuring access to opportunity means both improving the quality of life for residents of low-income communities, as well as supporting residents' mobility and access to 'high resource' neighborhoods by creating inclusive, integrated development in those areas.
2. Disproportionate Housing Needs and Displacement Risk	Displacement occurs when housing costs or neighboring conditions force current residents out and rents become so high that lower-income people are excluded from moving in.
3. Cost Burden	Households paying 30 percent or more of their gross income on housing expenses, including rent or mortgage payments and utilities.
4. Targeted Fair Housing Outreach	To residents in areas with concentrations of Low-Moderate- Income (LMI), overcrowding, Housing Choice Vouchers (HCVs), low opportunity areas, lower education scores, high EnviroScreen scores, etc.

Table 13.3-1: AFFH Focus Areas

Issues	*Definition*
5. Substandard Conditions	Housing with incomplete plumbing or kitchen facilities

Segregation/Integration Patterns and Disparities in Access to Opportunity

In the City of Santa Clara, access to opportunity is a major AFFH issue of focus. Ensuring access to opportunity means both improving the quality of life for residents of low-income communities, as well as supporting residents' mobility and access to 'high resource' neighborhoods. The regional and local trends regarding access to opportunity are discussed below.

Regional Trends: Cities with higher resources, indicating higher employment rates, lower poverty rates, proximity to jobs, high educational proficiency, and limited exposure to environmental health hazards are concentrated in the western part of the County in the cities of Palo Alto, Cupertino, Saratoga, Monte Sereno, and Los Gatos. The central part of the County has a mix of resource scores of high, moderate, and low, with the largest concentration of low resource areas in San Jose and Morgan Hill. The eastern part of San Jose has areas with both the lowest and highest resource scores.

Local Trends: According to the 2022 TCAC/HCD Opportunity Map (Figure 20), the City of Santa Clara has a mix of low, moderate, high, and highest resources. The northern part of the city has moderate resources, the central part of the city has low resources, and the southern part of the city has a mix of low, moderate, high, and highest resources. The areas with low resources also overlap with higher CalEnviroScreen Scores (50 to 74 percent) (Figure 31), lower Healthy Places Index Scores (50 to 75) (Figure 33), higher rates of LMI households (50 to 75 percent) and areas with higher non-White populations (61 to 80 percent). The lower resources in central Santa Clara can largely be attributed to the area being industrial in nature. However, a recently constructed mixed use development, Santa Clara Square, has added housing units and high-quality amenities to the area. Specifically, Santa Clara Square includes up to 1,840 housing units, parks, a new full-service grocery store, restaurants, and neighborhood serving retail. Also in the central area, the recently under construction Gateway Crossings, is another mixed-use project with 1,565 residential units, 45,000 sf supporting retail, and 2.1 acres of park.

Disproportionate Housing Needs and Displacement Risk

Disproportionate Housing Needs and Displacement Risk are another major concern for the City of Santa Clara. UC Berkeley's Urban Displacement Project states that a census tract is a sensitive community if the proportion of very low income residents was above 20 percent in 2017 and the census tracts meets two of the following criteria: (1) Share of renters above 40 percent in 2017; (2) Share of Non-White population above 50 percent in 2017; (3) Share of very low-income households (50 percent AMI or below) that are also severely rent burdened households above the county median in 2017; or (4) Nearby areas have been experiencing displacement pressures. Regional and local displacement risk trends are discussed below.

Regional Trends: Sensitive communities in the County lie primarily along the 101 corridor from Sunnyvale to Gilroy and extend out to Cupertino in the west and east San Jose in the east. Housing prices in this area have continued to rise as the technology industry booms in Silicon Valley, explaining the high percentage of areas in the county identified as sensitive communities.

Local Trends: Sensitive communities often overlap with communities with lower access to opportunities. In Santa Clara, however, there is the low possibility of displacement in areas identified in the approved Specific Plans as new investment is realized in areas that are currently non-residential. This potential displacement has been mitigated through the City of Santa Clara's Affordable Housing Ordinance. As most of the City was identified as a sensitive community, and only a few tracts in the south are not identified as sensitive communities, anti-displacement policies and actions are an integral part of the project review process.

Cost Burden

Housing cost burden is a priority issue for the City. Housing cost burden is considered a housing need because households that overpay for housing costs may have difficulty affording other necessary expenses, such as childcare, transportation, and medical costs. Regional and local cost burden trends are discussed below:

Regional Trends: There are concentrations of cost-burdened renters in Mountain View, San Jose, and Morgan Hill. These cities have areas with renters experiencing overpayment above 80 percent. The average for all households County-wide is 49.7 percent with 64.2 percent of renters experiencing cost burden versus 38.6 percent of owners.

Local Trends: 50.7 percent of all households in Santa Clara experience cost burdens. This rate is much higher for renters than owners (63 and 34.4 percent, respectively).

Targeted Fair Housing Outreach

Targeted outreach to residents in areas with concentrations of LMI, overcrowding, HCVs, low access to opportunity, high EnviroScreen scores, and displacement risk, cost burden, and substandard conditions should be a priority focus for the City. Outreach would include educational campaigns to residents about programs such as affordable housing lotteries, landlord/tenant mediation services, tenant based rental assistance, the NCIP home repair program, and others.

Targeted outreach should be focused in the areas identified in the other AFFH priority issue sections.

Substandard Conditions

Regional Trends: According to 2015-2019 ACS estimates, 0.2 percent of households in Santa Clara County lack complete kitchen facilities and 0.2 percent of households lack complete plumbing facilities. Renter households are more likely to lack complete facilities compared to owner households.

Local Trends: In Santa Clara 1.3 percent of households lack complete kitchen facilities and 0.2 percent lack complete plumbing facilities. Again, renter households are more likely to lack complete facilities compared to owner households.

Introduction and Overview of AB 686

In January 2017, Assembly Bill 686 (AB 686) introduced an obligation to affirmatively further fair housing (AFFH) into California state law. AB 686 defined "affirmatively further fair housing" to mean "taking meaningful actions, in addition to combat discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity" for persons of color, persons with disabilities, and other protected classes.

Analysis Requirements

AB 686 requires that all housing elements prepared on or after January 1, 2021, assess fair housing through the following components:

- An assessment of fair housing within the jurisdiction that includes the following components:
- A summary of fair housing issues and assessment of the City's fair housing enforcement and outreach capacity; an analysis of segregation patterns and disparities in access to opportunities; an assessment of contributing factors; and identification and prioritization of fair housing goals and actions.
- A sites inventory that accommodates all income levels of the City's share of the RHNA that also serves the purpose of furthering more integrated and balanced living patterns.
- Responsive housing programs that affirmatively further fair housing, promote housing opportunities throughout the community for protected classes, and address contributing factors identified in the assessment of fair housing.
- The analysis must address patterns at a regional and local level and trends in patterns over time. This analysis compares the locality at a county level for the purposes of promoting more inclusive communities.

Sources of Information

- U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS) reports
- U.S. Census Bureau's Decennial Census (referred to as "Census") and American Community Survey (ACS)
- HCD's AFFH Data Viewer
- Local Knowledge

In addition, HCD has developed a statewide AFFH Data Viewer. The AFFH Data Viewer consists of map data layers from various data sources and provides options for addressing each of the components within the full scope of the assessment of fair housing. The data source and time frame used in the AFFH mapping tools may differ from the ACS data. While some data comparisons may have different time frames (often different by one year), the differences do not affect the identification of possible trends.

Fair Housing and Housing Resources

In addition to updating the Housing Element of the City of Santa Clara's General Plan, the jurisdiction has been participating in the regional Fair Housing Assessment being prepared for the U.S. Department of Housing and Urban Development (HUD). The process has provided an initial framework for the local analysis of fair housing within the City and has been informed by additional demographic research and local knowledge that has supported the City's Housing Plan Goals, Policies, and Actions. Starting in the 5th cycle, the City has utilized "specific plans" as an effective means addressing housing needs within the context of fair housing, as the "specific plan" process is a public process utilizing community engagement, the City's Affordable Housing Ordinance, and increased densities to provide housing for a variety of income levels. "Specific plans" also allow for more complete communities that integrate market rate and affordable housing with park space and other amenities.

Additionally, based upon the AFFH analysis provided in this chapter, the process can be further enhanced by the application of this fair housing lens in the development of the City's Housing Plan to increase monitoring and enforcement, increased and deeper community outreach and engagement, additional attention to protected classes, and being proactive in addressing the root causes of housing disparity before they occur or become further entrenched. In light of the increased housing activity, the City has not experienced displacement as the "specific plan" areas are transitioning into mixed-use housing developments and not redeveloping existing housing stock. Nonetheless, the City has identified displacement as an issue to monitor and develop specific actions and policies in the Housing Plan, as part of the five focus areas previously mentioned in this chapter.

Even though the City relies heavily upon "specific plan" parcels to meet it's RHNA, additional housing development is not exclusive to the parcels identified in the Housing Element. Additionally, engagement with the community on additional specific plan areas will continue as we prepare the jurisdiction for the 7th cycle Housing Element as the parcels identified in the Housing Element for housing development are located in or near Moderate to High Resources Areas, and not in areas of concentrated poverty. Further, the investment in and around "specific plan" areas and additional amenities in the Northeastern portion of the jurisdiction has resulted in a change from moderate to high resource. Additionally, the Northeastern portion of the jurisdiction contains 90% of the identified units designated to satisfy the RHNA. The jurisdiction intentionally avoided areas of low-resource (see Figure 13.3-20: TCAC Opportunity Areas) and concentrations of poverty (see Figure 13.3-16: "R/ECAPS") in the "specific plan" process. While most of these project areas are primarily in the Northern half of the jurisdiction, housing development has taken place and will continue to take place throughout the jurisdiction. This is more evident in the distribution of permitted ADUs in the City, and general interest in the El Camino Real corridor, where the City is in the process of re-evaluating the proposed specific plan for that portion of the community.

Fair Housing Enforcement, Education and Outreach

Fair housing enforcement and outreach capacity refers to the ability of a locality and fair housing entities to disseminate information related to fair housing laws and rights and provide outreach and education to community members. Enforcement and outreach capacity also includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing. The Fair Employment and Housing Act and the Unruh Civil Rights Act are the primary California fair housing laws. California state law extends anti-discrimination protections in housing to several classes that are not covered by the federal Fair Housing Act (FHA) of 1968, including prohibiting discrimination on the basis of sexual orientation. Table 13.3-2 below describes the Fair Housing service providers in Santa Clara County and the City of Santa Clara, including local housing, social, and legal services.

Table 13.3-2: Fair Housing Providers in Santa Clara County and Santa Clara

Provider	*Services*
Project Sentinel	Provides education and counseling to community members and housing providers about fair housing law. Investigates complaints and provides advocacy for those experiencing housing discrimination.
Bay Area Legal Aid	Largest civil legal aid provider serving seven Bay Area counties. Has a focus area in housing preservation and a homelessness task force to provide legal services and advocacy for those in need.

Table 13.3-2: Fair Housing Providers in Santa Clara County and Santa Clara

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Law Foundation of Silicon Valley	Provides free legal advice and representation on housing matters to low-income families and individuals in Santa Clara County.
Senior Adults Legal Assistance	Non-profit elder law office supporting residents 60 years and older in Santa Clara County to live safely and independently. Attorneys provide legal services from advice and referrals to legal representation.
Asian Law Alliance	A non-profit providing equal access to the justice system for Asian and Pacific-Islander low-income populations in Silicon Valley. Providing legal counseling and language assistance for individuals seeking housing.

Source(s): City of Santa Clara, 2022

California's Department of Fair Employment and Housing (DFEH) has statutory mandates to protect the people of California from discrimination pursuant to the California Fair Employment and Housing Act (FEHA), Ralph Civil Rights Act, and Unruh Civil Rights Act (with regards to housing).

The FEHA prohibits discrimination and harassment on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, sexual orientation, marital status, military or veteran status, national origin, ancestry, familial status, source of income, disability, and genetic information, or because another person perceives the tenant or applicant to have one or more of these characteristics.

The Ralph Civil Rights Act (Civ. Code, § 51.7) guarantees the right of all persons within California to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, or position in a labor dispute, or because another person perceives them to have one or more of these characteristics.

The Unruh Civil Rights Act (Civ. Code, § 51) prohibits business establishments in California from discriminating in the provision of services, accommodations, advantages, facilities and privileges to clients, patrons and customers because of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.

Table 13.3-3: Number of DFEH Housing Complaints in Santa Clara County (2020)

Year	*Housing*	*Unruh Civil Rights Act*
2015	73	8
2016	52	7
2017	33	22
2018	28	14
2019	28	14
2020	33	10

Source(s): https://www.dfeh.ca.gov/LegalRecords/?content=reports#reportsBody

Chapter 13.3 Affirmatively Furthering Fair Housing

AFFH and the Housing Plan

As part of the Housing Element outreach and analysis, the City of Santa Clara has identified specific issues that provide the basis for a focused AFFH strategy in the Housing Plan. The City's five AFFH focus areas are 1) Segregation/Integration Patterns and Disparities in Access to Opportunity, 2) Disproportionate Housing Needs and Displacement Risk, 3) Cost Burden, 4) Targeted Fair Housing Outreach, and 5) Substandard Conditions. The table below defines each issue, followed by a brief discussion of how these issues impact the City, and how and where these issues overlap. This chapter also includes data and maps to further analyze the contributing factors that are driving these issues. The matrix at the end of the chapter summarizes contributing factors and the action the City will take to respond to them. Each of these issues will be thoroughly addressed by the Goals, Policies, and Actions of the Housing Plan in Chapter 13.2.

Table 13.3-1: AFFH Focus Areas

Issues	*Definition*
1. Segregation/Integration Patterns and Disparities in Access to Opportunity	A concept to approximate the link between place-based characteristics (e.g., education, employment, safety, and the environment) and critical life outcomes (e.g., health, wealth, and life expectancy). Ensuring access to opportunity means both improving the quality of life for residents of low-income communities, as well as supporting residents' mobility and access to 'high resource' neighborhoods by creating inclusive, integrated development in those areas.
2. Disproportionate Housing Needs and Displacement Risk	Displacement occurs when housing costs or neighboring conditions force current residents out and rents become so high that lower-income people are excluded from moving in.
3. Cost Burden	Households paying 30 percent or more of their gross income on housing expenses, including rent or mortgage payments and utilities.
4. Targeted Fair Housing Outreach	To residents in areas with concentrations of Low-Moderate- Income (LMI), overcrowding, Housing Choice Vouchers (HCVs), low opportunity areas, lower education scores, high EnviroScreen scores, etc.

Table 13.3-1: AFFH Focus Areas

Issues	*Definition*
5. Substandard Conditions	Housing with incomplete plumbing or kitchen facilities

Segregation/Integration Patterns and Disparities in Access to Opportunity

In the City of Santa Clara, access to opportunity is a major AFFH issue of focus. Ensuring access to opportunity means both improving the quality of life for residents of low-income communities, as well as supporting residents' mobility and access to 'high resource' neighborhoods. The regional and local trends regarding access to opportunity are discussed below.

Regional Trends: Cities with higher resources, indicating higher employment rates, lower poverty rates, proximity to jobs, high educational proficiency, and limited exposure to environmental health hazards are concentrated in the western part of the County in the cities of Palo Alto, Cupertino, Saratoga, Monte Sereno, and Los Gatos. The central part of the County has a mix of resource scores of high, moderate, and low, with the largest concentration of low resource areas in San Jose and Morgan Hill. The eastern part of San Jose has areas with both the lowest and highest resource scores.

Local Trends: According to the 2022 TCAC/HCD Opportunity Map (Figure 20), the City of Santa Clara has a mix of low, moderate, high, and highest resources. The northern part of the city has moderate resources, the central part of the city has low resources, and the southern part of the city has a mix of low, moderate, high, and highest resources. The areas with low resources also overlap with higher CalEnviroScreen Scores (50 to 74 percent) (Figure 31), lower Healthy Places Index Scores (50 to 75) (Figure 33), higher rates of LMI households (50 to 75 percent) and areas with higher non-White populations (61 to 80 percent). The lower resources in central Santa Clara can largely be attributed to the area being industrial in nature. However, a recently constructed mixed use development, Santa Clara Square, has added housing units and high-quality amenities to the area. Specifically, Santa Clara Square includes up to 1,840 housing units, parks, a new full-service grocery store, restaurants, and neighborhood serving retail. Also in the central area, the recently under construction Gateway Crossings, is another mixed-use project with 1,565 residential units, 45,000 sf supporting retail, and 2.1 acres of park.

Disproportionate Housing Needs and Displacement Risk

Disproportionate Housing Needs and Displacement Risk are another major concern for the City of Santa Clara. UC Berkeley's Urban Displacement Project states that a census tract is a sensitive community if the proportion of very low income residents was above 20 percent in 2017 and the census tracts meets two of the following criteria: (1) Share of renters above 40 percent in 2017; (2) Share of Non-White population above 50 percent in 2017; (3) Share of very low-income households (50 percent AMI or below) that are also severely rent burdened households above the county median in 2017; or (4) Nearby areas have been experiencing displacement pressures. Regional and local displacement risk trends are discussed below.

Regional Trends: Sensitive communities in the County lie primarily along the 101 corridor from Sunnyvale to Gilroy and extend out to Cupertino in the west and east San Jose in the east. Housing prices in this area have continued to rise as the technology industry booms in Silicon Valley, explaining the high percentage of areas in the county identified as sensitive communities.

Local Trends: Sensitive communities often overlap with communities with lower access to opportunities. In Santa Clara, however, there is the low possibility of displacement in areas identified in the approved Specific Plans as new investment is realized in areas that are currently non-residential. This potential displacement has been mitigated through the City of Santa Clara's Affordable Housing Ordinance. As most of the City was identified as a sensitive community, and only a few tracts in the south are not identified as sensitive communities, anti-displacement policies and actions are an integral part of the project review process.

Cost Burden

Housing cost burden is a priority issue for the City. Housing cost burden is considered a housing need because households that overpay for housing costs may have difficulty affording other necessary expenses, such as childcare, transportation, and medical costs. Regional and local cost burden trends are discussed below:

Regional Trends: There are concentrations of cost-burdened renters in Mountain View, San Jose, and Morgan Hill. These cities have areas with renters experiencing overpayment above 80 percent. The average for all households County-wide is 49.7 percent with 64.2 percent of renters experiencing cost burden versus 38.6 percent of owners.

Local Trends: 50.7 percent of all households in Santa Clara experience cost burdens. This rate is much higher for renters than owners (63 and 34.4 percent, respectively).

Targeted Fair Housing Outreach

Targeted outreach to residents in areas with concentrations of LMI, overcrowding, HCVs, low access to opportunity, high EnviroScreen scores, and displacement risk, cost burden, and substandard conditions should be a priority focus for the City. Outreach would include educational campaigns to residents about programs such as affordable housing lotteries, landlord/tenant mediation services, tenant based rental assistance, the NCIP home repair program, and others.

Targeted outreach should be focused in the areas identified in the other AFFH priority issue sections.

Substandard Conditions

Regional Trends: According to 2015-2019 ACS estimates, 0.2 percent of households in Santa Clara County lack complete kitchen facilities and 0.2 percent of households lack complete plumbing facilities. Renter households are more likely to lack complete facilities compared to owner households.

Local Trends: In Santa Clara 1.3 percent of households lack complete kitchen facilities and 0.2 percent lack complete plumbing facilities. Again, renter households are more likely to lack complete facilities compared to owner households.

Introduction and Overview of AB 686

In January 2017, Assembly Bill 686 (AB 686) introduced an obligation to affirmatively further fair housing (AFFH) into California state law. AB 686 defined "affirmatively further fair housing" to mean "taking meaningful actions, in addition to combat discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity" for persons of color, persons with disabilities, and other protected classes.

Analysis Requirements

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Table 13.3-3: Number of DFEH Housing Complaints in Santa Clara County (2020)

Year	*Housing*	*Unruh Civil Rights Act*
2015	73	8
2016	52	7
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2018	28	14
2019	28	14
2020	33	10

Source(s): https://www.dfeh.ca.gov/LegalRecords/?content=reports#reportsBody

Table 13.3-4: Number of FHEO Filed Cases by Protected Class in Santa Clara County (2015–2020)

Year	*Number of Filed Cases*	*Disability*	*Race*	*National Origin*	*Sex*	*Familial Status*
2015	53	26	20	6	6	8
2016	40	22	3	7	1	11
2017	31	16	4	3	4	7
2018	36	21	5	6	4	3
2019	38	23	7	1	2	7
2020	16	7	7	2	2	2
Total	**214**	**115**	**46**	**25**	**19**	**38**
Percentage of Total Filed Cases *Note that cases may be filed on more than one basis.		53.7%	21.5%	11.6%	8.8%	17.7%

Source(s): Data.Gov - Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity (FHEO) Filed Cases, https://catalog.data.gov/dataset/fheo-filed-cases

The City funds fair housing education, investigation, enforcement, and outreach annually. In program year 2020, the area non-profit Project Sentinel received $20,000 of local funds for the provision of fair housing services. Project Sentinel provides comprehensive fair housing services including investigation, counseling, referral, and education designed to reduce the incidence of illegal discrimination in housing. In program year 2020, the agency assisted 31 individuals and conducted landlord/tenant mediation assisting 336 households, along with outreach activities to residents, service providers, and housing providers through education and information sessions on fair housing law and Project Sentinel's services.

Services that were not provided include (2.) Case tested by phone; (4.) Case referred to HUD and (8.) Case accepted for full representation. The most common action(s) taken/services provided are providing clients with counseling, followed by sending testers for investigation, and conciliation

with landlords. Regardless of actions taken or services provided, almost 45% of cases are found to have insufficient evidence. Only about 12% of all cases resulted in successful mediation.

The City of Santa Clara complies with all State and federal fair housing laws and regulations and is not aware of any fair housing findings, lawsuits, enforcement actions, settlements, or judgements.

Fair Housing Testing

Fair housing testing is a randomized audit of property owners' compliance with local, state, and federal fair housing laws. Initiated by the Department of Justice's Civil Rights Division in 1991, fair housing testing involves the use of an individual or individuals who pose as prospective renters for the purpose of determining whether a landlord is complying with local, state, and federal fair housing laws.

California Department of Fair Employment and Housing (DFEH)

Residents may submit complaints to the DFEH, which is the statewide agency that enforces fair housing laws. The DFEH will investigate and determine whether or not the complainant has a right to sue. In 2018, DFEH received over 600 complaints from residents of Santa Clara County.

Assessment of Fair Housing Issues

Central Santa Clara has generally low socio-economic standards for residents. This area has been historically industrial with very few residential areas. The few residential areas require proactive outreach programs to connect with residents, market programs, and inclusionary housing opportunities available elsewhere in the city.

Race/Ethnicity

Segregation is defined as the separation or isolation of a race/ethnic group, national origin group, individuals with disabilities, or other social group by enforced or voluntary residence in a restricted area, by barriers to social connection or dealings between persons or groups, by separate educational facilities, or by other discriminatory means.

To measure segregation in a given jurisdiction, the US Department of Housing and Urban Development (HUD) provides racial or ethnic dissimilarity trends. Dissimilarity indices are used to measure the evenness with which two groups (frequently defined on racial or ethnic characteristics) are distributed across geographic units, such as block groups within a community. The index ranges from 0 to 100, with 0 meaning no segregation and 100 indicating complete segregation between the two groups. The index score can be understood as the percentage of one of the two groups that would need to move to produce an even distribution of racial/ethnic groups within the specified area. For example, if an index score is above 60, 60

percent of people in the specified area would need to move to eliminate segregation. The following shows how HUD views various levels of the index:

- <40: Low Segregation
- 40-54: Moderate Segregation
- >55: High Segregation

Ethnic and racial composition of a region is useful in analyzing housing demand and any related fair housing concerns as it tends to demonstrate a relationship with other characteristics such as household size, locational preferences, and mobility. Prior studies have identified socioeconomic status, generational care needs, and cultural preferences as factors associated with "doubling up"—households with extended family members and non-kin. These factors have also been associated with ethnicity and race. Other studies have also found that minorities tend to congregate in metropolitan areas, though their mobility trend predictions are complicated by economic status (minorities moving to the suburbs when they achieve middle class) or immigration status (recent immigrants tend to stay in metro areas/ports of entry).

Regional Trends

Santa Clara County is a large, diverse jurisdiction where people of color represent a majority of the population. As of the 2019 census, 36 percent of residents were Asian, 31.5 percent of residents with non-Hispanic White, followed by Hispanic or Latino residents at 25 percent. The complete racial breakdown for the County can be seen in Table 13.3-5.

While overall rates of segregation in the County are moderate, rates have been growing since the 1990s. The most segregated group has consistently been Hispanic residents with an index score of 48.57 in 2010, up from 44.97 in 1990. The next most segregated group is Black residents with a 2010 index score of 47.67 up from 43.86 in 1990. This is followed by Asian residents with a 2010 index score of 30.21 up from 25.33 in 1990. Overall, in 2010, non-white and white residents had an index score of 31.5 which is considered low segregation, although this is up from 1990 when the score was 28.67.

Figure 13.3-1 geographically displays the percentage of the non-White population in the County. The higher percentage of non-White populations are concentrated around San Jose, Milpitas, Santa Clara, and Cupertino. In these areas, the non-White population percentage is as high as 61 to 80 percent. The largest racial group in the County is made up of Asian residents (36 percent), followed by White, non-Hispanic residents (31.5 percent), and Hispanic or Latino residents (25 percent).

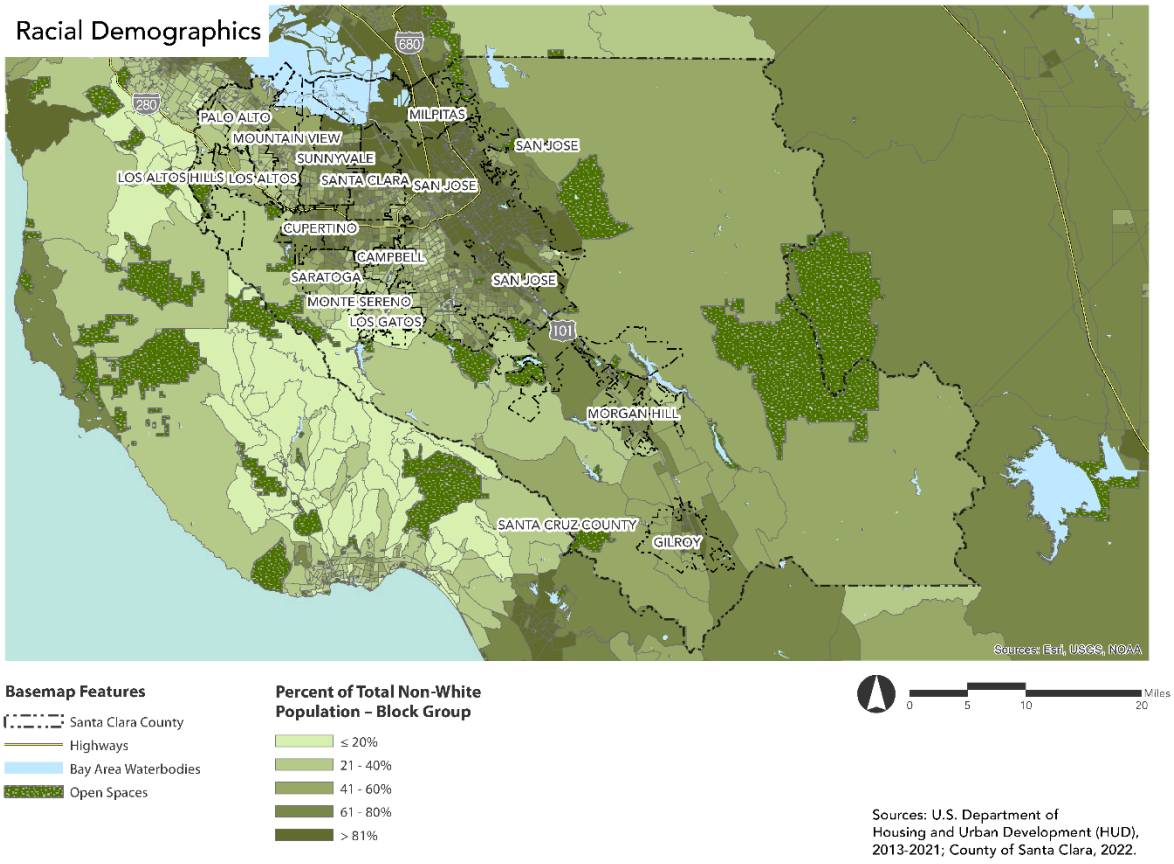
Table 13.3-5: Racial/Ethnic Dissimilarity Trends (1990–2020)

Dissimilarity Index	*Santa Clara County*			
	1990 Trend	*2000 Trend*	*2010 Trend*	*Current (2020 Census Block Group)*
Non-White/White	28.67	28.49	27.28	31.50
Black/White	43.86	41.59	41.88	47.67
Hispanic/White	44.97	46.52	46.26	48.57
Asian or Pacific Islander/White	25.33	26.68	25.6	30.21

Source(s): HUD's Affirmatively Furthering Fair Housing Tool (AFFH-T), Table 13.3-5 – Racial/Ethnic Dissimilarity Trends, Data version: AFFHT006, released July 10th, 2020.

Note: Table 13.3-5 presents Decennial Census values for 1990, 2000, 2010, all calculated by HUD using census tracts as the area of measurement. The "current" figure is calculated using block groups from the 2010 Decennial Census, because block groups can measure segregation at a finer grain than census tracts due to their smaller geographies. See https://www.hud.gov/program_offices/fair_housing_equal_opp/affh for more information.

FIGURE 13.3-1: REGIONAL RACIAL DEMOGRAPHICS (2021)



Local Trends

The demographics of Santa Clara are somewhat reflective of the County as a whole. The largest racial group in Santa Clara is Asian, Non-Hispanic at 43 percent which is also the largest racial group in the County. White, Non-Hispanic residents make up the second largest group in both the City and County at 31.5 percent. The largest difference in racial group between Santa Clara and the County is with Hispanic residents. In the County, Hispanic residents make up 25 percent of the population, while in the City they make up 17.3 percent.

Table 13.3-6: Racial Composition Santa Clara County and Santa Clara (2019)

	Santa Clara County	*Santa Clara*
White, non-Hispanic	31.5%	31.5%
Black or African American, non-Hispanic	2.3%	3%
American Indian and Alaska Native, non-Hispanic	0.2%	0.1%
Asian, non-Hispanic	36%	43%

Table 13.3-6: Racial Composition Santa Clara County and Santa Clara (2019)

	Santa Clara County	*Santa Clara*
Native Hawaiian and Other Pacific Islander, non-Hispanic	0.3%	0.6%
Some other race, non-Hispanic	0.2%	0.2%
Two or more races, non-Hispanic	3.5%	4%
Hispanic or Latino	25%	17.3%

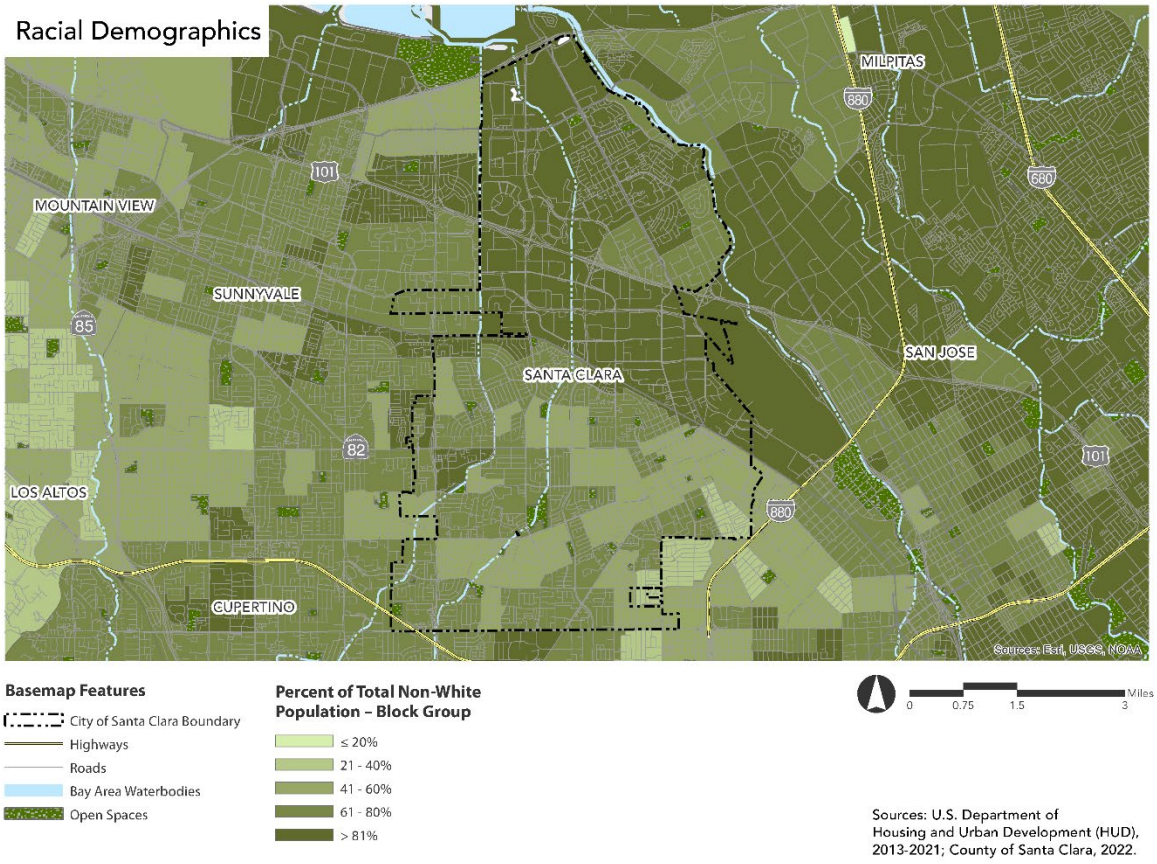
Source(s): American Community Survey, 2015-2019

Within Santa Clara there are some major geographic differences in racial demographics within the city. The northern and central areas of Santa Clara have a non-white population between 61 to 80 percent. In the northern part of the city there are a few tracts where this percentage drops to 41 to 60 percent. The southern part of the city has a patchwork pattern of tracts with non-White groups between 21 to 40 percent and 41 to 60 percent. There are a few tracts where this percentage goes as low as20 percent and below or as high as 61 to 80 percent, but these are just small pockets. Overall, according to the 2022 ABAG insolation interactive maps and reports, racial isolation in the City is low for White, non-Hispanic and Black or African American populations, and high for Asian and Hispanic or Latino segments.

These areas with a higher non-White population have overlap with a number of other variables that likely impact and influence one another. Central Santa Clara has higher areas of low to moderate income levels (LMI) (Figure 13.3-10). Central Santa Clara overlaps with LMI levels of 50 to 75 percent. There is a census tract in northern Santa Clara where LMI levels are between 75 to 100 percent. Central Santa Clara also overlaps with lower household incomes ($87,000) compared to the rest of the city (Figure 13.3-19). These lower incomes likely contribute to the higher rates of overpayment by renters in central Santa Clara (40 to 60 percent) (Figure 13.3-36). Central Santa Clara is also identified as a low resource area using the TCAC scoring system (Figure 13.3-21) which considers economic, educational, and environmental factors. Lastly, CalEnviroScreen scores in Central Santa Clara are between 50 to 74 percent which indicate less healthy conditions (Figure 13.3-32).

Santa Clara is to the East of both Sunnyvale and Mountain View and to the West of Milpitas. These cities have similar population numbers so will serve as a comparison points. Directly to the east of Santa Clara is North San Jose which is a part of the city of San Jose, a much larger city and thus will not serve as a comparison for Santa Clara.

FIGURE 13.3-2: RACIAL DEMOGRAPHICS OF SANTA CLARA (2021)



Historic Context

Although the City of Santa Clara is a racially diverse community with relatively low levels of segregation, there are only small numbers of African American residents, both in the City of Santa Clara and in the the county as a whole**.** This is a result of systemic racism in private lending practices, federal loan guarantees, and local zoning and infrastructure decisions in the postwar years, as documented in the book, "The Color of Law" by Richard Rothstein. Among other examples, the book documents the efforts of Ford workers and their union to get housing built for African American workers at the Milpitas Ford Plant in the 1950s.

After the Ford workers discovered that no Milpitas-area developers would sell homes to African Americans, they enlisted the help of a Quaker service group devoted to racial equity who helped find a willing lender to fund an integrated subdivision in unincorporated Mountain View, and is described in the excerpt from Rothstein's book below:

> "But when the builder's intent to sell both to blacks and whites became known, the Santa Clara Board of Supervisors rezoned the site from residential to industrial use. When he found a second plot, Mountain View officials told him that they would never grant the

> necessary approvals. He next identified a third tract of land in another town near the Ford plant; when officials discovered that the project would not be segregated, the town adopted a new zoning law increasing the minimum lot size from 6,000 to 8,000 square feet, making the project unfeasible for working class buyers. After he attempted to develop a fourth site on which he had an option, the seller of the land canceled the option upon learning that the project would be integrated. At that point, the builder gave up." (The Color of Law, p. 117)

The effects of those discriminatory practices and decisions linger on, both in Milpitas, and in Santa Clara County generally. Additionally, Rothstein continues to describe that "Milpitas is no longer all white - it now has many Hispanic and Asian families - but the effects of its earlier segregation remain visible: African Americans make up only 2 percent of the population." (The Color of Law, p. 121)

Persons with Disabilities

In 1988, Congress added protections against housing discrimination for persons with disabilities through the FHA, which protects against intentional discrimination and unjustified policies and practices with disproportionate effects. The FHA also includes the following unique provisions to persons with disabilities: (1) prohibits the denial of requests for reasonable accommodations for persons with disabilities, if necessary, to afford an individual equal opportunity to use and enjoy a dwelling; and (2) prohibits the denial of reasonable modification requests. With regards to fair housing, persons with disabilities have special housing needs because of the lack of accessible and affordable housing, and the higher health costs associated with their disability. In addition, many may be on fixed incomes that further limit their housing options.

Regional Trends

According to the 2015-2019 American Community Survey (ACS) 5-year estimates, 154,212 residents (eight percent of Santa Clara County's population) report having one of six disability types listed in the ACS (hearing, cognitive, ambulatory, self-care, and independent living). The percentage of residents detailed by disability are listed in Table 13.3-7. In both Santa Clara County and the City of Santa Clara, the percentage of individuals with disabilities increases with age, with the highest percentage of individuals being those 75 years or older.

In Santa Clara, seven percent of the population experiences a disability. This rate is slightly lower than that of the County. The disability rate is highest among residents who identify as White (not Hispanic or Latino) (11.4 percent) and Black or African American (7.5 percent). In the County, the highest percentage of disabled residents by race is among American Indian and Alaska Native residents (14.4 percent) and Black or African American residents (10.7 percent). In Santa Clara, the most common disability is an ambulatory difficulty (3.6 percent) followed by an independent living difficulty (3.3 percent). In the County the same trend follows, the most common disability

is those with an independent living difficulty (4.5 percent) followed by an ambulatory difficulty (4.4 percent)

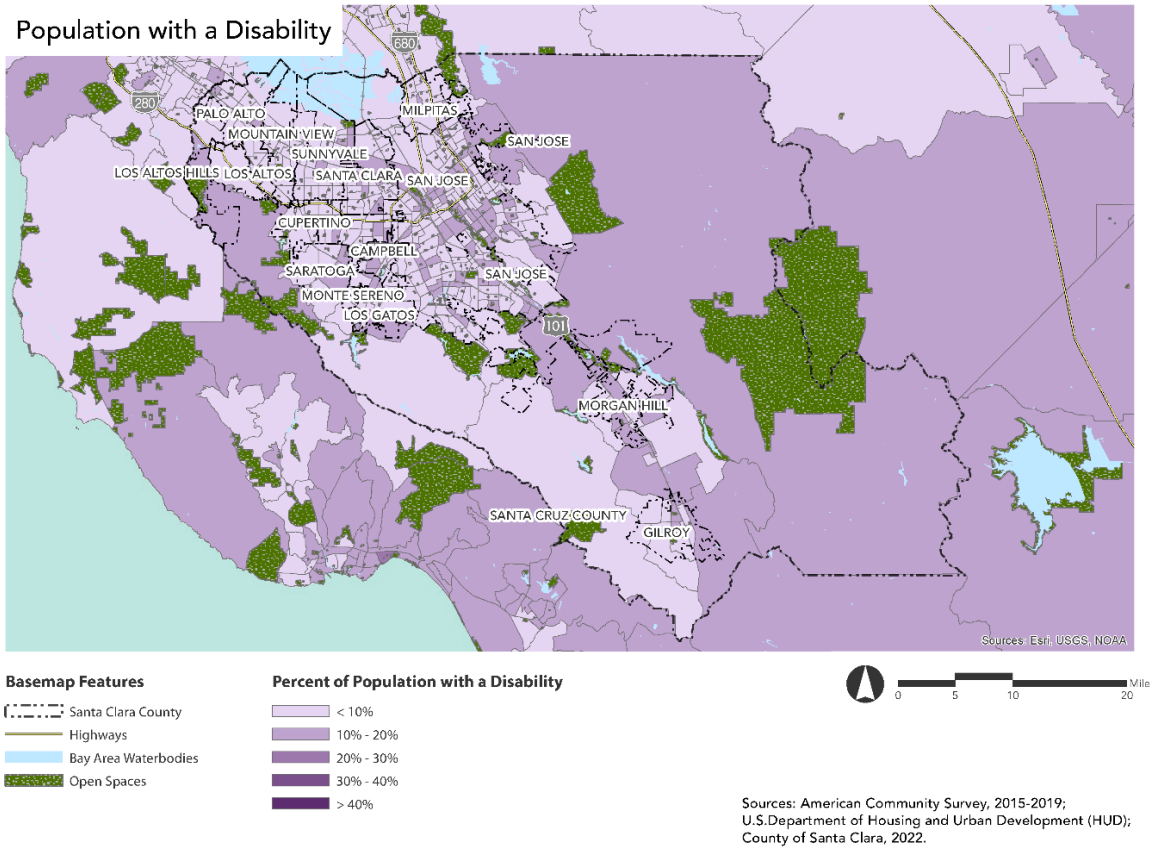
Table 13.3-7: Populations of Persons with Disabilities– Santa Clara County & Santa Clara

	Santa Clara County Percent with a Disability	Santa Clara Percent with a Disability
Civilian non-institutionalized population	8%	7%
Race/ Ethnicity		
Black or African American alone	10.7%	7.5%
American Indian and Alaska Native alone	14.4%	2.9%
Asian alone	6.2%	3.8%
Native Hawaiian and Other Pacific Islander alone	9.4%	6.7%
Some other race alone	6.7%	5.4%
Two or more races	7%	6.1%
White alone, not Hispanic or Latino	10.6%	11.4%
Hispanic of Latino (of any race)	7.5%	7.7%
Age		
Under 5 years	0.7%	1.2%
5 to 17 years	3.1%	3.7%
18 to 34 years	3.9%	2.7%
35 to 64 years	6.2%	5.9%
65 to 74 years	18.2%	18.1%
75 years and over	48%	47.1%
Type		
Hearing difficulty	2.3%	2.1%
Vision difficulty	1.4%	1.2%
Cognitive difficulty	3.3%	2.7%
Ambulatory difficulty	4.4%	3.6%
Self-care difficulty	2.1%	1.6%
Independent living difficulty	4.5%	3.3%

Source(s): 2019 ACS 5-year Estimates, Table S1810

In terms of geographic dispersal, there is a patchwork pattern of persons with a disability throughout the County. There does appear to be a concentration of persons with disabilities within San Jose and expanding out to Santa Clara and Campbell. These areas of concentration have percentages of the population experiencing disabilities at 10 to 20 percent. The waterfront cities of Milpitas, Sunnyvale, Mountain View, and Palo Alto appear to have fewer tracts where residents experience disabilities above 10 percent. Nowhere in the County does the percentage of residents experiencing a disability exceed 20 percent.

FIGURE 13.3-3: REGIONAL POPULATIONS OF PERSONS WITH DISABILITIES BY TRACT (2019)

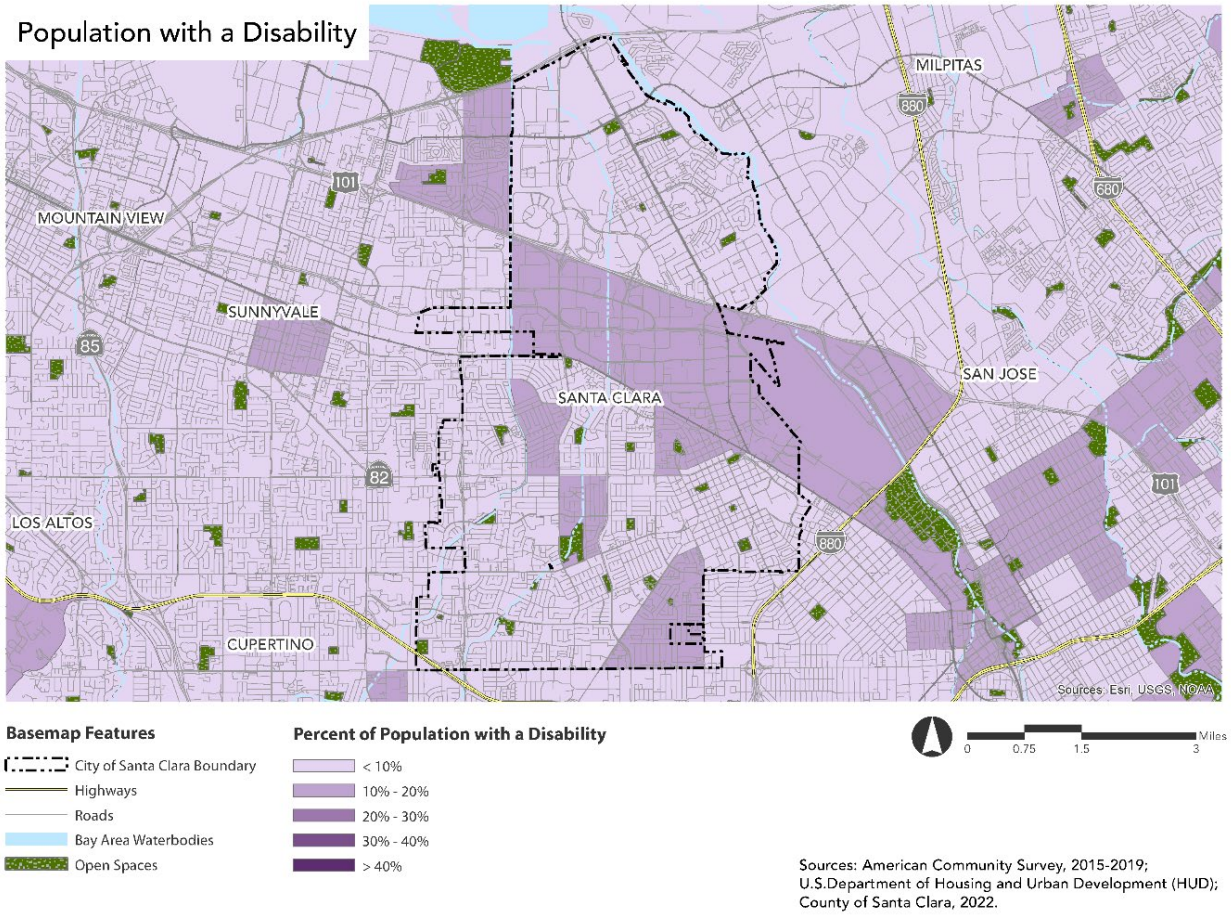


Sources: American Community Survey, 2015-2019; U.S.Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

Local Trends

Within Santa Clara there is a concentration of residents with a disability between 10 to 20 percent in the central part of the city. In the northern part of the city fewer than 10 percent of residents experience a disability. In the southern part of the city there are concentrations where the percentage of residents experiencing a disability rises above 10 percent. The higher rates of poverty in central Santa Clara overlap with higher rates of Low to Moderate Income populations (50 to 75 percent) (Figure 13.3-10). This low rate of residents with disabilities may be explained in part by the young age of Santa Clara residents. According to 2019 ACS data, only 11.4 percent of residents in Santa Clara are 65 and above while 50 percent of residents are between 15 and 44 years old. Comparing rates to the nearby cities of Mountain View, Sunnyvale, and Milpitas these cities have fewer geographic areas where the population experiencing a disability is between 10 to 20 percent.

FIGURE 13.3-4: PERCENT OF POPULATION WITH A DISABILITY – SANTA CLARA (2021)



Sources: American Community Survey, 2015-2019; U.S.Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

Familial Status

Under the Fair Housing Act, housing providers may not discriminate because of familial status. Familial status covers the presence of children under the age of 18, pregnant persons, and any person in the process of securing legal custody of a minor child (including adoptive or foster parents). Examples of familial status discrimination include refusing to rent to families with children, evicting families once a child joins the family (through, e.g., birth, adoption, custody), or requiring families with children to live on specific floors or in specific buildings or areas. Single parent households are also protected by fair housing law.

Families with children often have special housing needs due to lower per capita income, the need for affordable childcare, the need for affordable housing, or the need for larger units with three or more bedrooms. Single parent households are also protected by fair housing law. Female-headed households are of particular consideration as they may experience greater housing affordability challenges due to typically lower household incomes compared to two-parent

households. Often, sex and familial status intersect to compound the discrimination faced by single mothers.

Regional Trends

In Santa Clara County, 27 percent of households have children under the age of 18. Within the County, the cities of Sunnyvale, Palo Alto, and San Jose have the highest percentages of households with children (28.6, 27.1, and 26.2 percent, respectively). Across all the cities listed below in Santa Clara County, there are higher percentages of single-parent female households than single-parent male households. Within the County, Palo Alto and San Jose have the highest percentages of single-parent female households (both 3.8 percent). While single-parent male households have a lower percentage overall, the cities of Palo Alto, San Jose, and Santa Clara have the highest percentages of single-parent male households (1.8, 1.2, and 1.2 percent respectively).

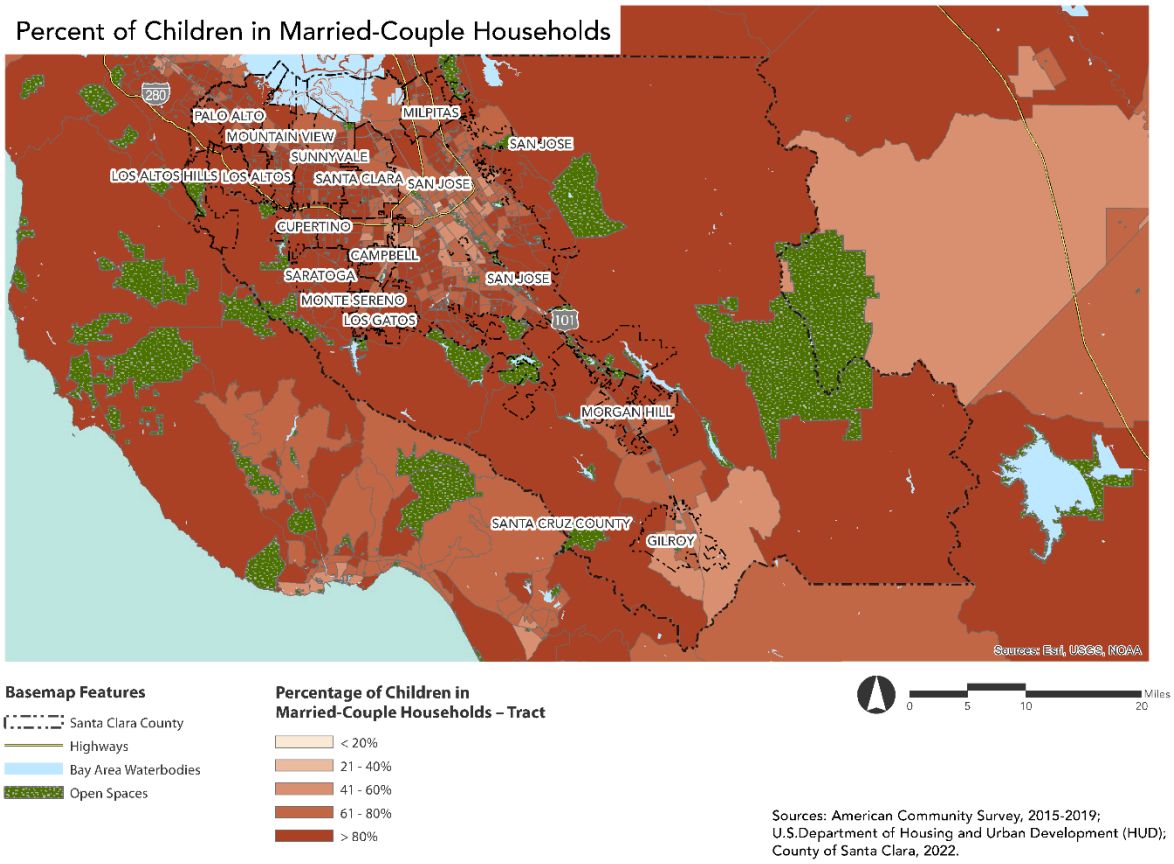
Table 13.3-8. Households with Children in Santa Clara County and Incorporated Cities

	Santa Clara County	Santa Clara	San Jose	Sunnyvale	Palo Alto	Mountain View
Married Couple with Children	27%	26.1%	26.2%	28.6%	27.1%	20.9%
Single-Parent, Male	1.1%	1.2%	1.2%	0.8%	1.8%	0.9%
Single-Parent, Female	3.3%	2.2%	3.8%	1.8%	3.8%	2.7%

Source(s): American Community Survey, 2015-2019 (5-Year Estimates), Table DP02

Figure 13.3-5 visualizes the variety of percentages of children in Santa Clara County living in married-couple households. San Jose has the largest variety with some areas showing below 20 percent of married-couple households with children and other areas showing above 80 percent of married-couple households with children. This lower percentage is concentrated around central San Jose and gets higher as the map moves out. Cities like Palo Alto, Los Altos, Cupertino, and Saratoga along the western part of the County show some of the highest rates of married-couple households with children. Gilroy is another area showing low rates of married-couple households with children (between 21 to 40 percent).

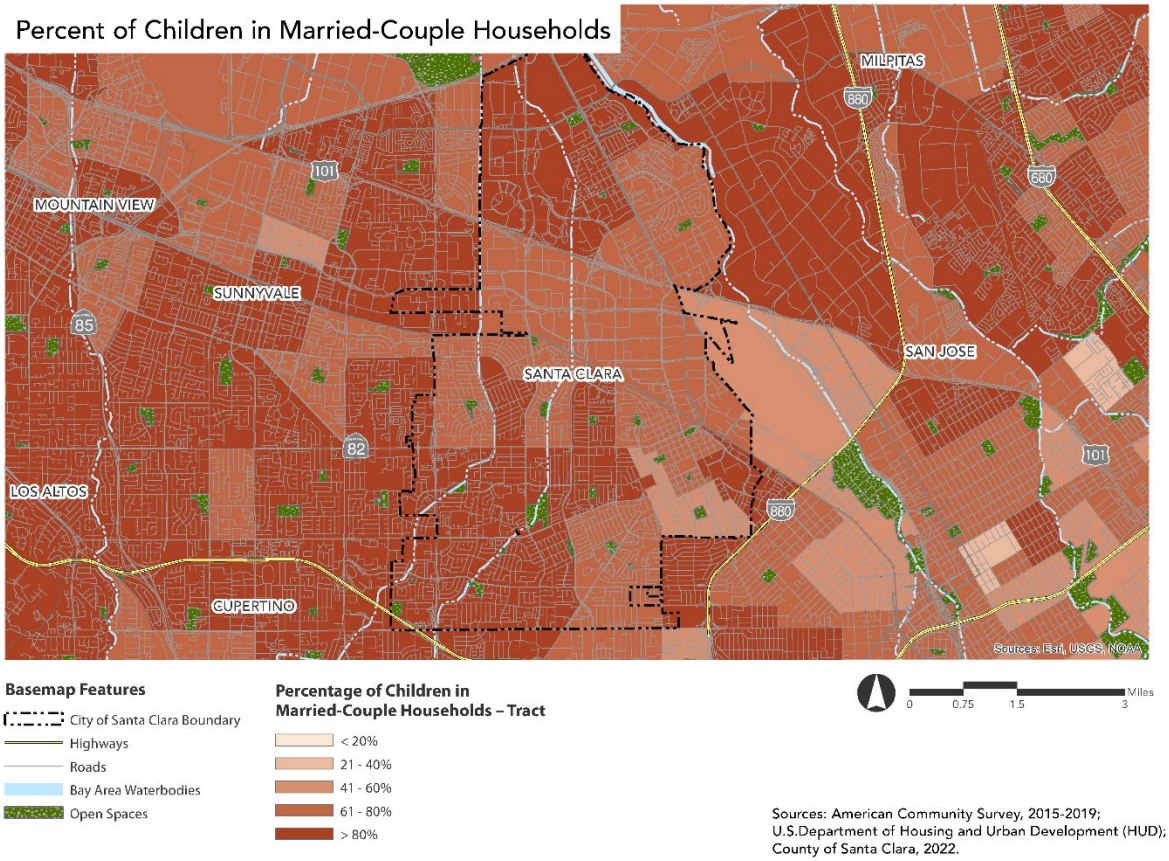
FIGURE 13.3-5: REGIONAL PERCENTAGE OF CHILDREN IN MARRIED-COUPLE HOUSEHOLDS BY TRACTS (2019)



Local Trends

The northern and southern parts of Santa Clara have higher rates of married couple households (between 61 to 80 percent). The central part of Santa Clara has a lower rate of married couple households at 41 to 60 percent. Central Santa Clara also has higher rates of low to moderate income levels (50 to 75 percent), lower incomes ($87,000) (Figure 13.3-18) and higher rates of overpayment (40 to 60 percent) (Figure 13.3-35) which may all be a factor of this lower rate of married couple and likely dual-income households. The nearby cities of Mountain View, Sunnyvale, and Milpitas have similar rates of married couple households.

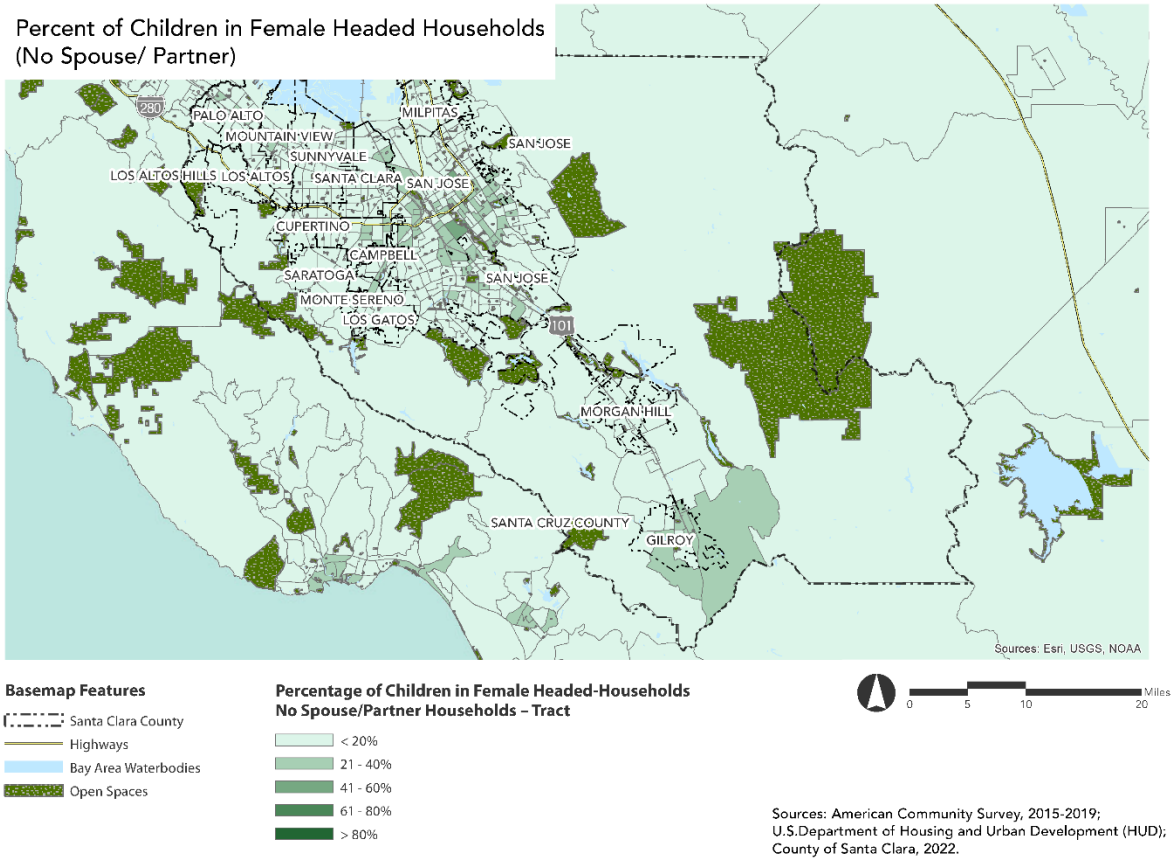
FIGURE 13.3-6: PERCENT OF CHILDREN IN MARRIED-COUPLE HOUSEHOLDS – SANTA CLARA (2021)



Regional Trends

Much of Santa Clara County shows rates of children in female-headed households below 21 to 40 percent. In San Jose there are areas where this percentage rises to 41 to 60 percent. Most cities in the County have some areas where the rate is between 21 to 40 percent, however, some cities along the western part of the County like Los Altos, Cupertino, and Saratoga appear to have rates below 20 percent for the entire city. San Jose, which has the highest concentration of single mother households also has higher rates of non-White populations (61 to 80 percent).

FIGURE 13.3-7: REGIONAL PERCENT OF CHILDREN IN FEMALE-HEADED HOUSEHOLDS BY TRACT (2019)

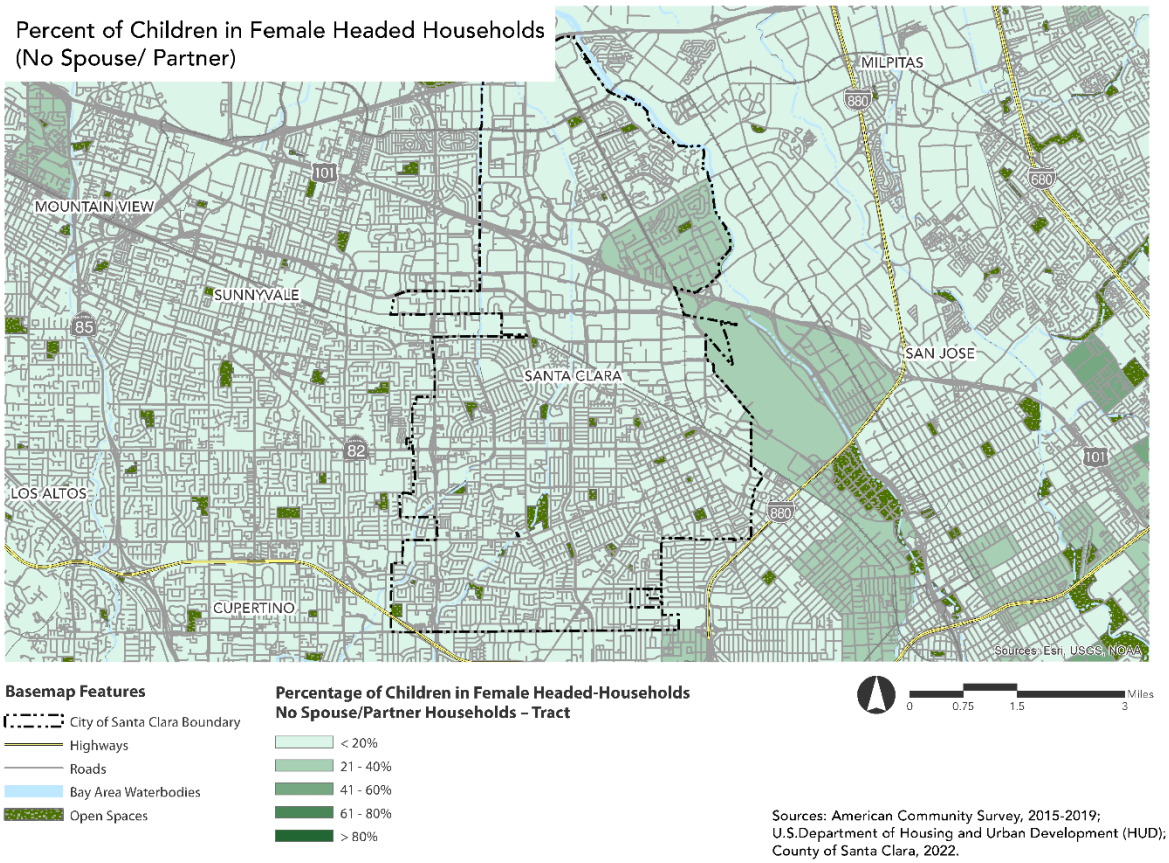


Sources: American Community Survey, 2015-2019; U.S.Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

Local Trends

The majority of Santa Clara has below 20 percent of female headed households with children. There is one small section in northeast Santa Clara where this percentage rises to 21 to 40 percent. This area also overlaps with higher rates of HCV use (5 to 15 percent), higher rates of overpayment by renters (40 to 60 percent), and higher rates of household overcrowding (above 15 percent) (Figure 13.3-37). These trends may be explained in part by the higher rate of female headed households which may only be single income households. The nearby cities of Mountain View and Milpitas have rates below 20 percent for female headed households, and Mountain View has a small section where this rate rises between 21 to 40 percent, similar to Santa Clara.

FIGURE 13.3-8: PERCENT OF CHILDREN IN FEMALE HEADED HOUSEHOLDS – SANTA CLARA (2021)



Income Level

Each year, the HUD receives custom tabulations of American Community Survey (ACS) data from the U.S. Census Bureau. Known as the "CHAS" data (Comprehensive Housing Affordability Strategy), it demonstrates the number of households in need of housing assistance by estimating the number of households that have certain housing problems and have incomes low enough to qualify for HUD's programs (primarily 30, 50, and 80 percent of median income). HUD defines a Low to Moderate Income (LMI) area as a census tract or block group where over 51 percent of the population is LMI (based on HUD income definition of up to 80 percent of the Area Median Income).

Regional Trends

Table 13.3-9 lists Santa Clara County households by income category and tenure. Based on the above definition, 33.5 percent of Santa Clara County households are considered LMI, as they earn less than 80 percent of the HUD Area Median Family Income (HAMFI). About 45 percent of all renter households are considered LMI, compared to about 23 percent of owner households. In

Santa Clara, about 32 percent of all households are considered LMI. Similar to the County, more renter households in the city are LMI (37.5 percent) than owner households (24 percent). Overall, Santa Clara has a slightly larger percentage of owner and renter households earning above the median area income (60.2 percent) compared to the County (58 percent).

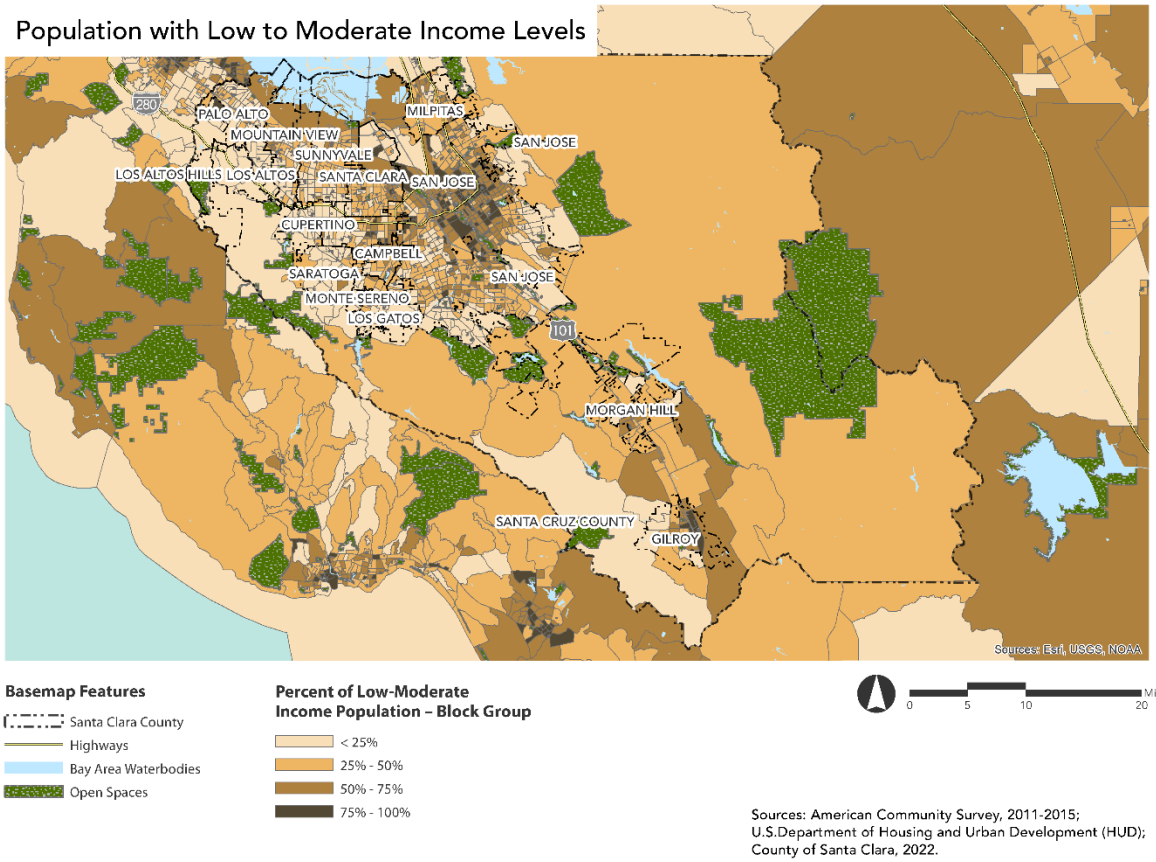
Table 13.3-9. Santa Clara County & Santa Clara Households by Income Category and Tenure

Santa Clara County			
Income Category	**Owner**	**Renter**	**Total**
0%-30% of AMI	7.7%	20.1%	13%
31%-50% of AMI	5.9%	13%	10%
51%-80% of AMI	9.5%	12.4%	10.5%
81%-100% AMI	7.9%	8.9%	8.3%
Greater than 100% of AMI	67.6%	45%	58%
Total	360,660	274,865	635,525
Santa Clara			
Income Category	**Owner**	**Renter**	**Total**
0%-30% of AMI	7.6%	15.6%	12.2%
31%-50% of AMI	8.4%	11.7%	10.3%
51%-80% of AMI	8%	10.2%	9.3%
81%-100% AMI	7.7%	7.9%	7.8%
Greater than 100% of AMI	68%	54%	60.2%
Total	18,930	25,150	44,080

Source(s): HUD CHAS (based on 2014-2018 ACS), 2020.

Figure 13.3-9 shows the LMI areas in Santa Clara County by block group. There are drastic geographic differences in the percentage of LMI populations. The largest concentration of LMI populations is in City of San Jose, where the percentage rises to 50 to 75 percent, and 75 to 100 percent. There are also a few concentrations in Palo Alto, Santa Clara, Campbell, and Gilroy where the LMI population is between 75 to 100 percent. In general, the cities to the west and south of San Jose have lower percentages of LMI populations. This higher LMI percentage in San Jose and the western part of the County may be explained in part by the higher percentages of non-White populations in this area, ranging between 61 to 80 percent, as these populations are more likely to be economically disadvantaged and have lower incomes.

FIGURE 13.3-9: REGIONAL CONCENTRATIONS OF LMI HOUSEHOLDS BY TRACT (2015)

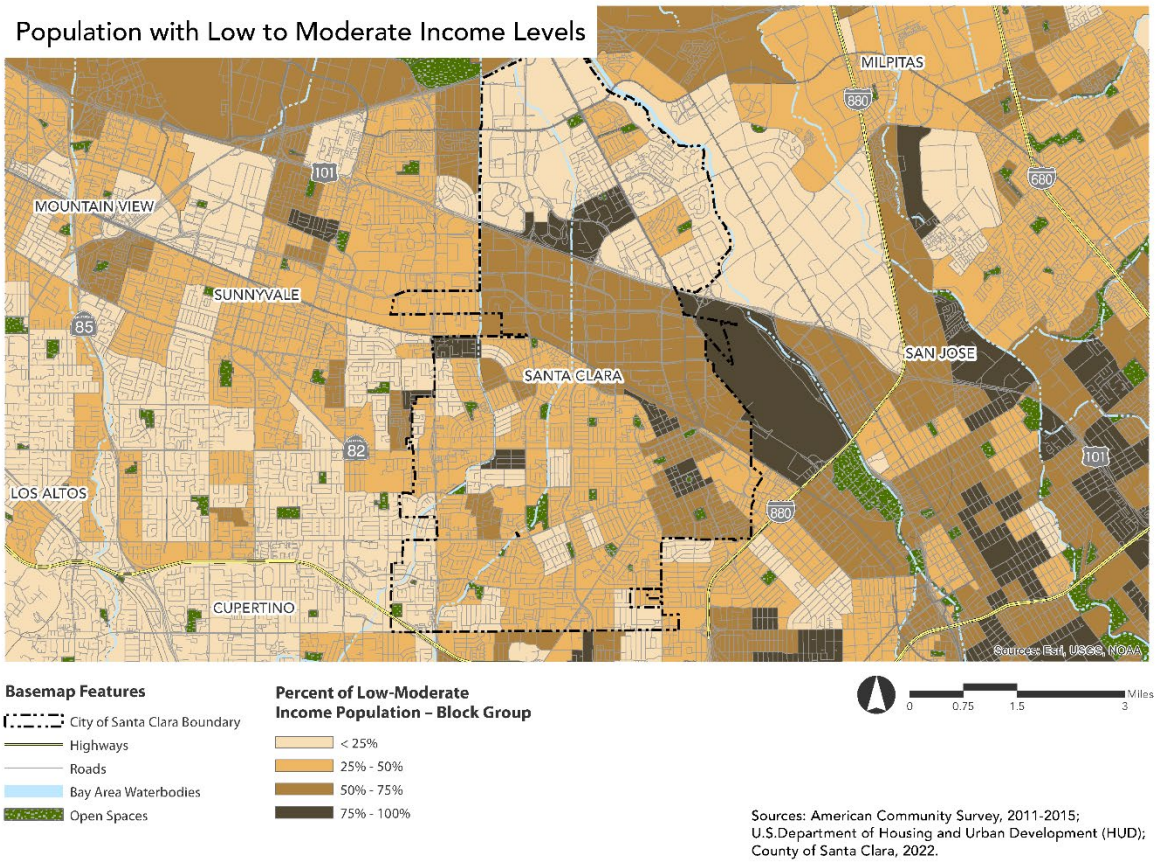


Sources: American Community Survey, 2011-2015; U.S.Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

Local Trends

In Santa Clara there are a few concentrations where the LMI populations are between 75 to 100 percent and a large area where the LMI percentage is between 50 to 75 percent. The rest of the city has block groups with LMI populations between 25 to 50 percent and below 25 percent. The largest LMI concentration between 75 to 100 percent is in the northern part of the city, where these block groups overlap with higher percentages of non-White population block groups (61 to 80 percent) and overcrowded households (12 percent).The large area of LMI population between 50 to 75 percent overlaps with block groups that have higher non-White populations (61 to 80 percent), lower median incomes (below $87,000), and higher rates of overpayment by renters (40 to 60 percent). All three of these factors may provide an explanation for the higher rate of LMI populations in central Santa Clara. Additionally, this area is between Highway 101 and the Union Pacific Railroad and is predominantly industrial, likely contributing to the higher LMI rates. Compared to the nearby cities of Mountain View, Sunnyvale, and Milpitas, Santa Clara has larger geographic areas with higher percentages of LMI populations.

FIGURE 13.3-10: POPULATION WITH LOW TO MODERATE INCOME LEVELS – SANTA CLARA (2021)



Housing Choice Vouchers

Housing Choice Vouchers (HCVs), a form of HUD rental subsidies, are issued to low-income households that promise to pay a certain amount of the household's rent. Prices, or payment standards, are set based on the rent in the metropolitan area, and voucher households must pay any difference between the rent and the voucher amount. Participants of the HCV program are free to choose any rental housing that meets program requirements.

An analysis of the trends in HCV concentration can be useful in examining the success of the program in improving the living conditions and quality of life of its holders. One of the objectives of the HCV program is to encourage participants to avoid high-poverty neighborhoods and encourage the recruitment of landlords with rental properties in low poverty neighborhoods. HCV programs are managed by Public Housing Agencies (PHAs), and the programs assessment structure (SEMAPS) includes an "expanding housing opportunities" indicator that shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration.

A study prepared by HUD's Development Office of Policy Development and Research found a positive association between the HCV share of occupied housing and neighborhood poverty concentration and a negative association between rent and neighborhood poverty[1]. This means that HCV use was concentrated in areas of high poverty where rents tend to be lower. In areas where these patterns occur, the program has not succeeded in moving holders out of areas of poverty.

Regional Trends

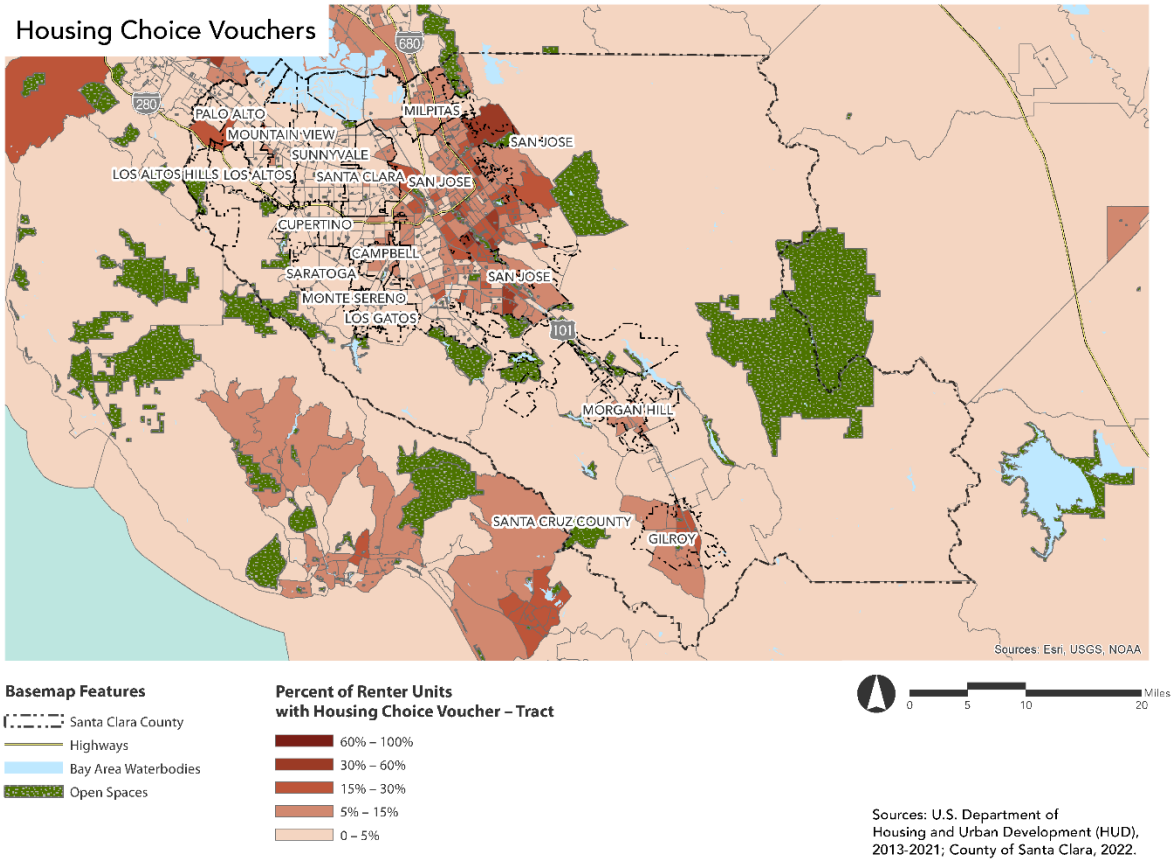
Santa Clara County Housing Authority (SCCHA) provides about 17,000 participants with housing choice vouchers, making it their largest rental assistance program. SCCHA housing choice voucher holders pay 30 percent of their monthly income toward rent. Voucher holders in the "Moving to work" program pay 32 percent of their monthly income towards rent (or a minimum of $50, whichever is higher). SCCHA pays the balance of the rent to the landlords on behalf of the household.

In the County, the cities of Santa Clara, Cupertino, Mountain View, Palo Alto, and Sunnyvale, the vast majority of Project-Based Section 8 units are 0-1 bedrooms. SCHHA generally has a very long waiting list and the average wait for a household to receive an HCV is between eight to 10 years.

HCV concentration is highest in the eastern part of Santa Clara County in the cities of San Jose, Campbell, and Milpitas. As identified earlier, these areas of the County have higher percentages of non-White populations. HCV use in these areas is between five to 15 percent, 15 to 30 percent, and 30 to 60 percent. Palo Alto, Mountain View, Santa Clara, Morgan Hill, and Gilroy also show lower percentages for HCV use while the rest of the County has rates below five percent.

[1] Devine, D.J., Gray, R.W., Rubin, L., & Taghavi, L.B. (2003). *Housing choice voucher location patterns: Implications for participant and neighborhood welfare*. Prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Division of Program Monitoring and Research.

FIGURE 13.3-11: REGIONAL HOUSING HCV CONCENTRATION BY TRACT (2021)



Local Trends

In Santa Clara there are three concentrations of tracts with HCV use between five to 15 percent while the rest of the City's HCV use is below five percent. There are concentrations of higher HCV use in the northern and southern part of the city. The higher HCV concentration in northern Santa Clara overlaps with the only area in the City with higher rates of female headed households (21 to 40 percent), as well as higher rates of overpayment by renters (40 to 60 percent), and higher rates of overcrowded households (above 15 percent). The areas of higher HCV use in the southern part of the City overlaps with higher rates of LMI households (25 to 50 percent) and higher rates of overpayment by renters (40 to 60 percent).

The northern part of Santa Clara has tracts with median gross rents of $2,500. The southern part of the City has a mix of rents between $1,000 and above $3,000. Central Santa Clara has an average median rent below $1,000. This area is more affordable than the rest of the city and households in this area have lower median incomes ($87,000) than the rest of the City. Santa Clara has similar rates of affordability compared to Sunnyvale, Mountain View, and Milpitas.

FIGURE 13.3-13: HOUSING CHOICE VOUCHERS – SANTA CLARA (2021)

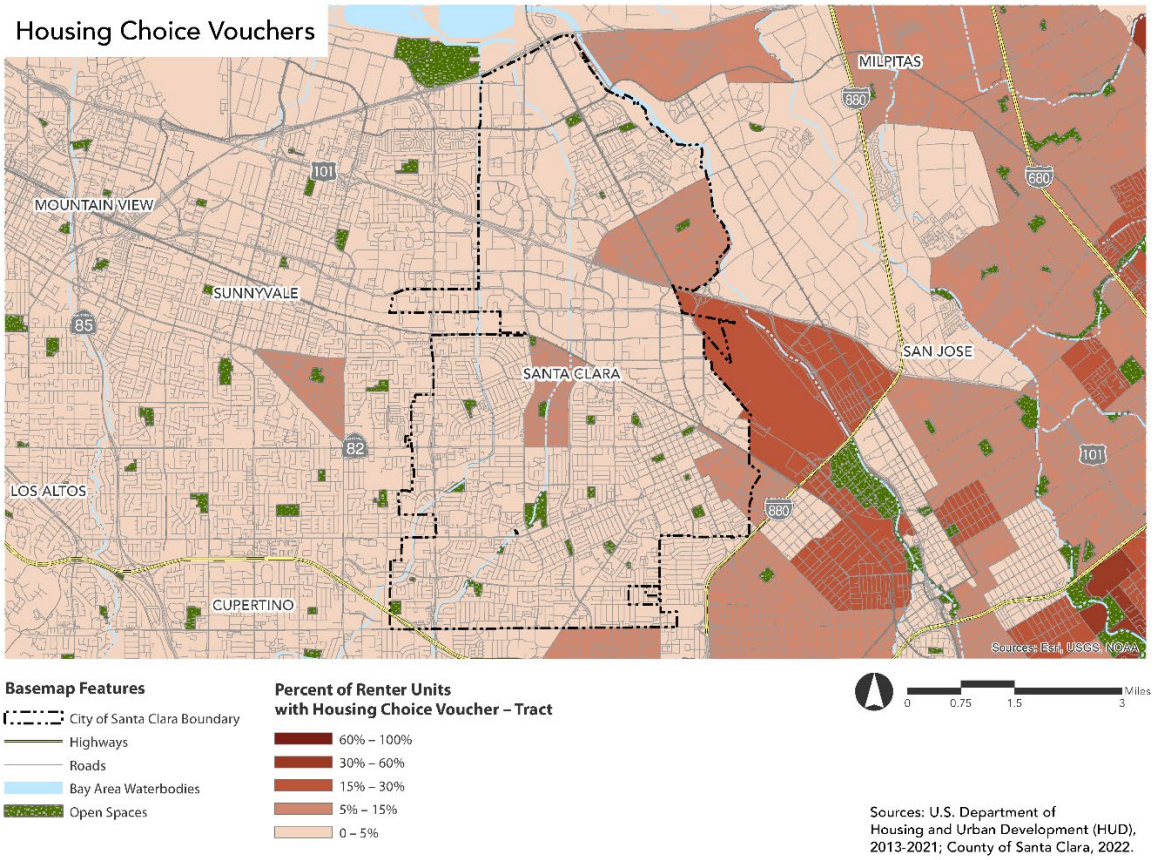


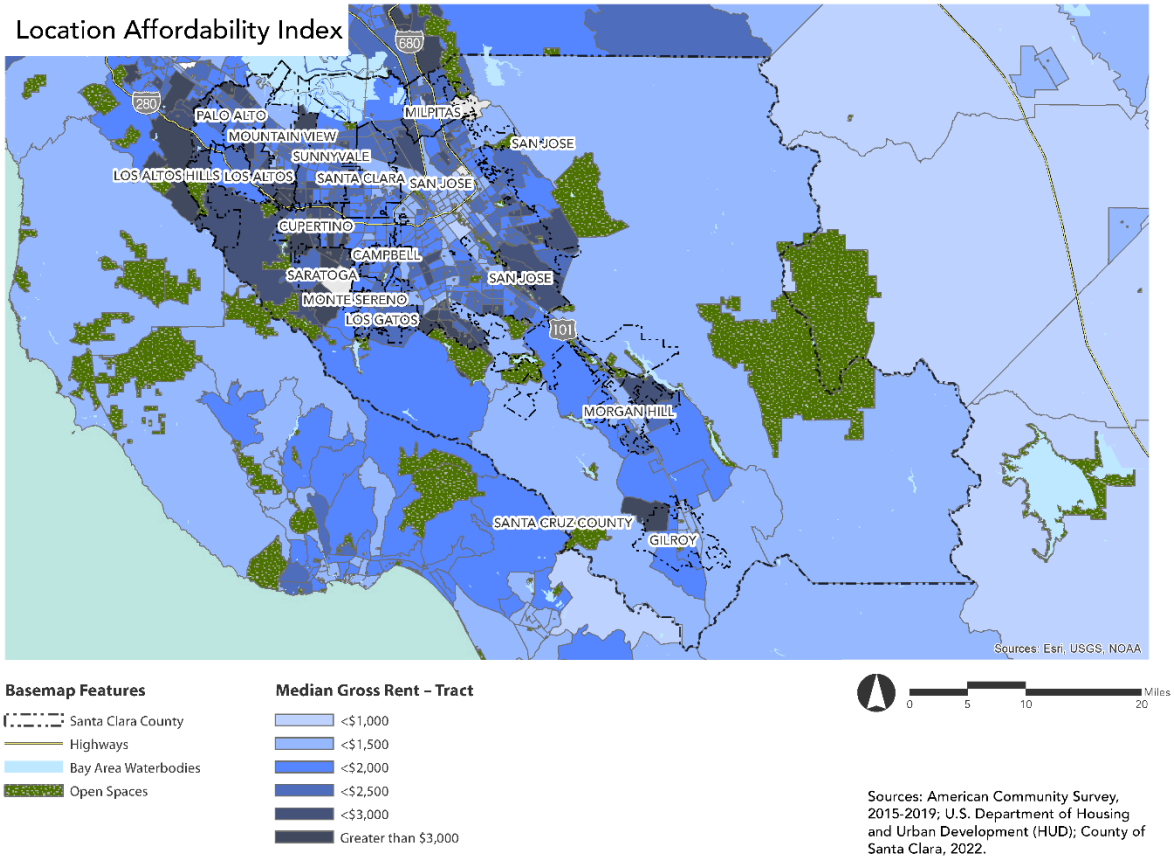
Figure 13.3-12 shows the Location Affordability Index in Santa Clara County. The index was developed by HUD in collaboration with the Department of Transportation under the federal Partnership for Sustainable Communities. One objective of the partnership is to increase public access to data on housing, transportation, and land use. Before this index was established, there was no standardized national data source on household transportation expenses, which limited the ability of homebuyers and renters to fully account for the cost of living in a particular city or neighborhood.

The prevailing standard of affordability in the United States is paying 30 percent or less of a household's income on housing. However, this prevailing standard fails to account for transportation costs, and transportation costs have grown significantly as a proportion of household income since the standard was established. According to the Bureau of Labor Statistics, in the 1930s, American households spent just eight percent of their income on transportation. Since then, as a substantial proportion of the U.S. population has migrated from center cities to surrounding suburbs and exurbs and has come to rely more heavily (or exclusively) on cars, that percentage has steadily increased, peaking at 19.1 percent in 2003. As of 2020, households spent on average about 17.4 percent of their annual income on transportation,

second only to housing costs in terms of budget impact.[2] And for many working-class and rural households, transportation costs exceed housing costs.

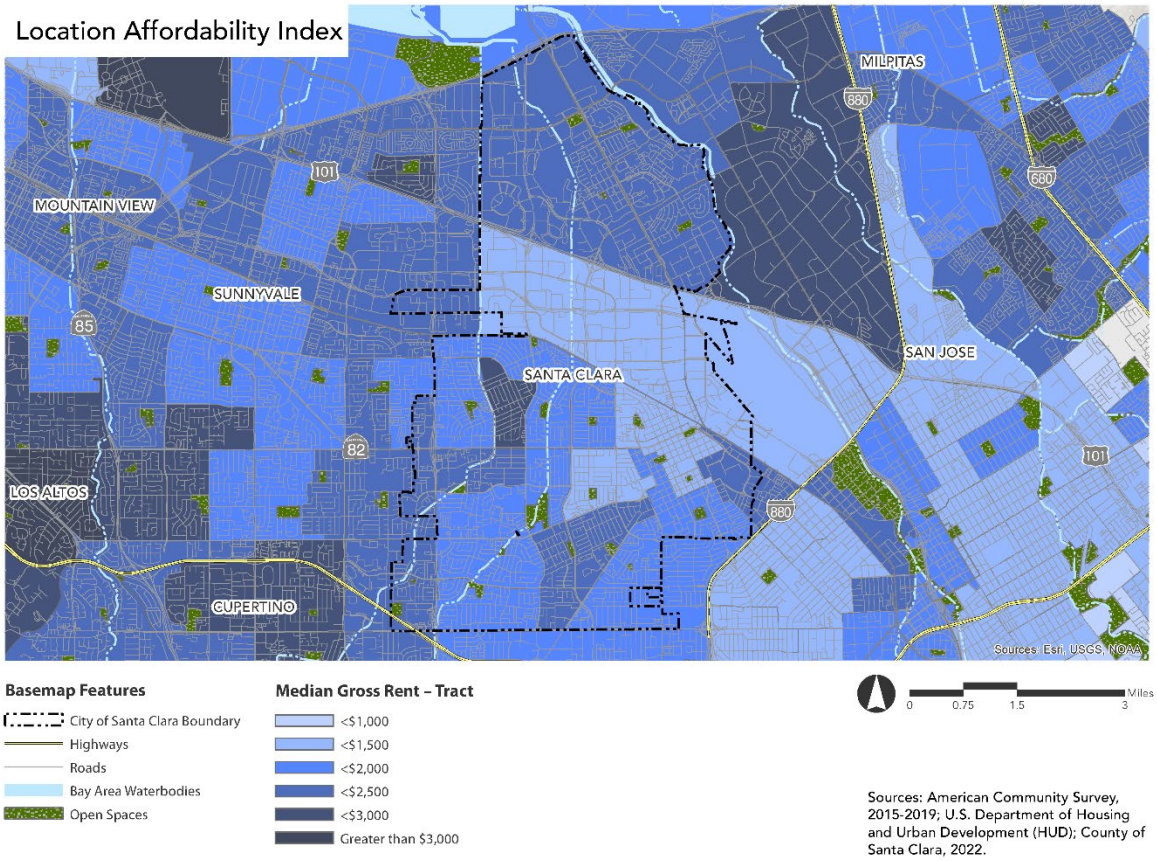
In Santa Clara County, there is a mix of median gross rents. San Jose has areas with the lowest rents below $1,000 and areas with higher rents above $3,000. Most cities have a mix of rents between $2,000 to $3,000 and above. The most affordable tracts are in San Jose while the more expensive tracts are around the perimeter of the County in cities like Palo Alto, Los Altos, Cupertino, Los Gatos, and east San Jose.

FIGURE 13.3-12: REGIONAL MEDIAN GROSS RENT/ AFFORDABILITY INDEX BY TRACT (2021)



[2] U.S. Department of Transportation, Bureau of Transportation Statistics, https://data.bts.gov/stories/s/ida7-k95k, accessed 4/26/22.

FIGURE 13.3-14: LOCATION AFFORDABILITY INDEX – SANTA CLARA (2021)



Racially and Ethnically Concentrated Areas of Poverty (R/ECAP)

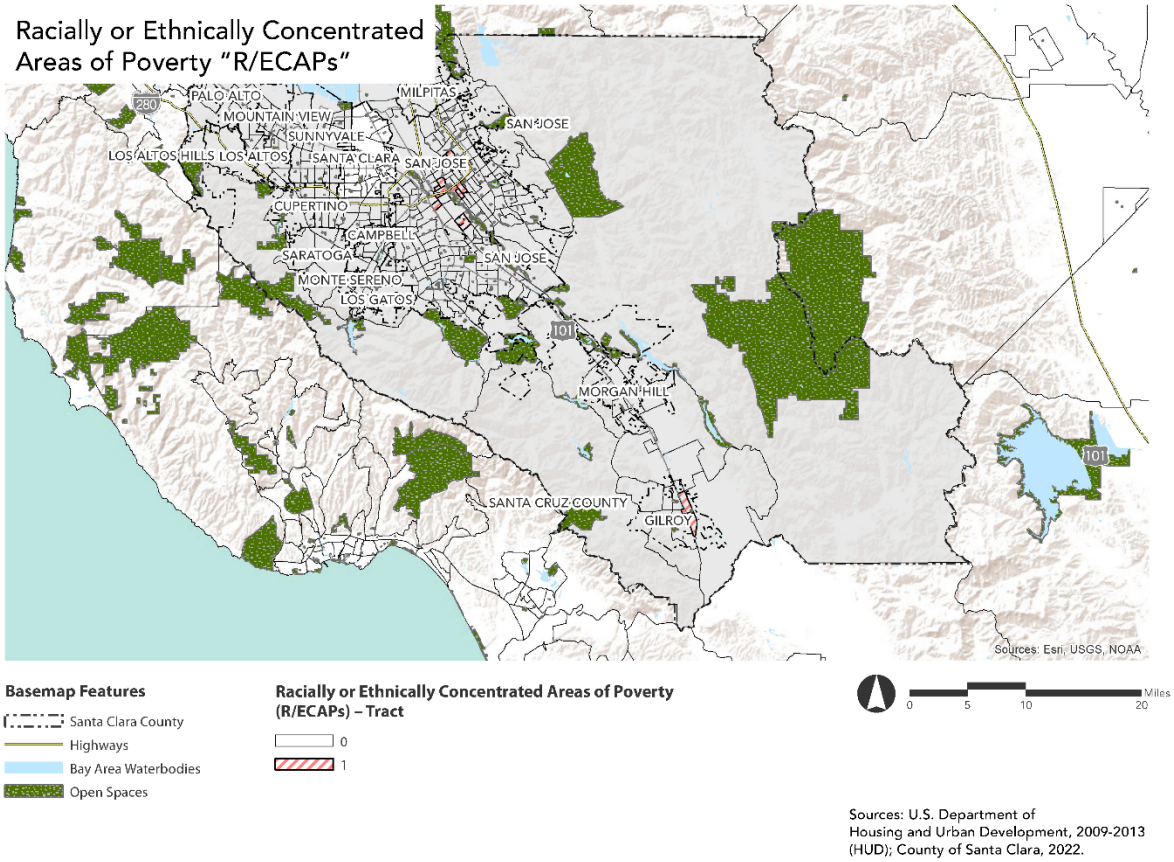
Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs) are geographic areas with significant concentrations of poverty and minority populations. HUD developed a census-tract based definition of R/ECAP that relies on a racial and ethnic concentration threshold and a poverty test. The threshold states that an area with a non-White population of 50 percent or more would be identified as a R/ECAP; the poverty test defines areas of extreme poverty as areas where 40 percent or more of the population live below the federal poverty line or where the poverty rate is three times the average poverty rate for the metropolitan area (whichever is lower). Thus, an area that meets either the racial or ethnic concentration, and the poverty test would be classified as a R/ECAP. Identifying R/ECAPS facilitates an understanding of entrenched patterns of segregation and poverty due to the legacy effects of historically racist and discriminatory housing laws.

In Santa Clara County the only areas that meet the official definition of a R/ECAP are within San Jose and Gilroy.

Local Trends

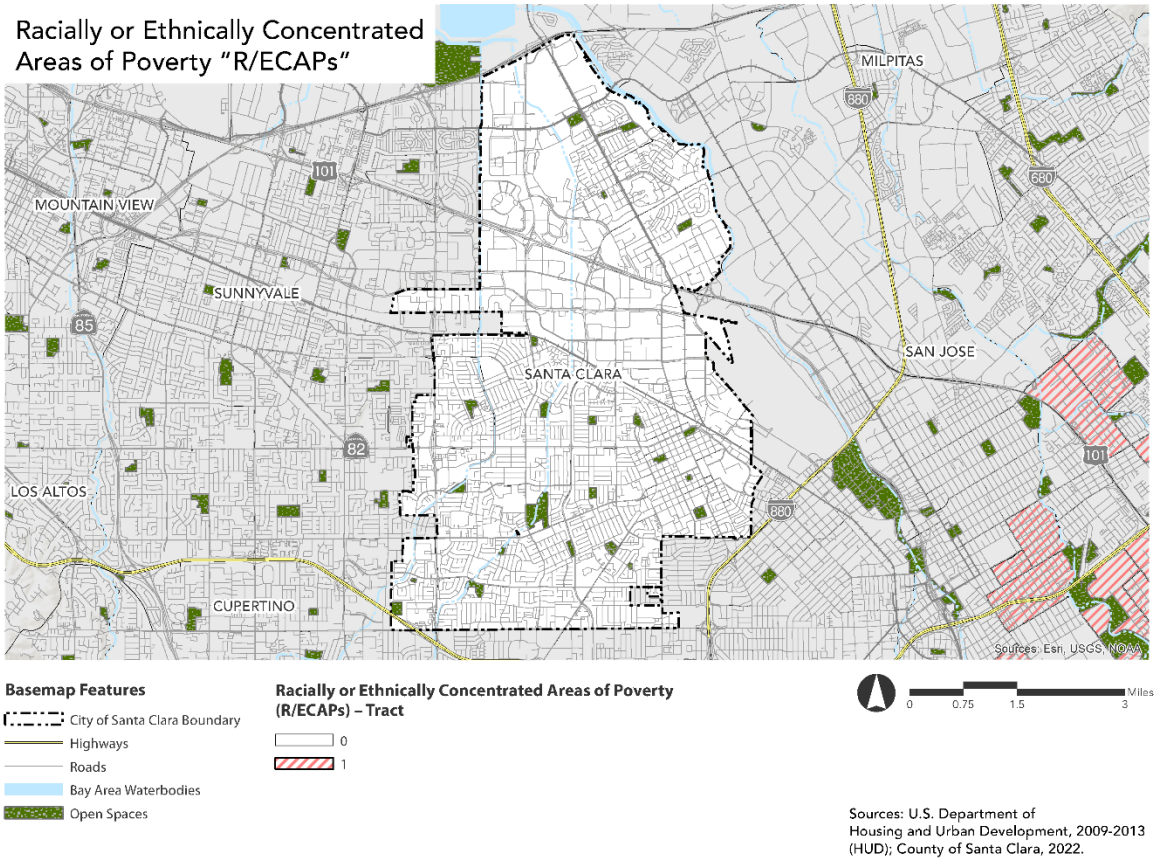
There are no R/ECAP areas in Santa Clara nor in the nearby cities of Mountain View or Sunnyvale.

FIGURE 13.3-15: REGIONAL RACIALLY AND ETHNICALLY CONCENTRATED AREAS OF POVERTY "R/ECAPS" (2021)



Sources: U.S. Department of Housing and Urban Development, 2009-2013 (HUD); County of Santa Clara, 2022.

FIGURE 13.3-16: RACIALLY OR ETHNICALLY CONCENTRATED AREAS OF POVERTY "R/ECAPS" – SANTA CLARA (2021)



Sources: U.S. Department of Housing and Urban Development, 2009-2013 (HUD); County of Santa Clara, 2022.

Racially Concentrated Areas of Affluence (RCAAs)

Racially Concentrated Areas of Affluence (RCAAs) are defined by the HUD as communities with a large proportion of affluent and non-Hispanic White residents. According to a policy paper published by the HUD, non-Hispanic Whites are the most racially segregated group in the United States. In the same way neighborhood disadvantage is associated with concentrated poverty and high concentrations of people of color, distinct advantages are associated with residence in affluent, White communities. RCAAs are currently not available for mapping on the AFFH Data Viewer. As such, an alternate definition of RCAA from the University of Minnesota Humphrey School of Public Affairs is used in this analysis. RCAAs are defined as census tracts where (1) 80 percent or more of the population is white, and (2) the median household income is $125,000 or greater (slightly more than double the national median household income in 2016).

Regional Trends

Comparing Figure 13.3-1 and Figure 13.3-18, there multiple areas where high White populations overlap with median incomes above $125,000. These areas are mostly located along the eastern

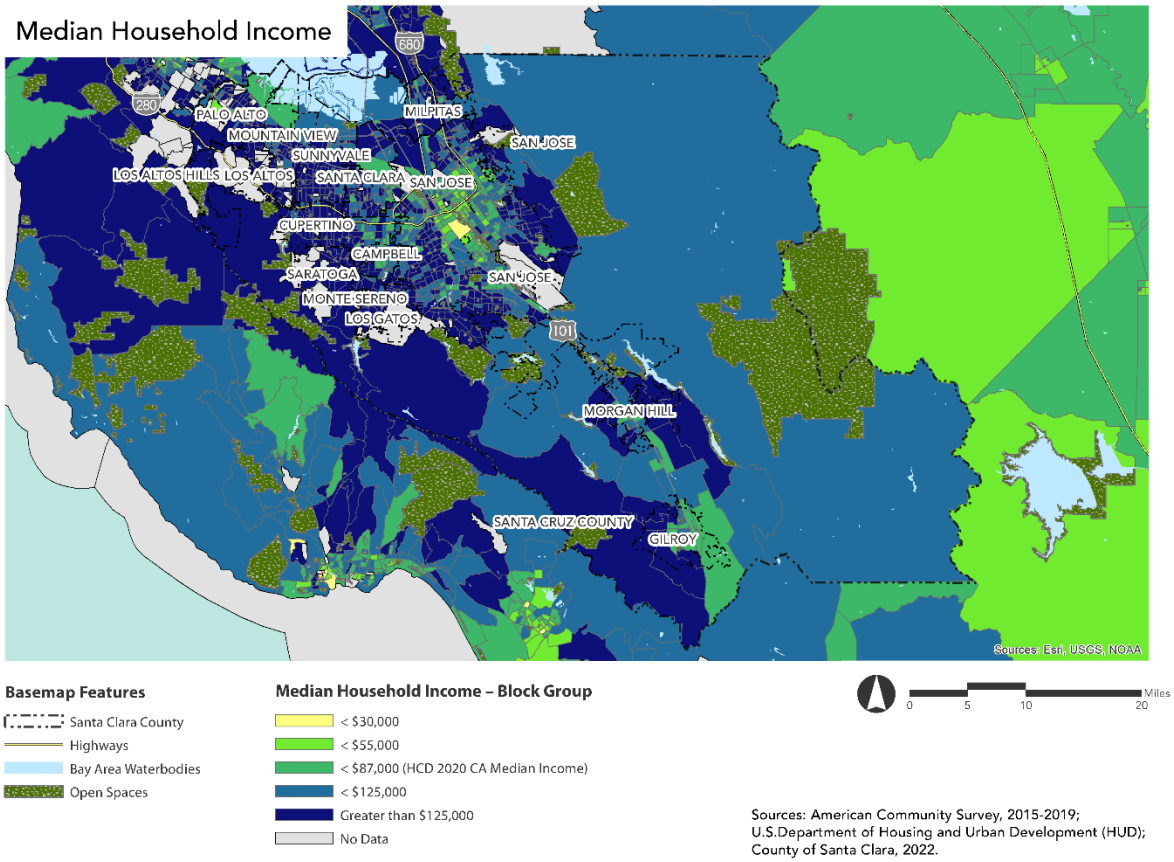
edge of the County. However, only one community qualifies as an RCAA. The unincorporated area called Lexington Hills located along the western edge of the County has a White population of 87.4 percent and a median household income of $166,932, meeting the alternate definition of a RCAA. This unincorporated area of 4.7 square miles is home to approximately 2,500 residents.

Table 13.3-10: White Population and Median Household Income of RCAAs in Santa Clara County

City	*White Population*	*Median Household Income (2019)*
Lexington Hills	87.4%	$166,932

Source(s): DataUSA.io (2019)

FIGURE 13.3-17: REGIONAL MEDIAN INCOME BY BLOCK GROUP (2021)

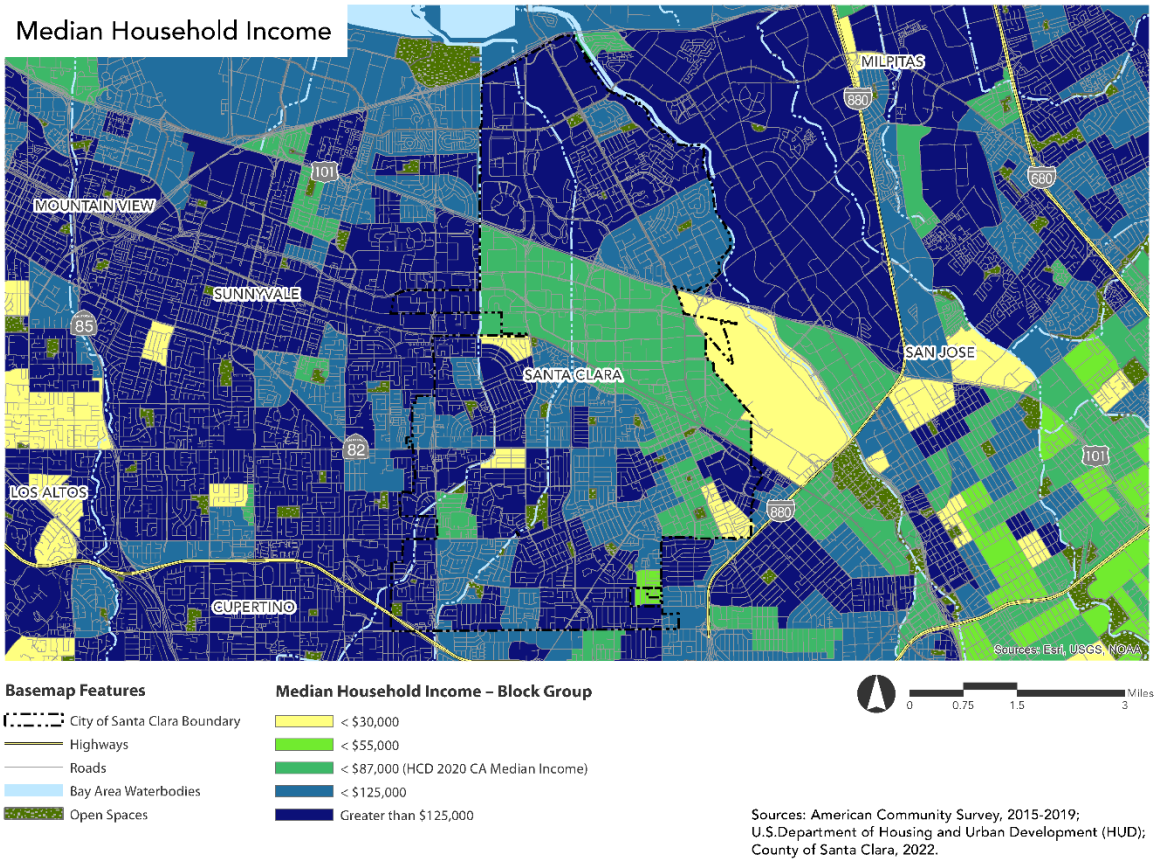


Local Trends

The northern part of Santa Clara has block groups that have households with a median income of $125,000 and above. The southern part of the city has a smaller section of median household incomes at $30,000, while most areas have incomes at $125,000 and above. Notably, Central Santa Clara has median household incomes at $87,000 which is lower than the rest of the city, but is the

2020 median income for California. The central part of Santa Clara also overlaps with higher rates of non-White populations, higher rates of residents with disabilities, and higher rates of overpayment for rent, all of which likely contribute to lower median incomes for households in this area. Mountain View, Sunnyvale, and Milpitas all have larger areas with higher household incomes and only a few small concentrations with lower median incomes.

FIGURE 13.3-18: MEDIAN INCOME – SANTA CLARA (2021)



Sources: American Community Survey, 2015-2019; U.S.Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

Access to Opportunities

Access to opportunity is a concept to approximate the link between place-based characteristics (e.g., education, employment, safety, and the environment) and critical life outcomes (e.g., health, wealth, and life expectancy). Ensuring access to opportunity means both improving the quality of life for residents of low-income communities, as well as supporting residents' mobility and access to 'high resource' neighborhoods.

TCAC Opportunity Maps

TCAC Maps are opportunity maps created by the California Fair Housing Task Force (a convening of the Department of Housing and Community Development (HCD) and the California Tax Credit Allocation Committee (TCAC)) to provide research and evidence-based

policy recommendations to further HCD's fair housing goals of (1) avoiding further segregation and concentration of poverty and (2) encouraging access to opportunity through land use policy and affordable housing, program design, and implementation. These opportunity maps identify census tracts with highest to lowest resources, segregation, and poverty, which in turn inform the TCAC to distribute funding more equitably for affordable housing in areas with the highest opportunity through the Low-Income Housing Tax Credit (LIHTC) Program.

TCAC Opportunity Maps display areas by highest to lowest resources by assigning scores between 0–1 for each domain by census tracts where higher scores indicate higher "access" to the domain or higher "outcomes." Refer to Table 13.3-11 for a list of domains and indicators for opportunity maps. Composite scores are a combination score of the three domains that do not have a numerical value but rather rank census tracts by the level of resources (low, moderate, high, highest, and high poverty and segregation). The opportunity maps also include a measure or "filter" to identify areas with poverty and racial segregation. The criteria for these filters were:

- Poverty: Tracts with at least 30 percent of population under the federal poverty line;
- Racial Segregation: Tracts with location quotient higher than 1.25 for Blacks, Hispanics, Asians, or all people of color in comparison to the County

Table 13.3-11: Domains and List of Indicators for Opportunity Maps

Domain	*Indicator*
Economic	Poverty Adult Education Employment Job Proximity Median home value
Environmental	CalEnviroScreen 4.0 pollution Indicators and values
Education	Math proficiency Reading proficiency High School graduation rates Student poverty rates

Source(s): California Fair Housing Task Force, Methodology for the 2021 TCAC/ HCD Opportunity Maps, December 2020

High resource areas have high index scores for a variety of opportunity indicators such as high employment rates, low poverty rates, proximity to jobs, high educational proficiency, and limited exposure to environmental health hazards. High resource tracts are areas that offer low-income residents the best chance of a high quality of life, whether through economic advancement, high educational attainment, or clean environmental health. Moderate resource areas have access to many of the same resources as the high resource areas but may have fewer job opportunities, lower performing schools, lower median home values, or other factors that lower their indexes across the various economic, educational, and environmental indicators. Low resource areas are

characterized as having fewer opportunities for employment and education, or a lower index for other economic, environmental, and educational indicators. These areas have greater quality of life needs and should be prioritized for future investment to improve opportunities for current and future residents.

Information from opportunity mapping can help highlight the need for housing element policies and programs that would help to remediate conditions in low resource areas or areas of high segregation and poverty, and to encourage better access for low and moderate income, and black, indigenous, and people of color (BIPOC) households to housing in high resource areas.

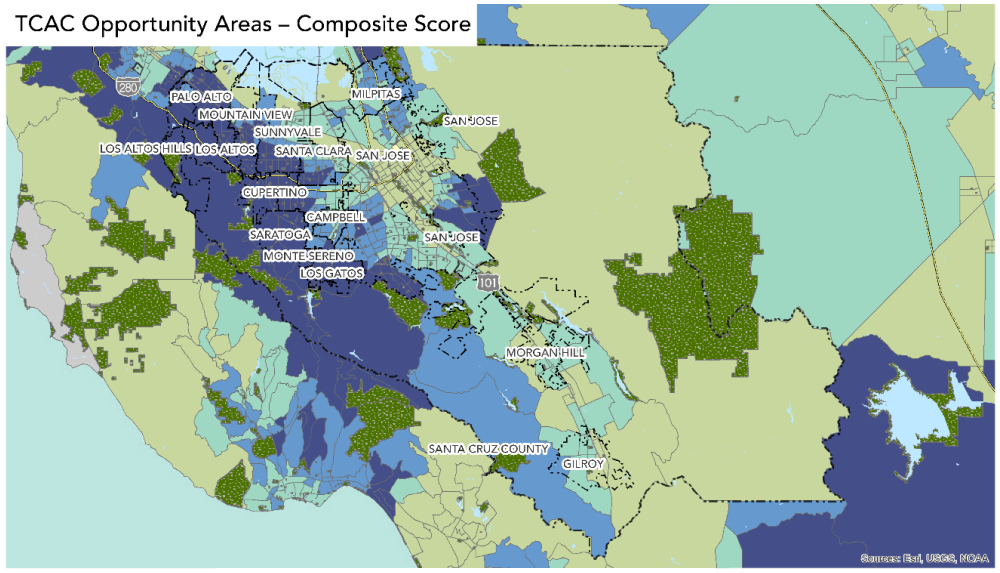
Regional Trends

Figure 13.3-20 provides a visual representation of TCAC Opportunity Areas in Santa Clara County based on a composite score, where each tract is categorized based on percentile rankings of the level of resources within the region. The western part of the County has cities with the highest resources such as Palo Alto, Cupertino, Saratoga, Monte Sereno, and Los Gatos. The central part of the County has a mix of resource scores of high, moderate, and low with the largest low resource areas in San Jose and Morgan Hill. The eastern part of San Jose has areas with both the lowest and highest resource scores.

Local Trends

Santa Clara has a mix of resource scores. The northern part of the city has moderate and high resources, the central part of the city has low resources, and the southern part of the city has a mix of low, moderate, high, and highest resources. The areas with low resources also overlap with higher CalEnviroScreen Scores (50 to 74 percent) (Figure 13.3-31), lower Healthy Places Index Scores (50 to 75) (Figure 13.3-33), higher rates of LMI households (50 to 75 percent) and areas with higher non-White populations (61 to 80 percent). The new TCAC opportunity area map below (Figure 13.3.21) shows a shift in resources in certain areas of the City. North of highway 101 and the San Tomas Freeway the northern part of the City which was previously moderate resource is now high resource. Since the advent of City Specific Plans we see a trajectory towards higher resource areas with greater investment increasing amenities for neighborhoods.

FIGURE 13.3-19: REGIONAL TCAC COMPOSITE SCORES BY TRACT (2021)



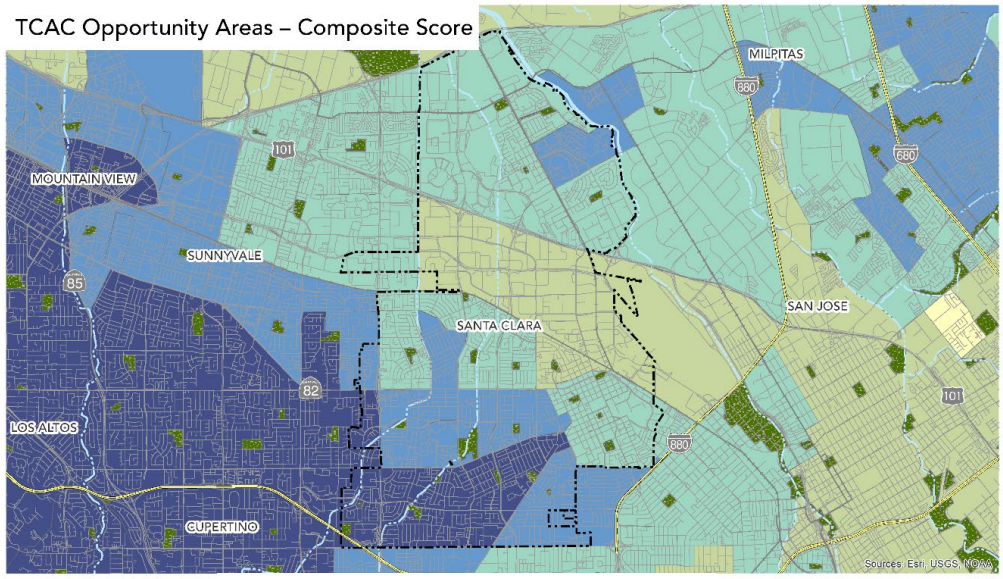
Basemap Features
- Santa Clara County
- Highways
- Bay Area Waterbodies
- Open Spaces

TCAC Opportunity Areas (2021) Composite Score
- Highest Resource
- High Resource
- Moderate Resource (Rapidly Changing)
- Moderate Resource
- Low Resource
- High Segregation & Poverty
- Missing/Insufficient Data

0 5 10 20 Miles

Sources: U.S. Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

FIGURE 13.3-20: TCAC OPPORTUNITY AREAS – COMPOSITE SCORE – SANTA CLARA (2021)



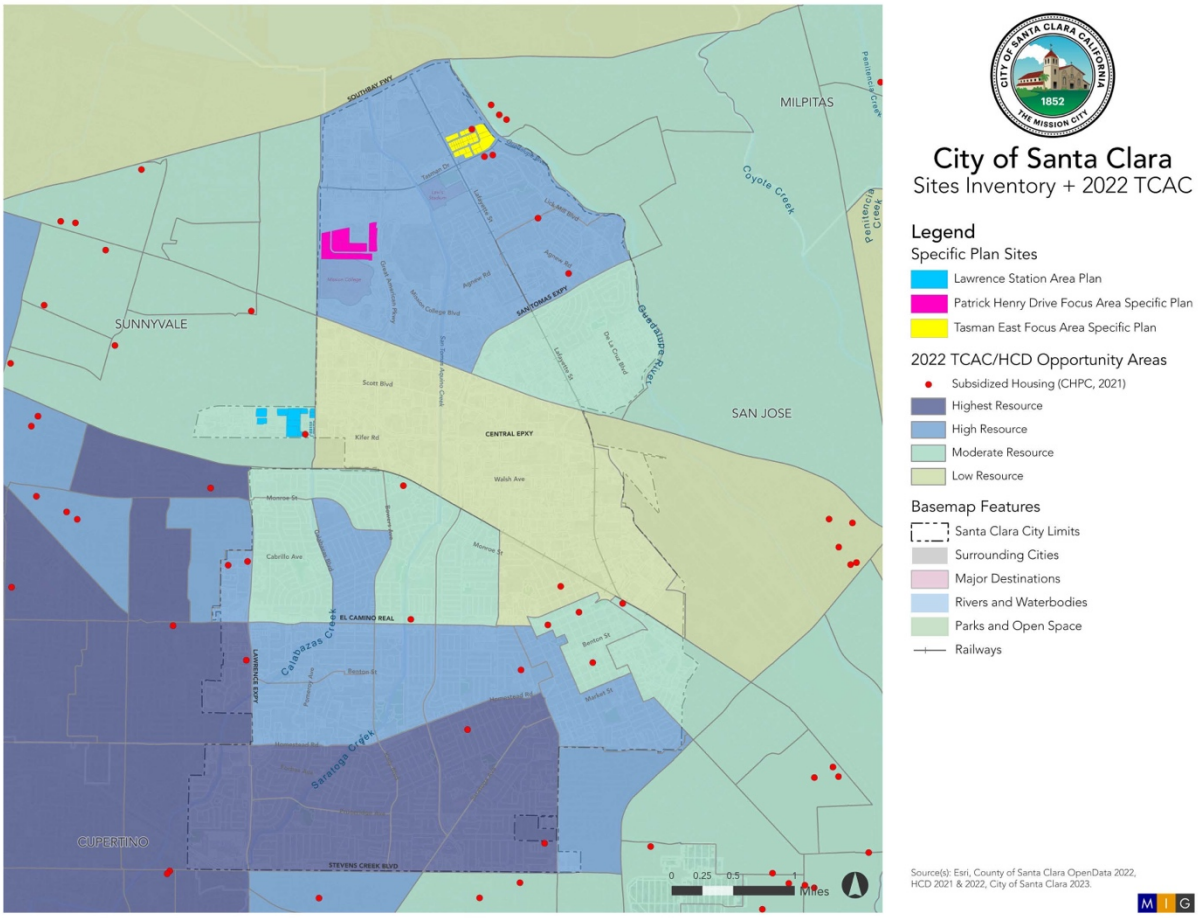
Basemap Features
- City of Santa Clara Boundary
- Highways
- Roads
- Bay Area Waterbodies
- Open Spaces

TCAC Opportunity Areas (2021) Composite Score
- Highest Resource
- High Resource
- Moderate Resource (Rapidly Changing)
- Moderate Resource
- Low Resource
- High Segregation & Poverty
- Missing/Insufficient Data

0 0.75 1.5 3 Miles

Sources: U.S. Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

FIGURE 13.3-21: TCAC OPPORTUNITY AREAS – COMPOSITE SCORE – SANTA CLARA (2022)



Opportunity Indices

This section presents the HUD-developed index scores based on nationally available data sources to assess residents' access to key opportunity assets in comparison to the County. Table 13.3-12 provides index scores or values (the values range from 0 to 100) for the following opportunity indicator indices:

- **School Proficiency Index:** The school proficiency index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. The higher the index value, the higher the school system quality is in a neighborhood.
- **Labor Market Engagement Index:** The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood. This is based upon the level of employment, labor force

participation, and educational attainment in a census tract. The higher the index value, the higher the labor force participation and human capital in a neighborhood.

- **Transit Trips Index:** This index is based on estimates of transit trips taken by a family that meets the following description: a 3-person single-parent family with income at 50 percent of the median income for renters for the region (i.e., the Core-Based Statistical Area (CBSA). The higher the transit trips index value, the more likely residents in that neighborhood utilize public transit.
- **Low Transportation Cost Index:** This index is based on estimates of transportation costs for a family that meets the following description: a 3-person single-parent family with income at 50 percent of the median income for renters for the region/CBSA. The higher the index value, the lower the cost of transportation in that neighborhood.
- **Jobs Proximity Index:** The jobs proximity index quantifies the accessibility of a given residential neighborhood as a function of its distance to all job locations within a region/CBSA, with larger employment centers weighted more heavily. The higher the index value, the better the access to employment opportunities for residents in a neighborhood.
- **Environmental Health Index:** The environmental health index summarizes potential exposure to harmful toxins at a neighborhood level. The higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the index value, the better the environmental quality of a neighborhood (where a neighborhood is a census block-group).

Table 13.3-12: Opportunity Indices by Race/ Ethnicity – Santa Clara County

	School Proficiency Index	*Labor Market Index*	*Transit Trip Index*	*Low Transportation Cost Index*	*Jobs Proximity Index*	*Environmental Health Index*
Santa Clara County						
Total Population						
White, Non-Hispanic	81.85	82.15	68.07	91.22	52.75	58.84
Black, Non-Hispanic	74.05	74.24	73.41	93.10	57.03	53.45
Hispanic	58.86	61.91	64.53	91.30	43.19	54.62
Asian or Pacific Islander, Non-Hispanic	85.32	83.26	71.35	91.36	51.68	61.59
Native American, Non-Hispanic	69.43	68.36	67.23	91.76	50.57	56.68
Population Below Federal Poverty Line						
White, Non-Hispanic	77.47	79.47	70	92.22	52.67	56.88
Black, Non-Hispanic	55.29	63.66	64.3	90.61	41	59.89
Hispanic	50.56	54.77	64.34	92.15	43.58	53.07
Asian or Pacific Islander, Non-Hispanic	72.77	73.73	67.96	91.39	52.68	57.31
Native American, Non-Hispanic	75.1	75.82	76.71	94.47	72.22	63.36

Note: American Community Survey Data are based on a sample and are subject to sampling variability. See page 31 for index score meanings.
Source(s): AFFHT Data Table 13.3-12; Data Sources: Decennial Census; ACS; Great Schools; Common Core of Data; SABINS; LAI; LEHD; NATA

Education

Housing and school policies are mutually reinforcing, which is why it is important to analyze access to educational opportunities when assessing fair housing. At the most general level, school districts with the greatest amount of affordable housing tend to attract larger numbers of LMI

families (largely composed of minorities). As test scores are a reflection of student demographics, where Black/Hispanic/Latino students routinely score lower than their White peers, less diverse schools with higher test scores tend to attract higher income families to the school district. This is a fair housing issue because as higher income families move to the area, the overall cost of housing rises and an exclusionary feedback loop is created, leading to increased racial and economic segregation across districts as well as decreased access to high-performing schools for non-White students.

Regional Trends

The 2021 TCAC Opportunity Areas Education Composite Score for a census tract is based on math and reading proficiency, high school graduation rate, and student poverty rate indicators. The score is broken up by quartiles, with the highest quartile indicating more positive education outcomes and the lowest quartile signifying fewer positive outcomes.

Santa Clara County has 28 school districts. As of 2020, throughout the County there were 255 elementary schools, 61 middle schools, 55 high schools, 11 continuing education schools, 10 alternative schools, five junior high schools, four K-12 schools, two community day schools, and one special education school.[3] The map below shows the TCAC education score for the County with the central and southern parts of the County including San Jose, Morgan Hill, and Gilroy showing scores between .25 - .50 which are less positive education scores. The cities on the western side of the County and Milpitas have scores above .75 which is the more positive education outcome score. The areas with lower scores correspond to areas with higher non-White populations and the areas with higher scores correspond to areas with lower non-White populations. Table 13.3-12 indicates that index values for school proficiency are higher for White residents, indicating a greater access to high quality schools. For populations below the federal poverty line, index values for school proficiency are highest among White, Native American (Non-Hispanic), and Asian or Pacific Islander (Non-Hispanic).

Local Trends

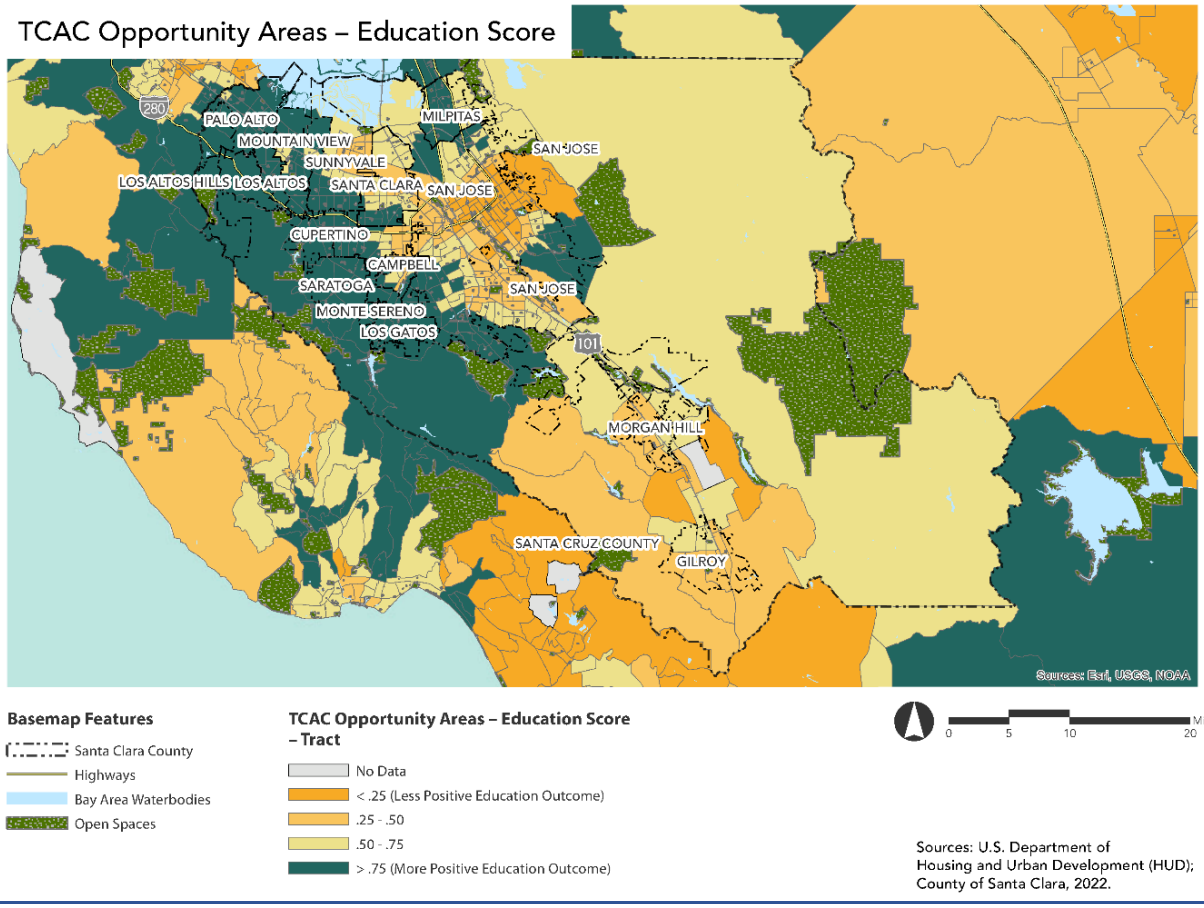
The northern part of Santa Clara has a TCAC education score of .50 to .75 which trend toward the more positive educational outcome score. The central part of Santa Clara has a score of between .25 to .50 which trends toward the less positive educational outcome score. The southern part of Santa Clara has a mix of scores between .25 to .50, .50 to .75 and above .75. The nearby cities of Mountain View and Milpitas mostly have TCAC education scores above .75 while the city of Sunnyvale has a mix of scores similar to Santa Clara.

According to the National Center for Education data from 2021, there were 23 public schools in Santa Clara (Figure 13.3-24). These public school rankings reflect the TCAC Education scores with

[3] Ed-data.org

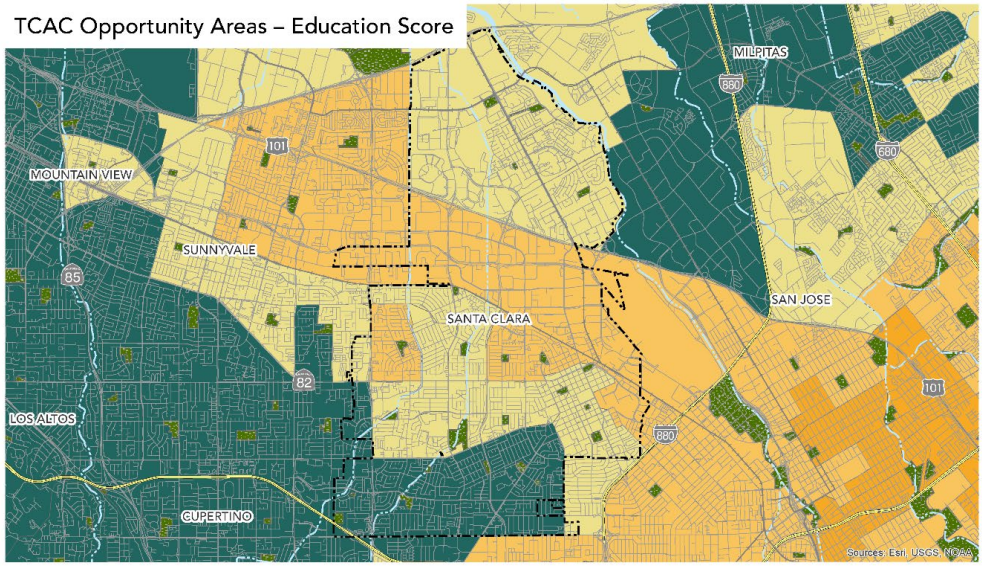
schools in the northern and central part of the city receiving scores below the top 30 percent and schools in the southern part of the city receiving scores in the top 10 percent and above.

FIGURE 13.3-22: REGIONAL TCAC EDUCATION SCORES (2021)



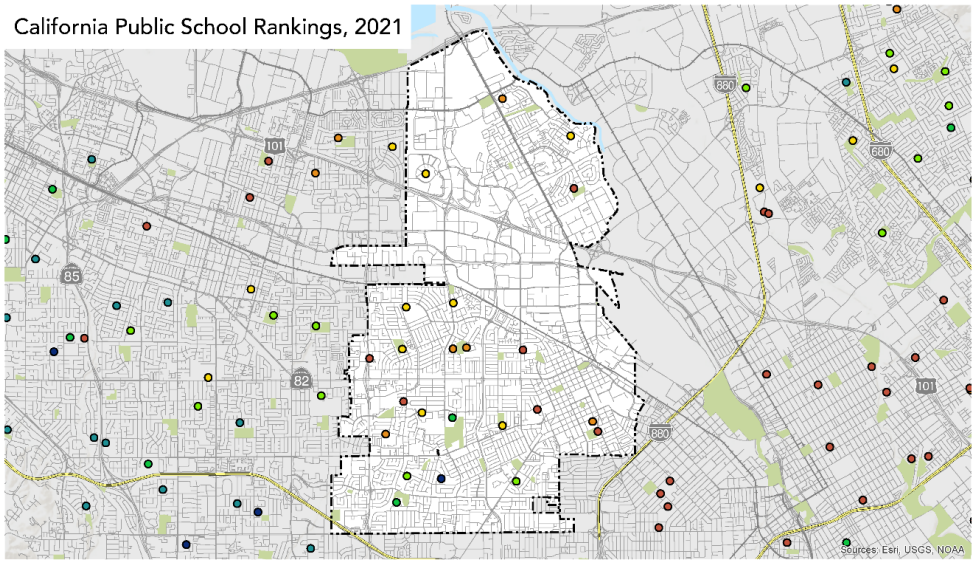
Sources: U.S. Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

FIGURE 13.3-23: TCAC OPPORTUNITY AREAS – EDUCATION SCORE – SANTA CLARA (2021)



Sources: U.S. Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

FIGURE 13.3-24: PUBLIC SCHOOL RANKINGS (2021)



Sources: Public School Review, 2021; U.S. Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

Transportation

Access to public transit is of paramount importance to households affected by low incomes and rising housing prices, especially because lower income households are often transit dependent. Public transit should strive to link lower income persons, who are often transit dependent, to major employers where job opportunities exist. Access to employment via public transportation can reduce welfare usage and increase housing mobility, which enables residents to reside.in housing outside of traditionally low-income neighborhoods.

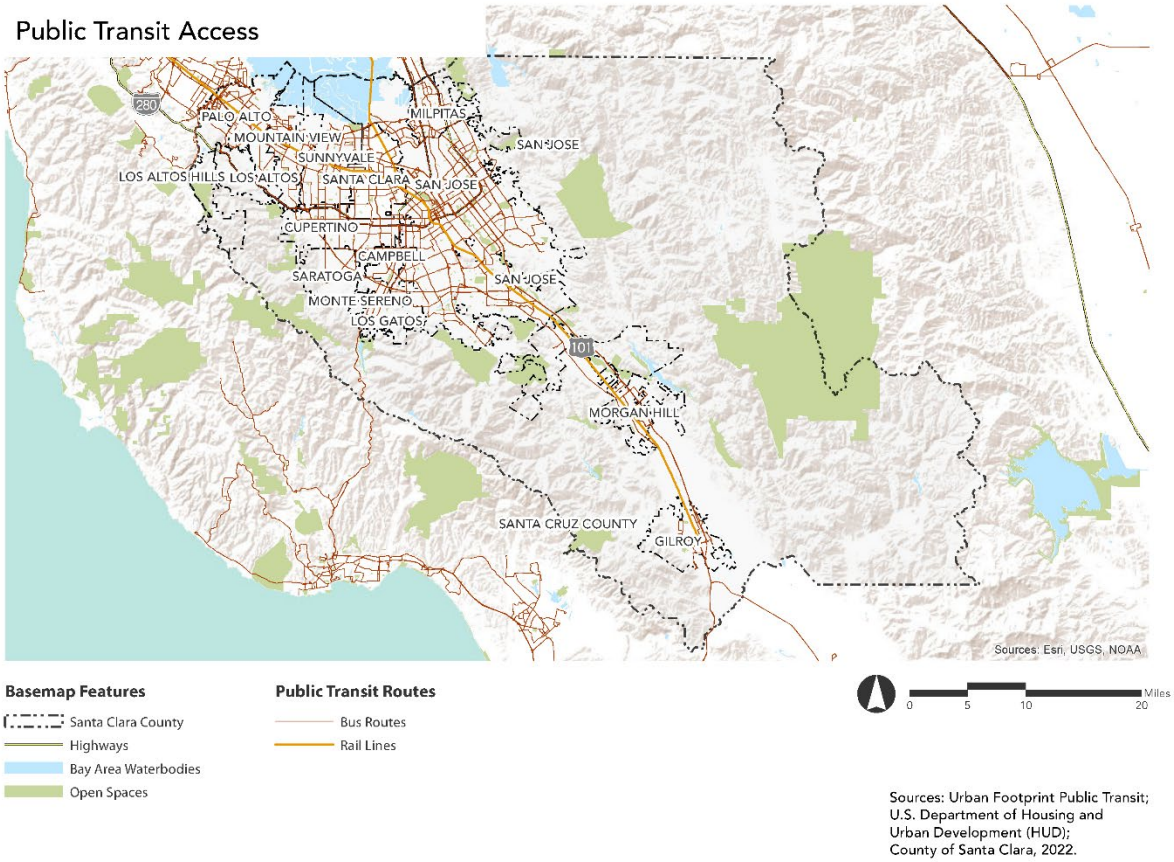
Transportation opportunities are depicted by two indices: (1) the transit trips index and (2) the low transportation cost index. The transit trips index measures how often low-income families in a neighborhood use public transportation. The index ranges from 0 to 100, with higher values indicating a higher likelihood that residents in a neighborhood utilize public transit. The low transportation cost index measures cost of transportation and proximity to public transportation by neighborhood. It too varies from 0 to 100, and higher scores point to lower transportation costs in that neighborhood.

Regional Trends

In Santa Clara County, neither transit index, regardless of poverty level, varies noticeably across racial/ethnic categories. All races and ethnicities score highly on both indices, with values close in magnitude. If these indices are accurate depictions of transportation accessibility, it might be concluded that all racial and ethnic classes have high and relatively equal access to transportation at both the jurisdictional and regional levels. If anything, both indices appear to take slightly higher values for non-Hispanic Black residents and non-Hispanic Native-American residents, suggesting greater access to and lower costs for transit for these protected groups.

Santa Clara County is served by Valley Transportation Authority (VTA) which includes bus and light rail service throughout the County. VTA runs three light rail lines, 19 rapid bus lines, 24 local bus lines, four express shuttles, and nine shuttles. The County is very well connected by public transit to the larger Bay Area region. The area is also served by Amtrak with stations in Santa Clara and San Jose. The eastern part of Santa Clara County is served by Bay Area Rapid Transit (BART). Both San Jose and Milpitas have BART stops and are served by the Green and Orange lines. The Orange line connects to Richmond and the Green line connects to San Francisco.

FIGURE 13.3-25: REGIONAL PUBLIC TRANSIT ACCESS (2021)



Local Trends

The City of Santa Clara is serviced by Valley Transportation Authority (VTA) including both bus and light rail service. The City of Santa Clara is serviced by two rapid bus lines, three local bus lines, two light rail line, the Altamont Corridor Express (ACE) and Amtrak rail. According to the website alltransit.cnt.org, Santa Clara has a transit performance score of seven (out of 10). This score is determined by the number of transit trips per week a household takes and the number of jobs accessible by transit for a geographic area. Nearby cities of Mountain View and Sunnyvale have higher transit scores of 7.7 and 7.2 respectively, while Milpitas has a lower score of 6.7.

Economic Development

Employment opportunities are depicted by two indices: (1) the labor market engagement index and (2) the jobs proximity index. The labor market engagement index provides a summary description of the relative intensity of labor market engagement and human capital in a neighborhood, taking into account the unemployment rate, labor-force participation rate, and percent with a bachelor's degree or higher. The index ranges from 0 to 100, with higher values indicating higher labor force participation and human capital. The jobs proximity index quantifies

the accessibility of a neighborhood to jobs in the region by measuring the physical distances between jobs and places of residence. It too varies from 0 to 100, and higher scores point to better accessibility to employment opportunities.

Regional Trends

In Santa Clara County, Black Non-Hispanic, White Non-Hispanic, Native American Non-Hispanic, and Asian or Pacific Islander residents all have similar index scores around 50, while Hispanic residents have an index score of 43.19. The map below shows the spatial variability of jobs proximity in Santa Clara County. Cities in northern Santa Clara County along the southern part of San Francisco bay have the highest jobs proximity index of 60 to 80 and 80 and above. This likely reflects the fact that these cities are closer to major economic regions of Silicon Valley and San Francisco. Southern and eastern San Jose have lower jobs proximity index scores (between 40 to 60, 20 to 40, and below 20) as these areas are further away from the economic hubs to the west. The cities of Saratoga, Los Gatos, Morgan Hill, and Gilroy have lower jobs proximity index scores as they are more residential than the surrounding cities. Morgan Hill and Gilroy are also in the southern part of the County, geographically further away from economic hubs. The TCAC scores for the region have some overlap with jobs proximity index scores. The northern and western parts of the County have the highest TCAC scores (above .75) which is the most positive economic outcome, while the eastern, central, and southern parts of the County have scores between .50 to .75, .25 to .50 and below .25 which is the least positive economic outcome. Again, eastern San Jose, Morgan Hill, and Gilroy have lower TCAC scores than other cities in the County.

FIGURE 13.3-26: REGIONAL JOBS PROXIMITY INDEX (2021)

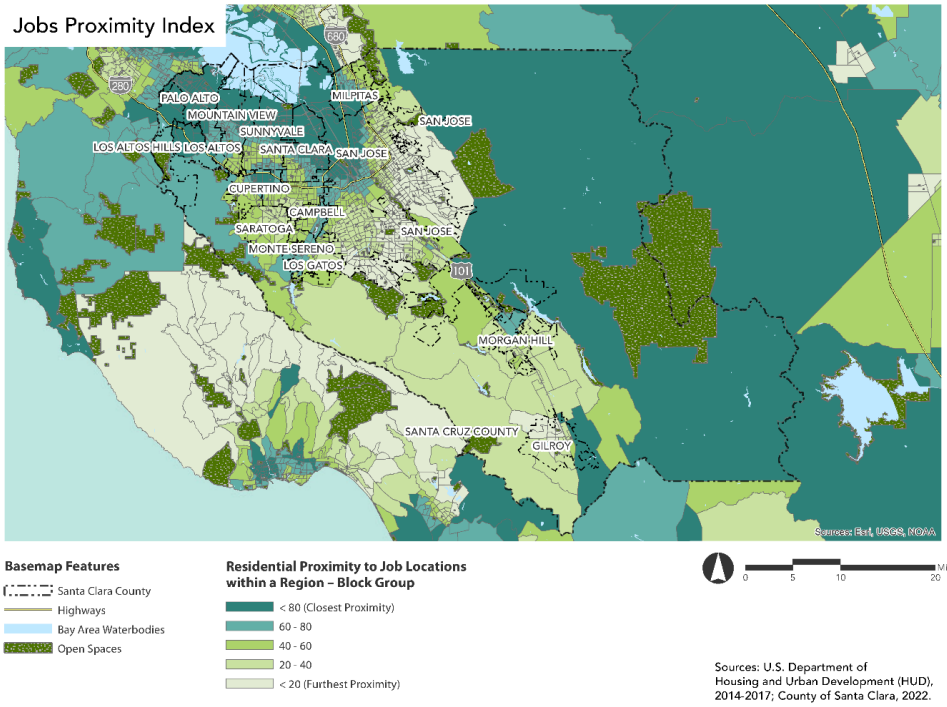
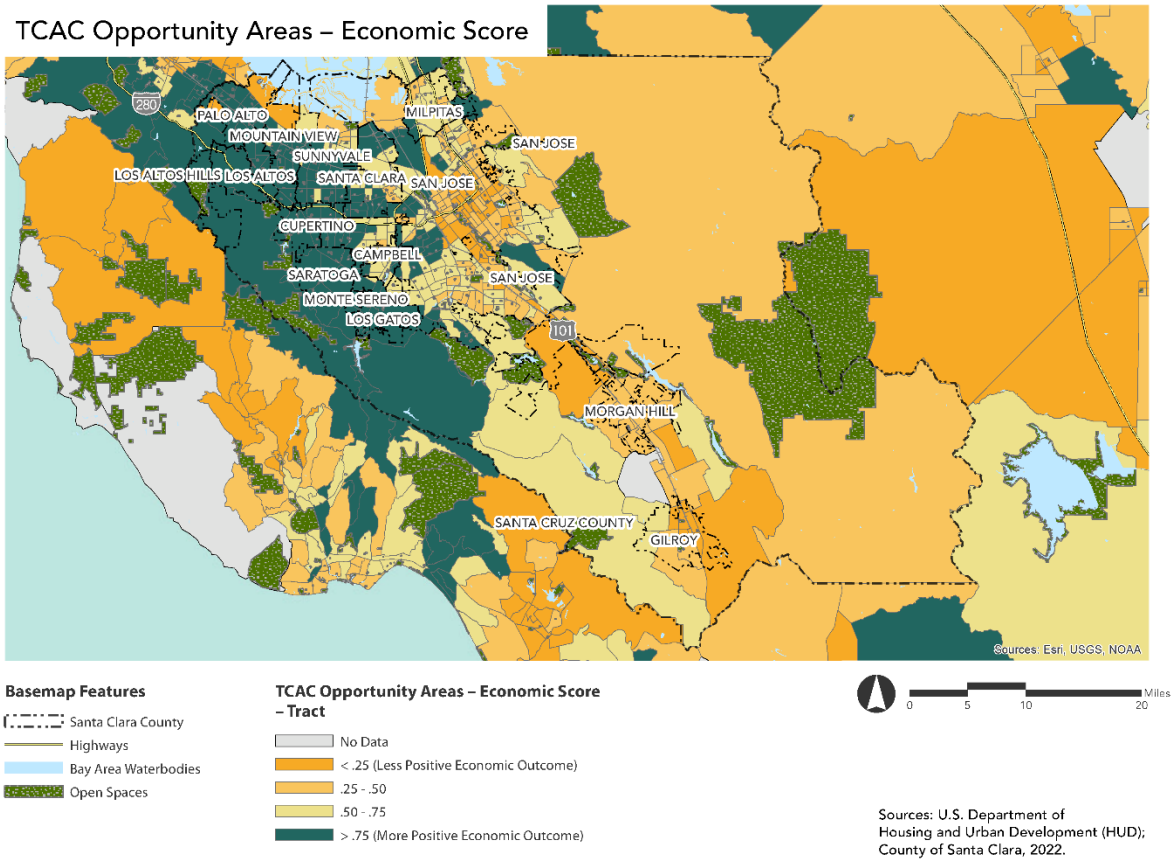


FIGURE 13.3-27: REGIONAL TCAC OPPORTUNITY AREAS – ECONOMIC SCORE (2021)



Local Trends

The northern and central parts of Santa Clara have the highest jobs proximity index scores (above 80) which indicates closest proximity. The southern part of the city has a mix of scores between 60 to 80 and 40 to 60, as they are further away from economic hubs in the northern and eastern parts of the County. The TCAC scores are more variable with the central part of the city with scores between .50 to .75, nearing the more positive economic outcome. Areas in the southern part of the have scores as low as .25 to .50. The economic score takes into account levels of poverty, adult education, employment, job proximity, and median home value for the area. While job proximity is high for most of the city, income, education, and home values are more variable. Central Santa Clara has more LMI households and lower household median incomes, likely influencing this score. Nearby cities of Mountain, Sunnyvale, and Milpitas have similar jobs proximity index scores, while Milpitas has lower TCAC scores than the three other cities.

FIGURE 13.3-28: JOBS PROXIMITY INDEX – SANTA CLARA (2021)

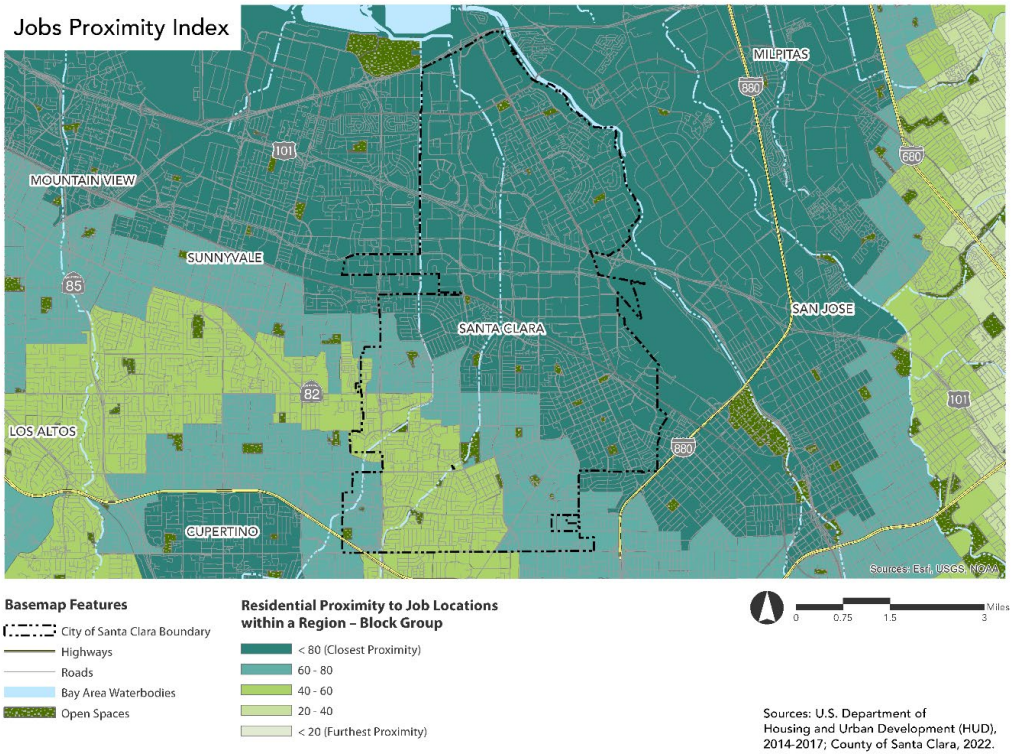
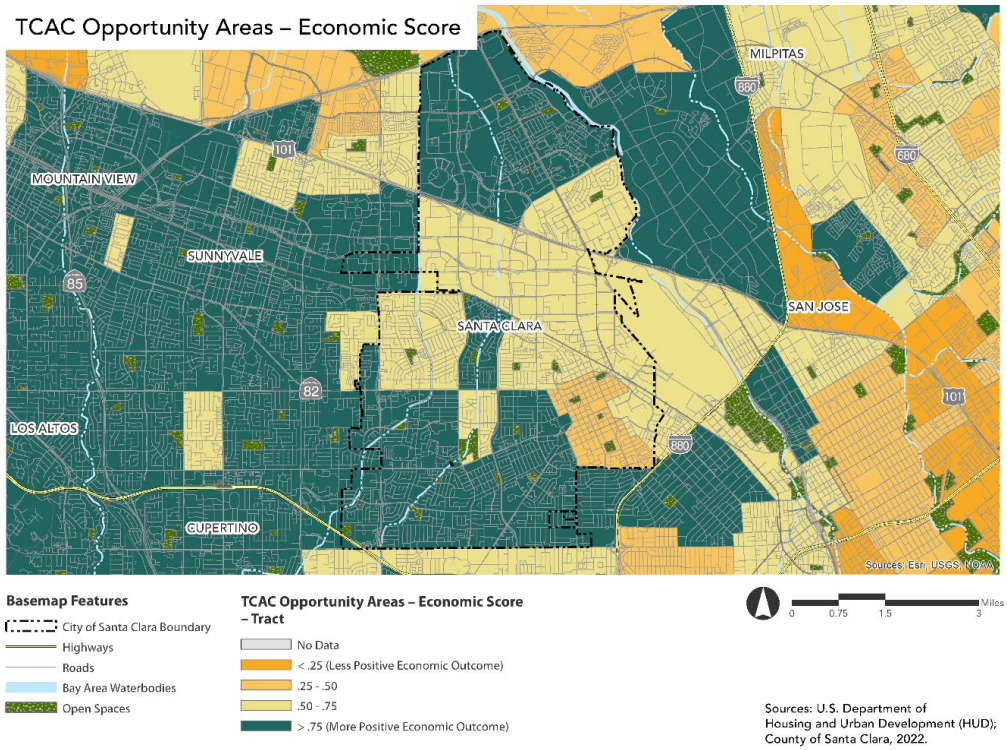


FIGURE 13.3-29: TCAC OPPORTUNITY AREA – ECONOMIC SCORE – SANTA CLARA (2021)



Environment

The Environmental Health Index summarizes potential exposure to harmful toxins at a neighborhood level. Index values range from 0 to 100 and the higher the index value, the less exposure to toxins harmful to human health. Therefore, the higher the value, the better the environmental quality of a neighborhood (where a neighborhood is a census block-group). Environmental health index scores are similar across all races, with scores in the mid-50s to 60. For populations below the poverty line, Native American Non-Hispanic residents have the highest score, of 63.36, while other groups have scores in the mid-50s.

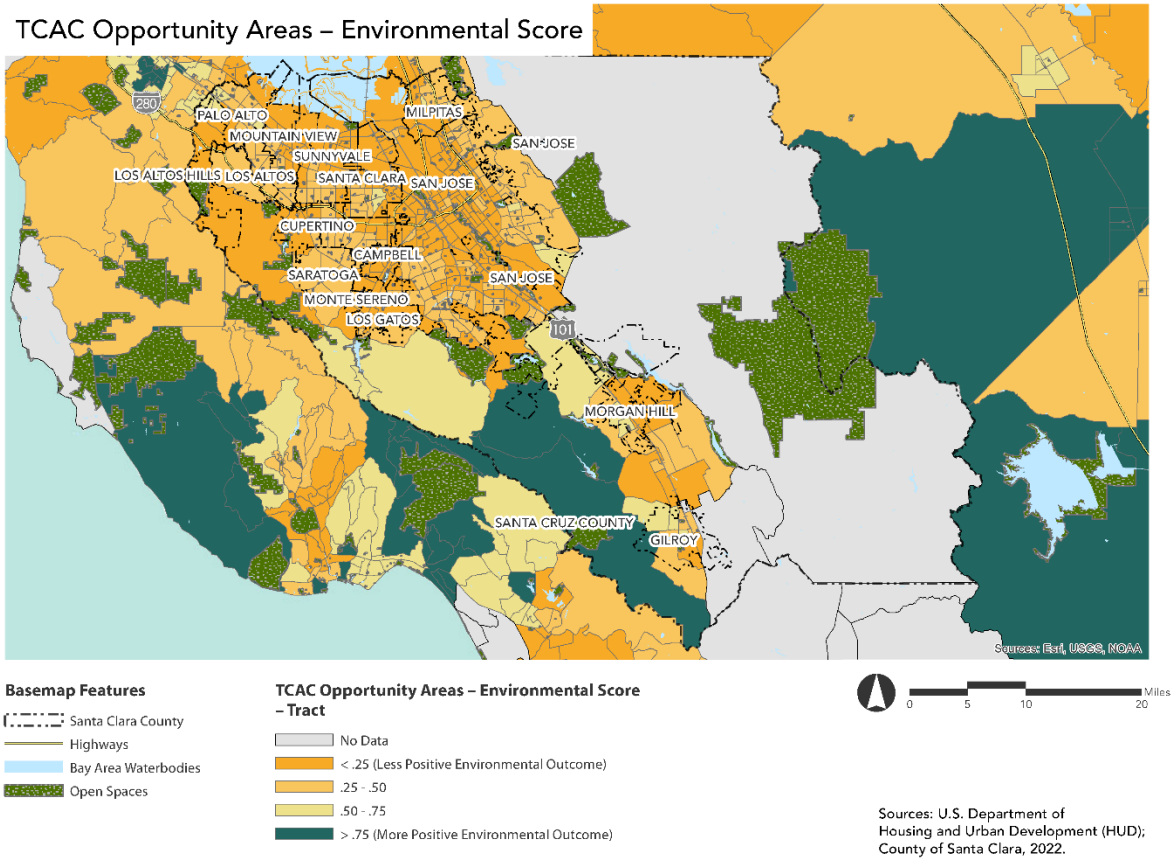
CalEnviroScreen was developed by the California Environmental Protection Agency (CalEPA) to evaluate pollution sources in a community while accounting for a community's vulnerability to the adverse effects of pollution. Measures of pollution burden and population characteristics are combined into a single composite score that is mapped and analyzed. Higher valued scores o indicate higher cumulative environmental burden and population impacts.

The California Office of Environmental Health Hazard Assessment (OEHHA) compiles these scores to help identify California communities disproportionately burdened by multiple sources of pollution. In addition to environmental factors (pollutant exposure, groundwater threats, toxic sites, and hazardous materials exposure) and sensitive receptors (seniors, children, persons with asthma, and low birth weight infants), CalEnviroScreen also considers socioeconomic factors such as educational attainment, linguistic isolation, poverty, and unemployment.

Regional Trends

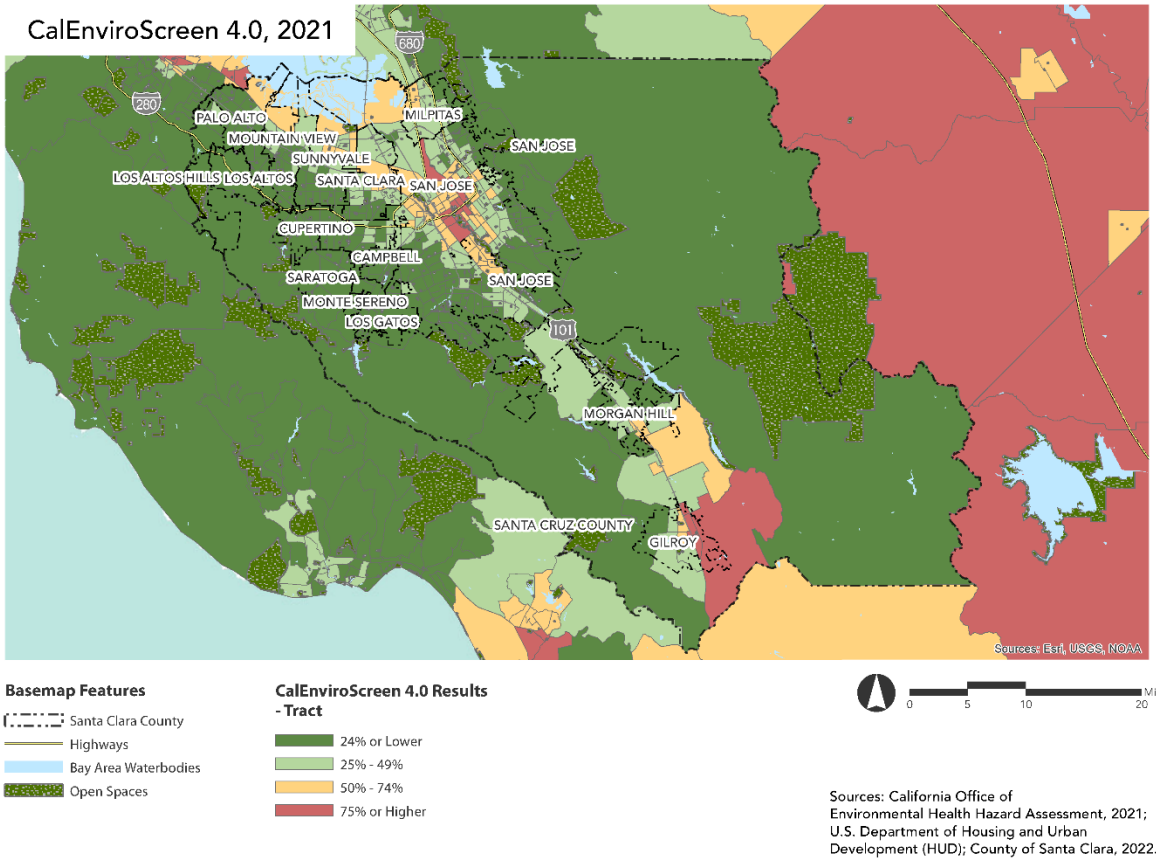
The map below displays the Environmental Score for Santa Clara County based on CalEnviroScreen 3.0 Pollution Indicators and Values that identify communities in California disproportionately burdened by multiple sources of pollution and that face vulnerability due to socioeconomic factors. Much of the County received scores below .25 to .50, indicating a less positive environmental outlook. While these scores suggest high levels of vulnerable communities, the data has limitations. From the CalEnviroScreen website: "Opportunity mapping also has limitations. For example, maps' accuracy is dependent on the accuracy of the data behind them. Data may be derived from self-reported surveys of subsets of an area's population, and sometimes may not be recorded or reliable in some areas. Further, even the most recent publicly available datasets typically lag by two years, meaning they may not adequately capture conditions in areas undergoing rapid change. The methodology described in this document attempts to address each of these limitations to the degree possible."

FIGURE 13.3-30: REGIONAL TCAC OPPORTUNITY AREAS – ENVIRONMENTAL SCORE (2021)



The map below displays updated scores for CalEnviroScreen 4.0 released by the California Office of Environmental Health Hazard Assessment, suggesting a more positive environmental outlook for the area. Much of the county has scores below 25 to 49 percent suggesting fewer adverse environmental impacts. There is a concentration in and around San Jose where scores are between 50 to 74 percent and 75 percent and higher indicating high levels of adverse environmental impacts. The eastern edge of Gilroy also reports scores of 75 percent or higher.

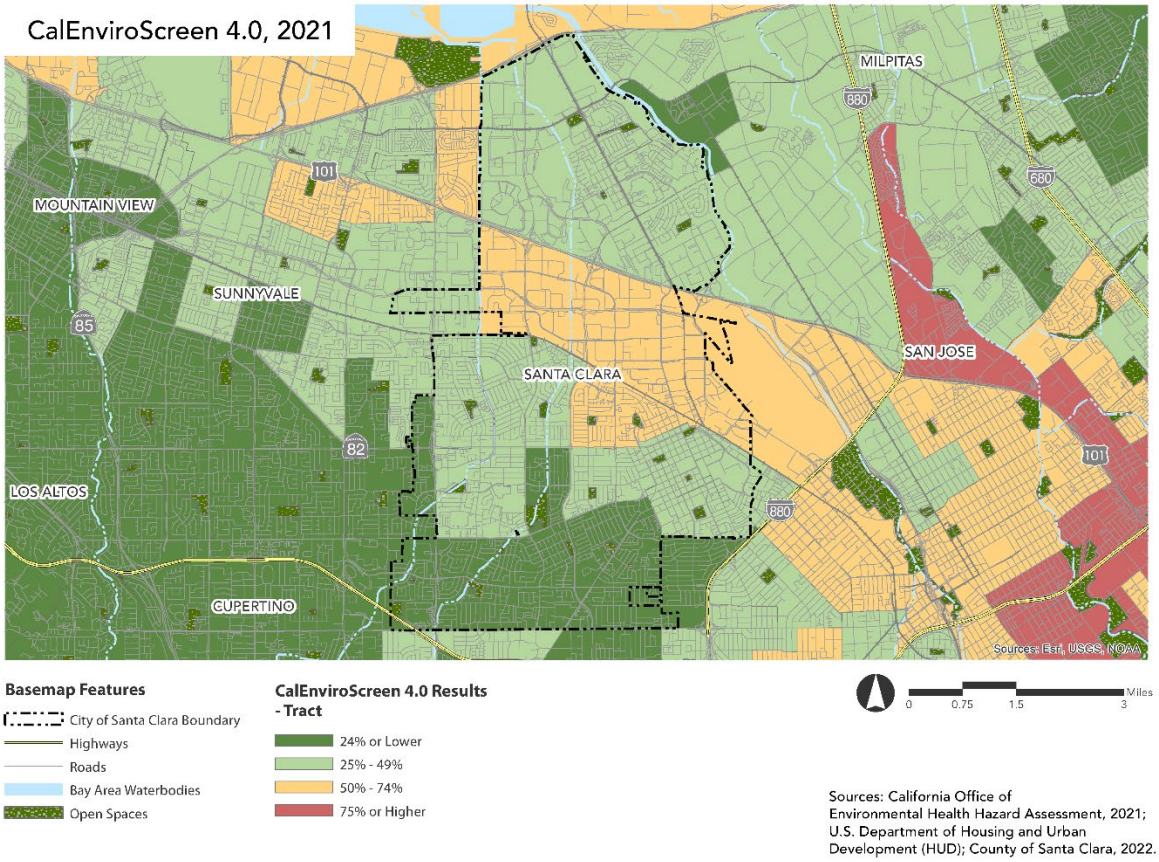
FIGURE 13.3-31: REGIONAL CALENVIROSCREEN 4.0 (2021)



Local Trends

The City of Santa Clara has the most positive CalEnviroScreen scores in the northern and southern parts of the city (25 to 49 percent and below 24 percent) while the central part of the city has scores between 50 to 74 percent. The central part of Santa Clara with less positive environmental scores is likely due to the fact that the area is predominantly industrial and is located between Highway 101 to the north, the Union Pacific Railroad Corridor to the south, and the San Jose International Airport to the east. The nearby cities of Mountain View, Sunnyvale, and Milpitas have CalEnviroScreen scores between 50 and 74 percent.

FIGURE 13.3-32: CALENVIROSCREEN 4.0 – SANTA CLARA (2021)



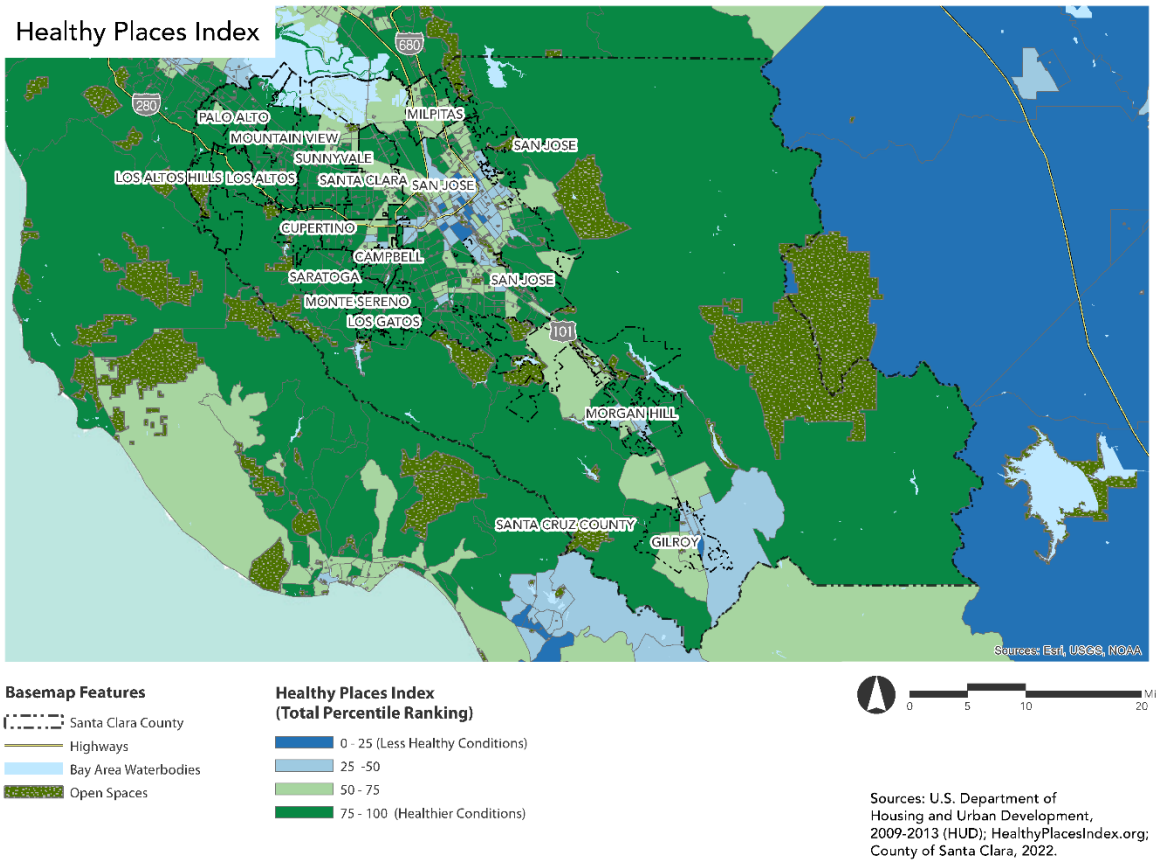
Health and Recreation

Residents should have the opportunity to live = in healthy communities. The Healthy Places Index (HPI) is a new tool that allows local officials to diagnose and change community conditions that affect health outcomes and the wellbeing of residents. The HPI tool was developed by the Public Health Alliance of Southern California to assist in comparing community conditions across the state, and combines 25 community characteristics such as housing, education, economic, and social factors into a single indexed HPI Percentile Score, where lower percentiles indicate less healthy conditions and higher scores indicate healthier conditions.

Regional Trends

The entire County has Healthy Places Index (HPI) scores between 50 to 75 and 75 to 100, indicating healthier conditions. The areas with the slightly lower scores of 50 to 75 are in Santa Clara, Milpitas, San Jose, Morgan Hill, and Gilroy.

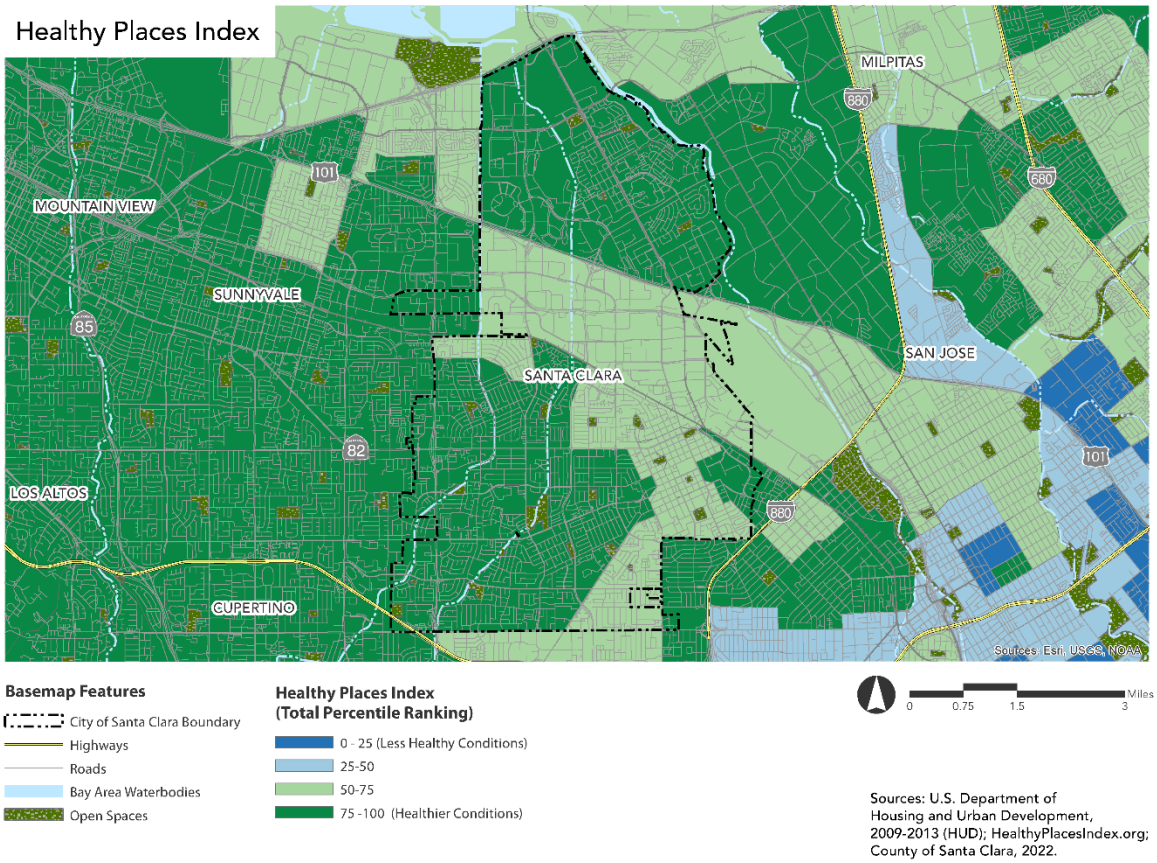
FIGURE 13.3-33: REGIONAL HEALTHY PLACES INDEX (2021)



Local Trends

Northern and southern parts of Santa Clara have HPI scores between 75 to 100 while central Santa Clara has scores between 50 to 75, reflecting the CalEnviroScreen scores. Mountain View and Sunnyvale have scores between 75 to 100 while Milpitas has more areas with scores between 50 to 75.

FIGURE 13.3-34: HEALTHY PLACES INDEX – SANTA CLARA (2021)



Disproportionate Needs

Disproportionate housing needs generally refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups, or the total population experiencing that category of housing need in the applicable geographic area. The Comprehensive Housing Affordability Strategy (CHAS) developed by the Census for HUD provides detailed information on housing needs by income level for different types of households in Contra Costa County. Housing problems considered by CHAS include:

- Housing cost burden, including utilities, exceeding 30 percent of gross income;
- Severe housing cost burden, including utilities, exceeding 50 percent of gross income;
- Overcrowded conditions (housing units with more than one person per room); and
- Units with physical defects (lacking complete kitchen or bathroom)

According to the Santa Clara AFH, a total of 252,622 households (34.5 percent) in the County experience any one of the above housing problems; and 144,306 households (19.7 percent) experience severe housing problems. Based on relative percentage, Hispanic and Black

households experience the highest rate of housing problems regardless of severity. Table 13.3-15 lists the demographics of households with housing problems in the County.

Table 13.3-13: Demographics of Households with Housing Problems in Santa Clara County

	Total Number of Households	*Households with Housing Problems*		*Households with Severe Housing Problems*	
White	88,554	329,170	26.9%	43,381	13%
Black	8,376	16,756	49.9%	4,813	28.7%
Asian/Pacific Islander	77,787	213,541	36.4%	44,730	20.9%
Native American	477	3,026	15.7%	286	9.4%
Other	6,137	48,509	12.65%	3,210	6.6%
Hispanic	71,291	213,541	36.4%	47,886	39.9%
Total	252,622	731,019	34.5%	144,306	19.7%

Source(s): Contra Costa County AI (2020)

Table 13.3-14: Household Type & Size in Santa Clara County

Household Type	*No. of Households with Housing Problems*
Family Households (< 5 people)	360,406
Family Households (> 5 people)	78,571
Non-family Households	171,734

Source(s): Contra Costa County AI (2020)

Cost Burden (Overpayment)

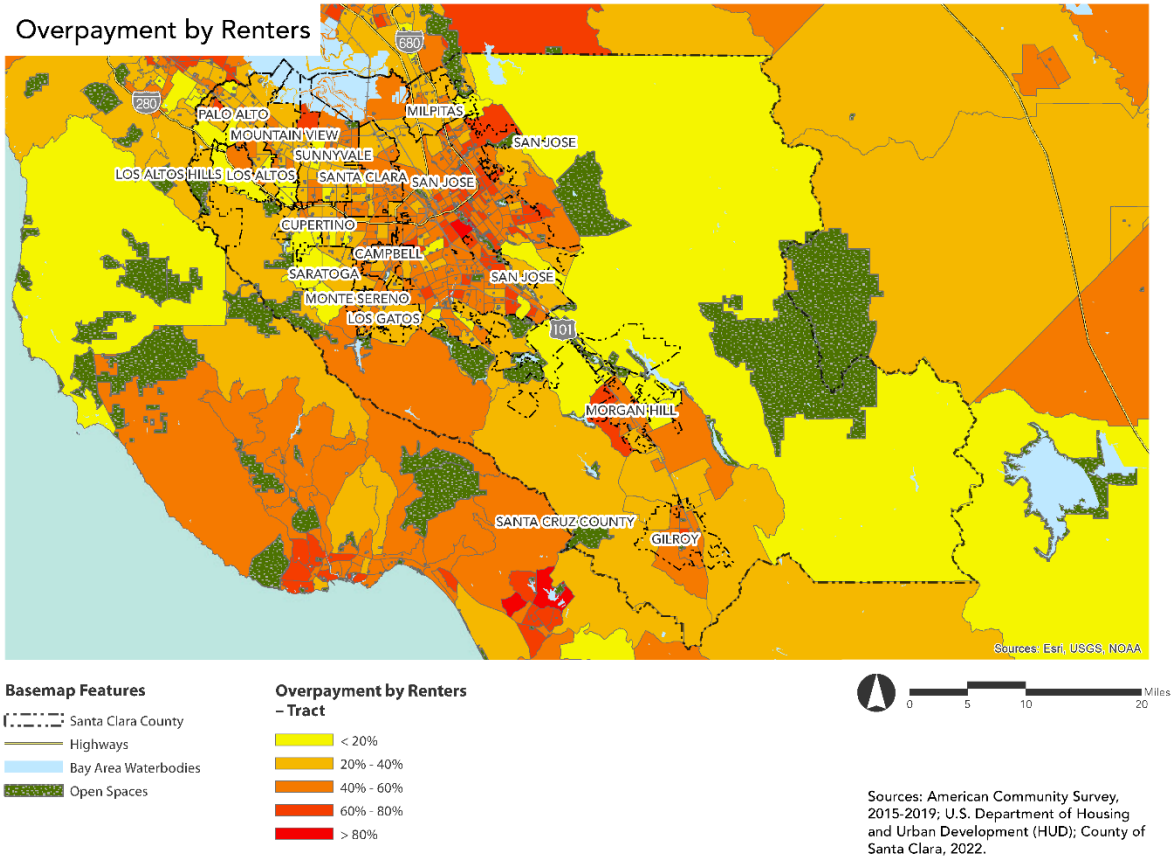
Housing cost burden, or overpayment, is defined as households paying 30 percent or more of their gross income on housing expenses, including rent or mortgage payments and utilities. Renters are more likely to overpay for housing costs than homeowners. Housing cost burden is considered a housing need because households that overpay for housing costs may have difficulty affording other necessary expenses, such as childcare, transportation, and medical costs.

Regional Trends

The map below identifies concentrations of cost-burdened renters in Mountain View, San Jose, and Morgan Hill. These cities have areas with renters experiencing overpayment above 80 percent. The rest of the County mostly has rates between 20 to 40 percent, 40 to 60 percent, and

60 to 80 percent. Areas along the eastern part of the County have lower overpayment rates below 20 percent.

FIGURE 13.3-35: REGIONAL OVERPAYMENT BY RENTERS (2021)



Local Trends

As presented in Table 13.3-15, 50.7 percent of all households in Santa Clara experience cost burdens. This rate is much higher for renters than owners (63 and 34.4 percent, respectively). The rate of cost burden for all households in the County is slightly lower at 49.7 percent, but the trend still stands with 64.2 percent of renters experiencing cost burden versus 38.6 percent of owners.

Table 13.3-15: Households that Experience Cost Burden by Tenure in Santa Clara County and Santa Clara

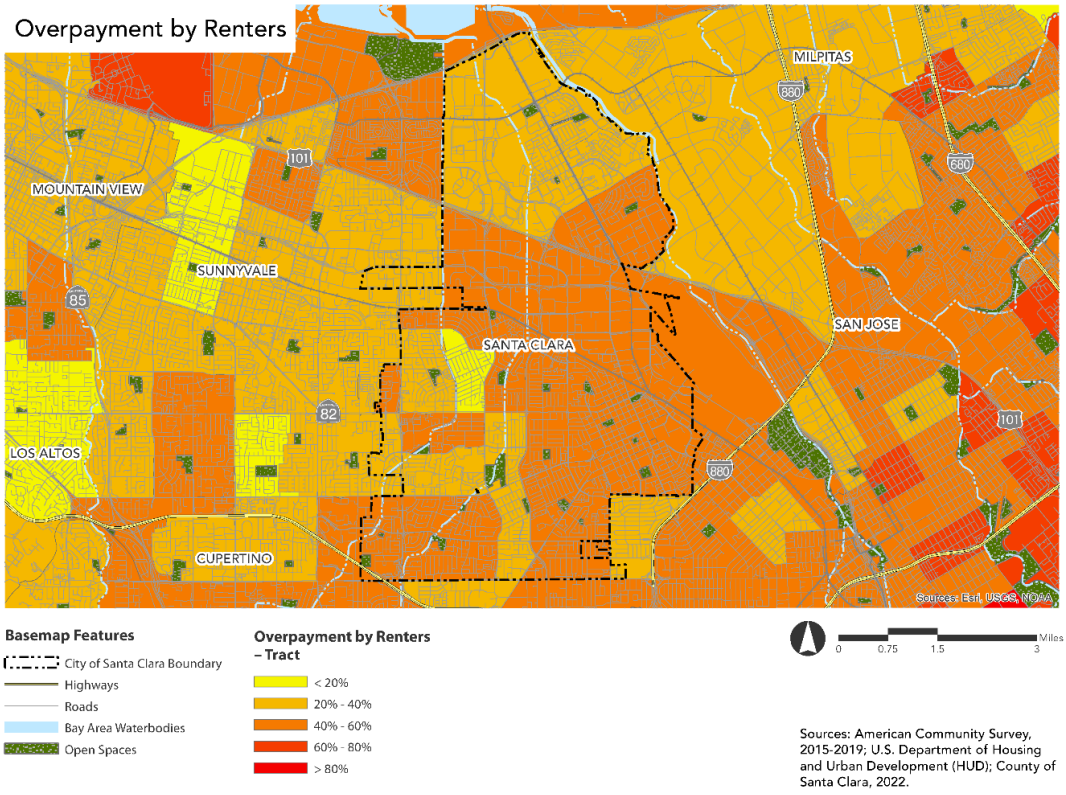
Santa Clara County				
Total Number of Households		**Cost burden > 30%**	**Cost burden > 50%**	**Percentage of Households that Experience Cost Burden**
Owners Only	360,660	98,445	40,910	38.6%
Renters Only	274,865	118,960	57,610	64.2%

Table 13.3-15: Households that Experience Cost Burden by Tenure in Santa Clara County and Santa Clara

All Households	635,525	217,405	98,520	49.7%
Santa Clara				
Total Number of Households		**Cost burden > 30%**	**Cost burden > 50%**	**Percentage of Households that Experience Cost Burden**
Owners Only	18,930	4,615	1,900	34.4%
Renters Only	25,150	10,505	5,365	63%
All Households	44,080	15,125	7,625	50.7%

Source(s): https://www.huduser.gov/portal/datasets/cp.html

FIGURE 13.3-36: OVERPAYMENT BY RENTERS – SANTA CLARA (2021)



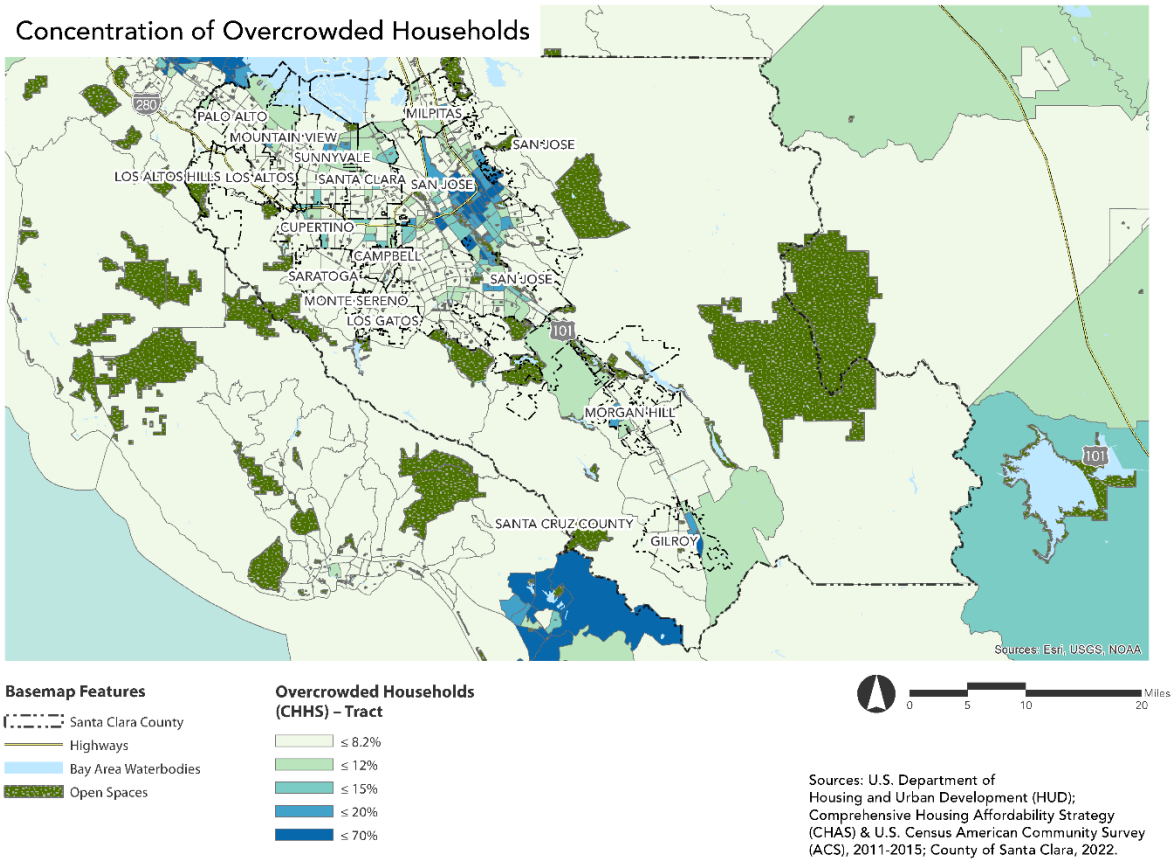
Overcrowded Households

Overcrowding is defined as housing units with more than one person per room (including dining and living rooms but excluding bathrooms and kitchen).

Regional Trends

Figure 13.3-37 indicates that most of the County has low rates of overcrowded households. San Jose has a concentration of overcrowded homes with percentages between 8.2 percent and as high as 70 percent. The rest of the County mostly has overcrowding rates below 12 percent.

FIGURE 13.3-37: REGIONAL OVERCROWDED HOUSEHOLDS BY TRACT (2015)



Local Trends

According to the 2019 five-year ACS estimates displayed in Table 13.3-16, 5.2 percent of County households are overcrowded, and 2.9 percent of households are severely overcrowded. These rates are higher for the City of Santa Clara with 6.2 percent of households experiencing overcrowding and 3.4 percent experiencing severe overcrowding. Across both the County and City, overcrowding and severe overcrowding rates are higher for renters than owners.

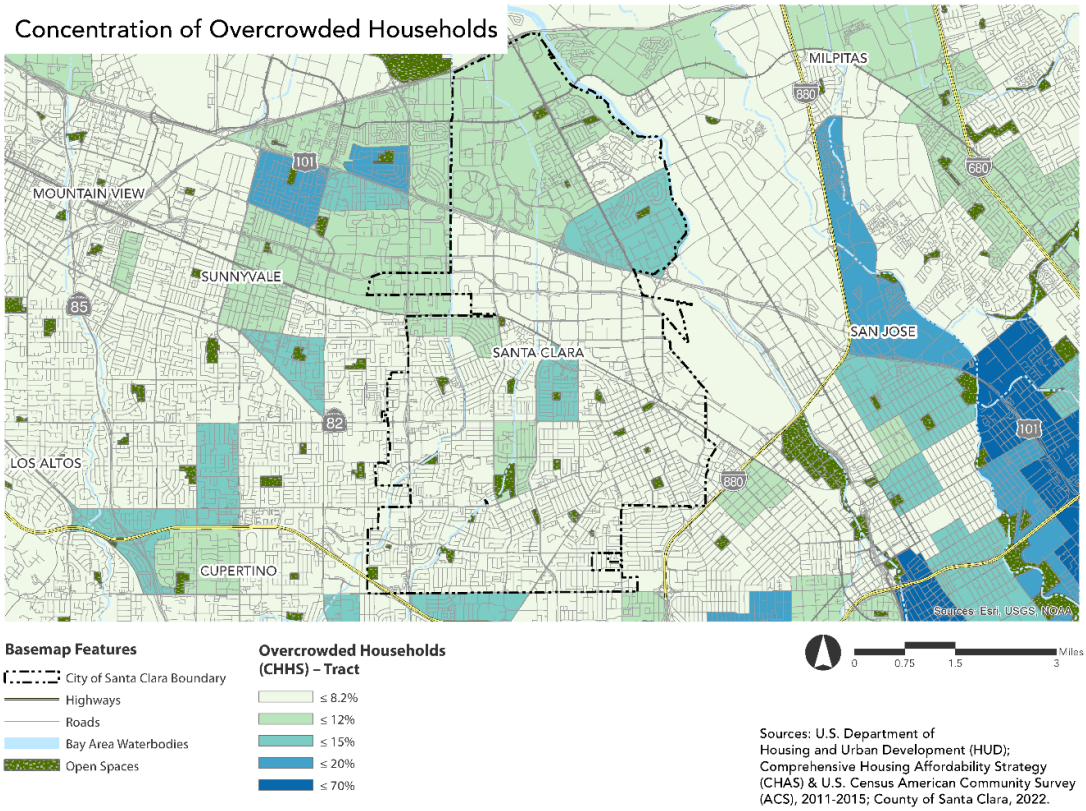
Table 13.3-16: Overcrowded Households – Santa Clara County and Santa Clara

	Santa Clara County		*Santa Clara*	
	Overcrowded (>1.0 to 1.5 persons per room)	*Severely Overcrowded (>1.5 persons per room)*	*Overcrowded (>1.0 to 1.5 persons per room)*	*Severely Overcrowded (>1.5 persons per room)*
Owner-Occupied	1.4%	0.4%	0.9%	0.3%
Renter-Occupied	3.7%	2.4%	5.2%	3.1%
All HH	5.2%	2.9%	6.2%	3.4%

Source(s): American Community Survey, 2015-2019. Table B25014

The map below shows areas where overcrowding rates are higher in Santa Clara. The northern part of the city has overcrowding rates of 12 and 15 percent, with a small concentration in the southern part of the city with the same rates. The rest of the city has overcrowding rates below 8.2 percent. The area with overcrowding at 12 percent overlaps with higher rates of non-white residents (61 to 80 percent), higher rates of LMI populations (75 to 100 percent), and higher gross rents ($2,000). The small section with 15 percent overcrowded households overlaps with higher rates of HCV use (5 to 15 percent). The nearby city of Mountain View has overcrowding rates below 8.2 percent, while both Sunnyvale and Milpitas have overcrowding rates at 12 percent. Sunnyvale also has a few areas where the rate rises to 20 percent.

FIGURE 13.3-38: CONCENTRATION OF OVERCROWDED HOUSEHOLDS – SANTA CLARA (2021)



Substandard Conditions

Incomplete plumbing or kitchen facilities can be used to measure substandard housing conditions.

Regional Trends

According to 2015-2019 ACS estimates, 0.2 percent of households in Santa Clara County lack complete kitchen facilities and 0.2 percent of households lack complete plumbing facilities. Renter households are more likely to lack complete facilities compared to owner households.

Local Trends

In Santa Clara, 1.3 percent of households lack complete kitchen facilities and 0.2 percent lack complete plumbing facilities. Renter households are more likely to lack complete facilities compared to owner households. The City does not have recent citywide data on substandard conditions, however older lower rent apartment complexes are generally found along the west side of Lafayette north of Hwy 101, within the central city's industrial belt, and in the southeastern Old Quad area south of El Camino Real. These areas may experience a higher need for rehabilitation than other parts of the City that are predominantly single-family or newer multi-family homes. The City intends to gather more consistent data on substandard conditions

through a new proactive multifamily code enforcement program. Although Santa Clara does have an aging housing stock with 21 percent of homes built between 1950 and 1959, 19 percent built between 1960 and 1969, and 17 percent built between 1970 to 1979[4], rehabilitation programs have not been widely subscribed to. This may be due in part to the fact that housing stock is well maintained due to the high value of homes based on market conditions in the area. The City does recognize that housing stock continues to age therefore monitoring and enforcement will continue to be an ongoing operation as addressed by Action 4 of the Housing Plan which aims to maintain housing stock and specifically focus on rehabilitation for households with a gross income at or below 80 percent of the County median income.

[4] Towncharts.com

Table 13.3-17: Substandard Housing Conditions – Santa Clara County and Santa Clara

	Santa Clara County			*Santa Clara*		
	Owner	*Renter*	*All HHs*	*Owner*	*Renter*	*All HHs*
Lacking complete kitchen facilities	0.2%	0.7%	0.9%	0.3%	1%	1.3%
Lacking complete plumbing facilities	0.1%	0.1%	0.2%	0.2%	.05%	0.2%

Source(s): American Community Survey, 2015-2019, Table B25053, B25049

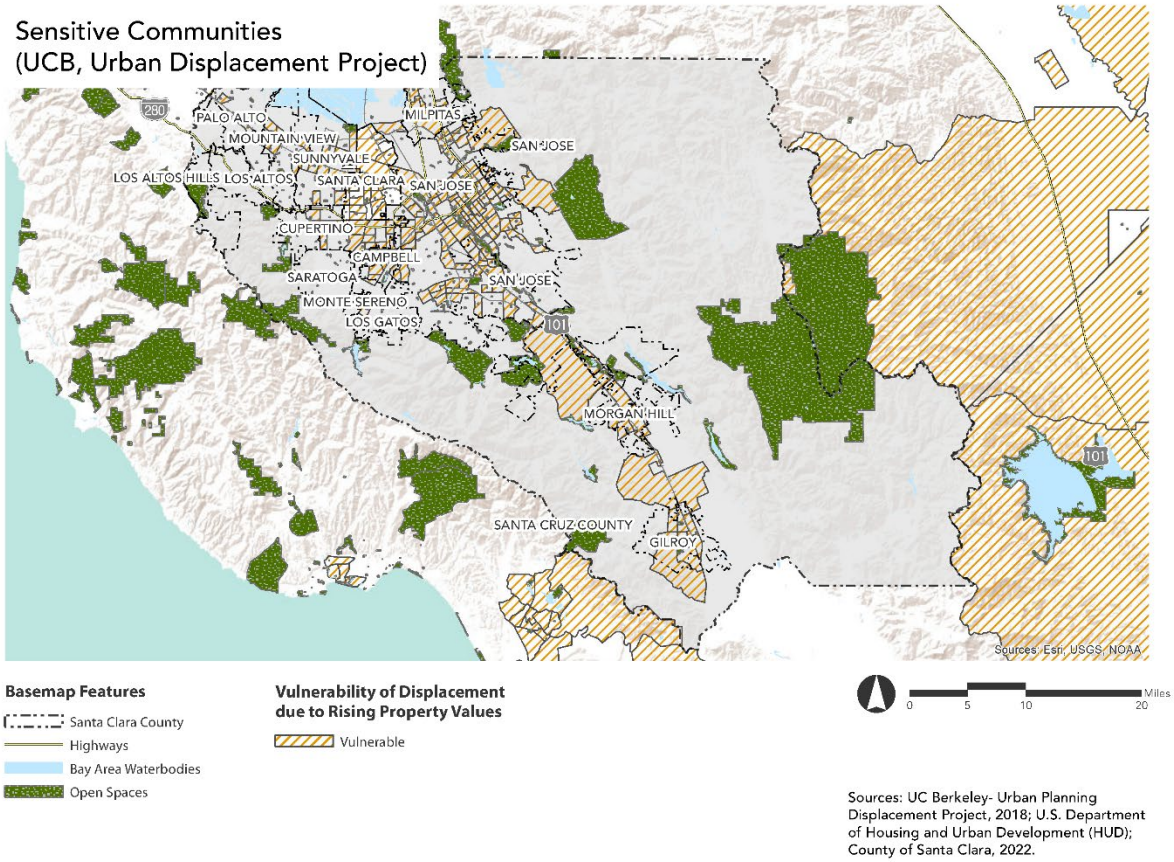
Displacement Risk

Displacement occurs when housing costs or neighboring conditions force current residents out and rents become so high that lower-income people are excluded from moving in. UC Berkeley's Urban Displacement Project states that a census tract is a sensitive community if the proportion of very low income residents was above 20 percent in 2017 and the census tracts meets two of the following criteria: (1) Share of renters above 40 percent in 2017; (2) Share of Non-White population above 50 percent in 2017; (3) Share of very low-income households (50 percent AMI or below) that are also severely rent burdened households above the county median in 2017; or (4) Nearby areas have been experiencing displacement pressures.

Regional Trends

Using this methodology, there are a number of areas in Santa Clara County identified as sensitive communities. Sensitives communities primarily lie along the Highway 101 corridor ranging from Sunnyvale to Gilroy and extend out to Cupertino in the west and east San Jose in the east. Housing prices in this area have continued to rise as the technology industries boom in Silicon Valley, explaining the high percentage of areas in the County identified as sensitive communities.

FIGURE 13.3-39: REGIONAL SENSITIVE COMMUNITIES AT RISK OF DISPLACEMENT BY TRACT (2021)

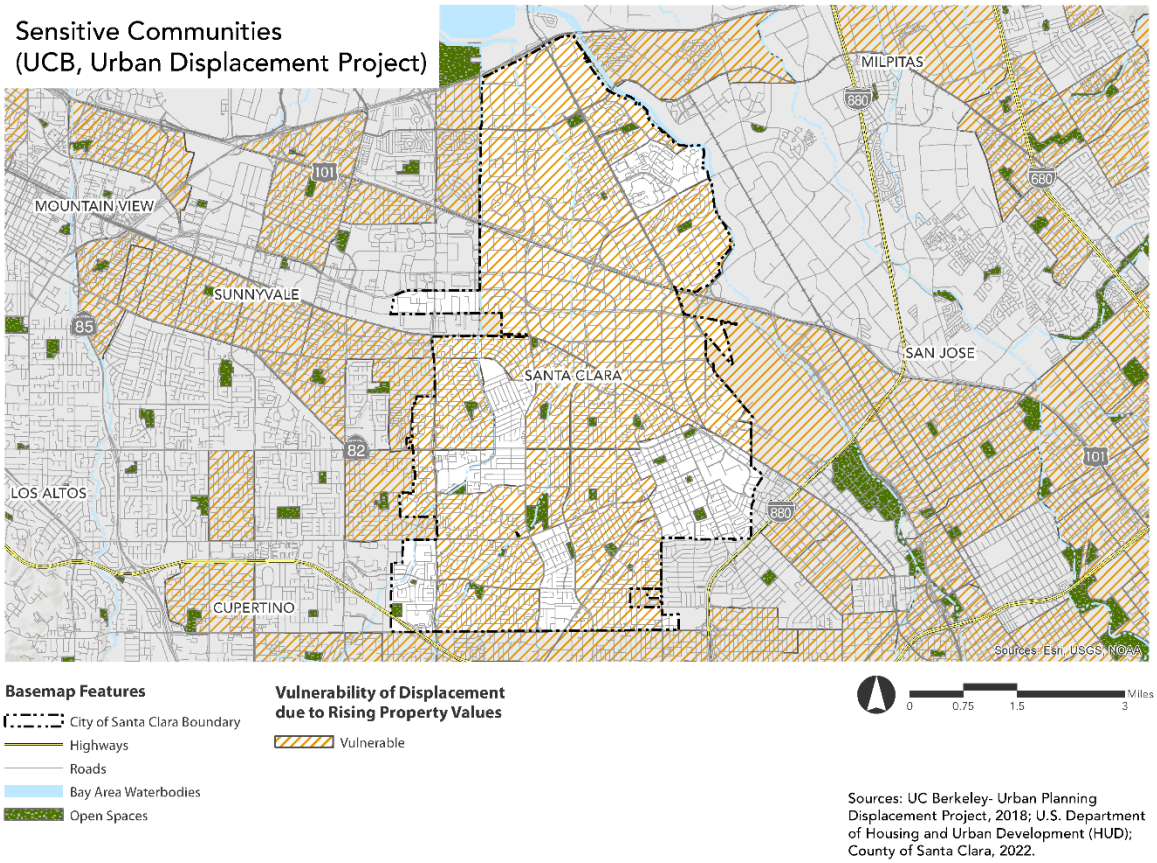


Sources: UC Berkeley- Urban Planning Displacement Project, 2018; U.S. Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

Local Trends

Most of Santa Clara was identified as a sensitive community, with only a few tracts in the south not identified as sensitive communities. Mountain View, Sunnyvale, and Milpitas also have areas identified as sensitive communities, albeit fewer than Santa Clara. Despite much of the City being identified as a sensitive community, the City has not yet seen much displacement of current residents. Development in the City has primarily occurred with the rezoning of existing commercial and industrial properties into higher density multi-family housing. Despite the low current rate of displacement, the City has proactively developed actions to address the potential for future displacement. Both action 6 and action 13, outlined in Table 13.3-18 below actively work to mitigate residential displacement by exploring funding to support affordable housing acquisition and rehabilitation and program and policy development to prevent displacement.

FIGURE 13.3-40: SENSITIVE COMMUNITIES (UCB, URBAN DISPLACEMENT PROJECT) – SANTA CLARA (2021)



Sources: UC Berkeley- Urban Planning Displacement Project, 2018; U.S. Department of Housing and Urban Development (HUD); County of Santa Clara, 2022.

Based on stakeholder outreach and the above analysis, the City has identified contributing factors to housing issues in Santa Clara and has developed a list of time bound actions and objectives. These contributing factors and solutions are summarized in Table 13.3-18 and are organized according to the five priority areas identified at the beginning of this chapter.

Table 13.3-18: AFFH Meaningful Actions Matrix

HE Action	*Contributing Factors*	*Objectives (Specific Commitments)*	*Timeline / Metrics*	*Geographic Targeting*
Segregation/Integration Patterns and Disparities in Access to Opportunity				
Action 1: Provision of a Variety of Housing Types	Zoning requirements that make developing a diversity of housing types difficult. Type and size of affordable housing units	Adopt the comprehensive Zoning Ordinance Update with revised provisions to allow a variety of housing types by right. And through the provisions of a notice of funding availability (NOFA), prioritize loans for the development of extremely low and very low-income housing alternatives.	May 2023 and 2026	Citywide with additional funding prioritized in high and highest opportunity areas within a half mile of high frequency bus and rail corridors.

HE Action	*Contributing Factors*	*Objectives (Specific Commitments)*	*Timeline / Metrics*	*Geographic Targeting*
Action 7: Code Enforcement Program	Code enforcement violations can arise when housing stock is not appropriately conserved and rehabilitated in a timely manner.	Establish multi-family residential housing inspection and educational programs that are self-funded and proactively respond to housing code violations. The City will also provide special attention to maintaining the stability of residential neighborhoods through development of minimum standards of allowed use of the City's streets, as well as maintenance of front and other yard areas visible from the public right-of-way.	By second half of 2024	Citywide
Action 15: Homeownership for First-Time Buyers	Homeownership is cost prohibitive in much of the Bay Area including Santa Clara. Low and moderate income households ae often shut out of the home ownership market.	Explore and present changes to the BMP program to keep homes affordable for longer than 5 years by requiring resale to income eligible homeowners. Promote homeownership for first time buyers through units that are income restricted, encourage program participation for households at all levels of income, and continue to promote homebuyers assistance programs through local	By the end of 2024	Citywide

HE Action	*Contributing Factors*	*Objectives (Specific Commitments)*	*Timeline / Metrics*	*Geographic Targeting*
		and regional organizations.		
Action 16: Fair Housing Program	Fair housing issues exist everywhere but disproportionately impact low income households who may not have the resources to dispute unfair housing conditions or housing discrimination.	Continue to provide fair housing services to residents including referrals, mediation, investigation of claims of discrimination, outreach and education materials, open house events to distribute information, and potentially setting a rent deposit limit.	By the end of 2024	Citywide with proactive focus in census tracts with concentrations of persons with disabilities, disproportionate housing needs, and overcrowding.
Disproportionate Housing Needs				
Displacement Risk				
Action 6: Acquisition of Multi-Family Housing	Multi-family housing that is not attended to can grow distressed and deteriorate over time limiting Santa Clara's affordable housing stock.	Present the findings on resources required to implement a Community Opportunity Purchase Act (COPA). Continue to explore funding sources to support affordable housing developers with acquisition/ rehabilitation properties and work with nonprofits to acquire and rehabilitate multi-family structures to be converted into affordable rental housing.	Early 2027 and annually	Citywide

HE Action	*Contributing Factors*	*Objectives (Specific Commitments)*	*Timeline / Metrics*	*Geographic Targeting*
Action 13: Residential Displacement	Lower income households can experience displacement when new developments are built that are not affordable to existing residents.	Evaluate and provide recommendations to the City council on new programs and policies that prevent displacement and as necessary adopt programs and policies to address displacement with bi-annual monitoring. Continue funding for dispute resolution services, the regional Homelessness Prevention System, and marketing below market rate rental and ownership opportunities.	2025-2027	Citywide

HE Action	*Contributing Factors*	*Objectives (Specific Commitments)*	*Timeline / Metrics*	*Geographic Targeting*
Cost Burden				
Action 2: Affordable Housing Ordinance	Rental and ownership housing is often unaffordable for low income households without the provision of a certain percentage of affordable units.	Reassess the potential of updating the Citywide affordable ordinance to support deeper affordability requirements (5% very low income, 5% low income, and 5% moderate income) for rental and ownership projects. The City will also look into updating the definition of "moderate income" units from 120% AMI to 100% AMI. Lastly, determine the feasibility of keeping new Below Market Purchase homes deed restricted for 20-30 years vs. 5 years.	By the end of 2024 and annually	Citywide
Action 3: Affordable Housing Incentives and Facilitation	Without encouraging affordable development market rate housing leaves many lower income and special needs households without housing options.	Proactively encourage and facilitate development efforts and identify funding sources for developers and organizations in constructing affordable housing for lower income households particularly special needs groups. Conduct public outreach and issue a request for proposals to develop mixed income or 100% affordable housing on the vacant former site of	By March 2023, by end of 2024, and Annually	Citywide and proactive outreach in the neighborhood surrounding the King's Highway Motel on El Camino Real.

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Chapter 13.4
Housing Needs Assessment

Population and Employment Trends

Housing needs are influenced by population and employment trends. This section provides a summary of changes to the population size, age, and racial/ethnic composition of the City of Santa Clara. Moreover, to gain a deeper understanding of the housing needs in the City, an evaluation of the intersection of these demographic characteristics with housing statistics such as housing type and tenure, condition, cost, and vacancy provides the necessary bases for a proper housing needs assessment.

Current Population and Population Growth

Santa Clara, incorporated in 1852, is known as "The Mission City", reflecting its place as an early California settlement dating to 1777. Santa Clara has a rich agricultural past that extends from that early settlement period almost two centuries forward. However, the post-World War II housing boom and just as significantly, the emergence of the electronics industry in the early 1950s, rapidly transformed the community. Between 1950 to 1990, the population of Santa Clara ballooned from 11,702 to 93,000. Today, Santa Clara lies in the heart of the Silicon Valley and continues to grow as the technology industry continues to expand.

From 2010 to 2020, Santa Clara's population grew by approximately nine percent, from 116,468 to 127,000 residents. During the same period, Santa Clara County as a whole grew by 10 percent. The Association of Bay Area Governments (ABAG) growth forecasts predict a steady increase in population through 2040. From 2020 to 2040, ABAG estimates that the City's population will grow by 25.6 percent, staying relatively on track with the countywide projected growth of 31.09 percent (Table 13.4-1).

Table 13.4-1: Population Growth and Projected Growth

	2010	*2020*	*2040*	*% Change 2010-2020*	*% Change 2020-2040*
Santa Clara	116,468	127,647	159,500	9.6%	25 %
Santa Clara County	1,781,642	1,936,259	2,538,320	8.67%	31.09%

Source(s): ACS QuickFacts

In addition to population projections, several other demographic characteristics and trends define housing needs. Among these characteristics are age composition, racial and ethnic composition, and employment (Table 13.4-2).

Table 13.4-2: Age, Race and Ethnicity, and Employment by Industry

Demographic Profile	*2010*	*Percentage*	*2019*	*Percentage*
Age				
0-4	9,092	7.8%	8,730	7%
5-14	12,410	11%	13,267	10%
15-24	15,783	13.5%	17,822	14%
25-34	23,016	20%	26,932	21%
35-44	18,860	16%	19,874	16%
45-54	14,987	13%	15,025	12%
55-64	10,641	9%	11,557	9%
65-74	5,951	5%	8,056	6%
75-84	3,950	3%	4,316	3%
85+	1,778	2%	2,142	2%
Median Age	34.6		33.9	
Total Population	116,468		127,721	
Race/Ethnicity				
White (non-Hispanic)	42,026	36%	40,282	32%
Hispanic	22,589	19%	22,116	17%
Black	2,929	3%	3,697	3%
Asian/Pacific Islander	44,135	38%	55,905	44%
Other	4,549	4%	5,538	7%
Total Population	116,228		127,538	
Employment by Industry				
Educational services, and health care and social assistance	9,529	17%	13,420	19%
Retail trade	4,984	9%	5,004	7%
Manufacturing	11,778	21%	12,918	19%
Professional, scientific, and management, and administrative and waste management services	12,595	22%	19,573	28%
Construction	2,295	4%	1,997	3%
Arts, entertainment, and recreation, and accommodation and food services	3,963	7%	5,427	8%
Finance and insurance, and real estate and rental and leasing	2,473	4%	2,356	3%

Table 13.4-2: Age, Race and Ethnicity, and Employment by Industry

Demographic Profile	*2010*	*Percentage*	*2019*	*Percentage*
Other services, except public administration	2,070	4%	2,036	3%
Transportation and warehousing, and utilities	1,582	3%	2,170	3%
Public Administration	1,706	3%	1,494	2%
Wholesale Trade	1,164	2%	1,505	2%
Information	2,879	5%	4,148	6%
Agriculture, forestry, fishing and hunting, and mining	157	0.3%	122	0.2%
Total Employment	57,175		72,170	

Source(s): US Census Bureau 2010, American Community Survey 2014-2019 5-year estimate

Age

Population age distribution serves as an important indicator of housing needs because housing needs and preferences change as individuals or households grow older. Young families tend to focus more on cost and the ability to become first-time homebuyers. Table 13.4-2 shows the age groups of Santa Clara residents. The largest age group in 2010 was residents aged 25 to 34 at 20 percent. In 2010, the second largest age group was residents aged 35 to 44, at 16 percent. This trend stayed consistent in 2019, with the largest percentage of residents falling in the 25 to 34 age group, at 21 percent. The second largest age group in 2019 was residents aged 35 to 44, at 16 percent

The median age in Santa Clara is 33.9 years. Compared with the County (37.4 years) and the state (36.5 years), the City's population is younger. The large population of young adults means that demand for larger homes for families will likely continue to grow as residents move out of smaller homes and apartments and raise families.

Race and Ethnicity

Table 13.4-2 shows the racial/ethnic distribution of population in Santa Clara. Asian (43.2 percent) and White (non-Hispanic) (31.5 percent) residents make up most of the population. This breakdown is reflective of Santa Clara County, which is mostly Asian (36.5 percent) and White (31.5 percent) residents. The racial makeup of Santa Clara has stayed mostly consistent since 2010. The two largest racial groups in 2010 were Asian (38 percent) and White (36 percent). From 2010 to 2019, the White and Hispanic populations decreased while the Asian population increased, and the other racial groups stayed consistent. For example, the City of Santa Clara's Black or African American residents makes up 3 percent of the population, just over Santa Clara County's Black or African American population of 2.5 percent.

Employment

Santa Clara has 13,420 workers living within its borders who work across 13 major industrial sectors. Table 13.4-2 provides detailed employment information. Many Santa Clara residents work in professional, scientific, and management, and administrative and waste management services (19,573, 28 percent of total), reflects the predominant technology industry of Silicon Valley. The second largest industries are educational services, and health care and social assistance (19 percent) and manufacturing (19 percent). Between 2010 to 2019 the number of residents employed in educational services, health care, and social assistance and professional, scientific, and management, and administrative and waste management services increased, while the number of residents employed in manufacturing decreased.

These trends are important to understand, as certain industries are generally associated with lower median earnings. In the City, the median income for professional, scientific, and management, and administrative and waste management services is $100,235. The median income for manufacturing is $103,951, while the median income for educational services, health care, and social assistance is considerably lower at $45,931. The 10 principal employers in Santa Clara are presented in Table 13.4-3.

Table 13.4-3: 10 Principal Employers, 2020

Employer	Number of Employees	Percentage
Applied Materials, Inc.	8,500	22.8%
Intel Corporation	7,801	20.9%
Advanced Micro Devices Inc.	3,000	8.0%
California's Great America	2,500	6.7%
Avaya Inc.	2,000	5.4%
Santa Clara University	2,000	5.4%
City of Santa Clara	1,973	5.3%
Kaiser Foundation Hospitals	1,459	3.9%
Macy's	1,200	3.2%
Catalyst Semiconductor Inc.	1,100	2.9%

Source(s): City of Santa Clara Comprehensive Annual Financial Report, June 30, 2020

Household Characteristics

The characteristics of a community's households impact the type and tenure of housing needed in that community. Household type, income levels, the presence of special needs populations, and other household traits are all factors that affect the housing needs of a community and the strategies that the community must deploy to meet those needs.

Characteristics for Santa Clara households are summarized in Table 13.4-4. The number of households in Santa Clara have increased by 2,346 from 42,323 in 2010 to 44,669 in 2019. Renter-

occupied households increased by 2,566 from 22,960 households in 2010 to 25,525 in 2019. Owner-occupied households decreased by 220 from 19,363 households in 2010 to 19,143 in 2019.

Table 13.4-4: Household Characteristics by Tenure

Household Characteristic	*Owner Households*	*Renter Households*	*All Households*
Number of Households[1]	19,143 (42.8%)	25,526 (57%)	44,669
Median Household Income[1]	$155,718	$108,435	$126,006
Household Income Categories[2]			
Extremely Low Income (0-30% AMI)	1,339 (7%)	4,123 (16.7%)	5,462 (12.5%)
Very Low Income (30-50% AMI)	1,853 (9.8%)	3,215 (13.3%)	5,068 (11.6%)
Low Income (50-80% AMI)	1,884 (10%)	2,540 (10.3%)	4,424 (10%)
Moderate Income (80-100% AMI)	1,480 (7.8%)	2,185 (9%)	3,665 (8.4%)
Above Moderate Income (100% + AMI)	12,265 (65%)	12,544 (50.9%)	24,809 (57%)
Total	18,821	24,607	43,428
Overpayment			
All Households Overpaying for Housing	1,900 (10%)	5,365 (21%)	7,265 (16.4%)
Lower Income Households Overpaying for Housing (*0-80%)[2]	1,670 (36%)	5,265 (55%)	6,935 (49%)

Source(s):
1 US Census Bureau, American Community Survey 2014-2019 5-year estimates
2 U.S. Department of Housing and Urban Development Comprehensive Housing Affordability Strategy (CHAS) Tables 2013-2017

Income

According to the 2019 American Community Survey (ACS), the median household income for the City of Santa Clara was $126,006, which is slightly higher than the Santa Clara County median household income of $124,055. Median household income differs by tenure; in the City, owner households have a significantly higher median income than renter households (a difference of $47,283).

Census data estimates that 6.7 percent of the Santa Clara population lives in poverty, as defined by federal guidelines. This proportion is lower than in Santa Clara County, where 7.5 percent of residents live in poverty. Poverty thresholds vary by household type. In Santa Clara, the percentage of persons living in poverty is higher for Black residents, with 9.3 percent living in poverty, and much higher for female householders with no spouse present, at 16.7 percent.

Because poverty thresholds do not differ based on geographic differences, a better measure to understand income disparities can be to identify various percentages compared to the median income for a particular area. For housing planning and funding purposes, the Department of Housing and Urban Development (HUD) uses five income categories to evaluate housing need based on the Area Median Income (AMI) for the county:

- Extremely Low-Income Households earn 0-30 percent of AMI
- Very Low-Income Households earn 30-50 percent of AMI
- Low-Income Households earn 50-80 percent of AMI
- Moderate-Income Households earn 80-100 percent of AMI (HCD uses 120%)
- Above Moderate-Income Households earn over 100 percent of AMI (HCD uses 120%+)

Comprehensive Housing Affordability Strategy (CHAS) data provides special Census tabulations (developed for HUD) and calculates household income adjusted for family size and tenure. As shown in Table 13.4-4**,** in Santa Clara above moderate-income households make up the largest share of all households (57 percent), and extremely low-income households represent the second largest category (12.5 percent). Income also differs by tenure; as indicated in Table 13.4-4, more renter households are in the lower-income categories (0-80 percent AMI) than owner households.

Housing Overpayment

State and federal standards specify that households spending more than 30 percent of gross annual income on housing experience a housing cost burden. Housing cost burdens occur when housing costs increase faster than household income. When a household spends more than 30 percent of its income on housing costs, it has less disposable income for other necessities such as health care, child-care, and food. In the event of unexpected circumstances such as loss of employment or health problems, lower-income households with a housing cost burden are more likely to become homeless or double up with other households. In Santa Clara, 16.4 percent of households are overpaying for housing, with owner households and renter households overpaying 10 percent and 21 percent, respectively. Lower-income households have a much higher rate of overpayment at 49 percent whether it is an owner household or a renter household.

Extremely Low Income (ELI) Households

HCD defines ELI households as "a subset of very low income households. . . defined as 30 percent (or less) of the area median income". As stated above, ELI households make up 12.5 percent of all households in Santa Clara with more renter households than owner households (16% and 7% respectively). Stakeholder outreach for the Housing Element and the City's Homelessness Taskforce in 2022 indicated that ELI housing is sorely needed by a wide variety of groups including persons with disabilities, elderly adults, and persons who are at risk of becoming homeless. Many stakeholders shared that "low-income housing" isn't affordable anymore as

income limits continue to increase with area median income. More ELI and VLI units are needed to assist residents whose income is not keeping pace with HCD income limits and inflation.

The City of Santa Clara adopted the Affordable Housing Ordinance in 2018 which required rental projects of 10 or more units to provide at least 15 percent of the units at affordable rental prices to extremely low, very low, and low income households. These units must also remain a part of the affordable rental program for fifty-five years. The distribution of affordable units must average to a maximum of one hundred percent (100%) area median income so the number of ELI units that are produced through inclusionary housing is limited.

In 2015 the City partnered with HouseKeys Inc. to create a "one stop shop" for new affordable rental and ownership opportunities in Santa Clara. The City also updates an Affordable Housing Resource Guide twice per year which provides resources for emergency housing support, organizations that provide rental assistance, homeowner programs, and a list of affordable housing properties throughout the City. A list of existing properties with ELI units is included below in Table 5. The 233 existing ELI income restricted units is far lower than the 5,462 ELI households in Santa Clara.

The City has also worked to develop actions that specifically address extremely low and very low-income households which may experience greater cost burden. Action 2 in the housing plan will look at updating the Citywide affordable ordinance to support deeper affordability requirements. Action 3 facilities the development efforts for constructing affordable housing for lower income households particularly special needs groups. Action 6 explores funding sources to support affordable housing developers with acquiring and rehabilitating multi-family structures. Action 12 explores additional resources for providing funding for affordable housing. And Action 14 advocates for additional project and person-based vouchers for seniors and other special needs groups.

Table 13.4-5: Existing Properties with Extremely Low-Income Housing Units

Property Name	*Number of ELI Units*	*Address*
Monroe Apartments	16	2330 Monroe Street
Calabazas Apartments	80	2904 Corvin Street
Mainline North Apartments	16	2310 Called Del Mundo
Agrihood	54	90 North Winchester Blvd.
Kifer Senior	39	3335 Kifer Road
Peacock Commons	10	3661 Peacock Ct.
Belovida Senior Apartments	9	1820 Main Street
Cypress	5	455 N. Cypress Avenue
Presidio El Camino	4	1450 El Camino Real
TOTAL	**233**	

Source: City of Santa Clara

Supportive and transitional housing types which often serve extremely low income households are both permitted within R1-8L single family zones, R1-6L single family zones, duplex zones, low density multiple-dwelling zones, moderate density multiple-dwelling zones, and medium density multiple-dwelling zones.

Housing Stock Characteristics

Housing Stock

In 2022, the State Department of Finance estimated that in 2020 there were 47,004 occupied housing units in the City. Compared to 2010, the City's housing stock has increased by 3,983 units. Most of the City's housing stock is made up of multi-family units (55 percent) followed by single family units (40 percent). Census data indicates that 0.2 percent of owner units and four percent (see Table 13.4-6) of rental units are vacant, suggesting that the City should continue to increase housing construction to accommodate residents.

Construction of both single family homes (attached and detached) and multi-family homes has grown in Santa Clara since 2010. However, while single family homes have only grown by 125 units between 2010 and 2019, multi-family homes have grown by 2,641 units, likely due to the technology industry boom and the influx of younger adults moving to the area for jobs.

Table 13.4-6: Housing Stock Characteristics by Tenure – 2020

Housing Characteristic	*Owner Households*	*Renter Households*	*All Households*
Total Housing Units	19,271 (41%)	26,792 (57%)	47,004
Single Family Detached	No data	No data	19,543 (42%)
Single Family Attached			4,595 (9.8%)
Multi-Family Units			26,045 (55%)
Mobile home, other units			46 (.09%)
Average or median Household Size			2.65
Vacancy Rate	0.2%	4.0%	6.4%
Overcrowded Units	0.9%	5.2%	6.2%
Units Needing Replacement/Rehabilitation	N/A	N/A	None
Housing Cost – Average purchase price and monthly rent	$1,034,000	$2,396	N/A

Note: Total housing units does not sum to 100% due to vacant units
Source(s): US Census Bureau, American Community Survey 2015-2019 5-year estimates, California Department of Finance E-5 Population and Housing Estimates, 2021

Overcrowding

In response to a mismatch between household income and housing costs in a community, some households may not be able to buy or rent housing that provides a reasonable level of privacy and space. According to both California and federal standards, a housing unit is considered overcrowded if it is occupied by more than one person per room (excluding kitchens, bathrooms, and halls). In Santa Clara, 6.2 percent of housing units are overcrowded, compared to 5.2 percent in the County. Overcrowding is much more prevalent in renter households (5.2 percent) than owner households (0.9 percent).

Housing Condition

The condition of housing stock can be an indicator of potential rehabilitation needs. Based upon observations and experiences of the Housing & Community Services Division, the City estimates that on average fewer than 10 housing units per year are in severe need of substantial rehabilitation due to housing conditions.

Housing Cost

The cost of housing in a community is directly correlated to the number of housing problems and affordability issues. High housing costs can price low-income families out of the market, cause extreme cost burdens, or force households into overcrowded or substandard conditions. The Santa Clara median home price according to 2019 ACS data is $1,034,000. The median home price in Santa Clara County according to ACS data is $984,000, $50,00 lower than in the City.

According to the 2019 ACS, 57 percent of Santa Clara households are living in rental housing. Census data shows that the average rent in Santa Clara is $2,396 per month, with most (25.7 percent) paying between $2,000 and $2,499 in rent. Table 13.4-6 shows that the HUD-determined fair market rents for the City of Santa Clara fall within the range of the rents within the County. Therefore, the rental rates in Santa Clara generally are less than the HUD-determined fair market rents, indicating that certain parts of Santa Clara County are potentially more expensive than local rents.

Table 13.4-7: Fair Market Rents in Santa Clara County

Year	*Efficiency*	*One-Bedroom*	*Two-Bedroom*	*Three-Bedroom*	*Four-Bedroom*
FY 2020 FMR	$2,103	$2,458	$2,970	$3,943	$4,525

Source(s): FY2020 Fair Market Rents. U.S. Department of Housing and Urban Development (HUD)

According to Costar, the vacancy rate in Santa Clara in Q3 2022 was lower at 3.5% while the larger San Jose metro area's vacancy was 4.9%. In Q3 2022, vacancy for 3-bedroom units was much

lower at 2.9% while vacancy for smaller unit types was closer to the overall average at 3.5%. Average effective rent per unit in Santa Clara trend higher at $3,094 compared with $2,880 for the larger San Jose metro area.

Table 13.4-8: Market Rents Per Unit by Bedroom – Q3 2022

Year	*Efficiency*	*One-Bedroom*	*Two-Bedroom*	*Three-Bedroom*
Q3, 2022	$2,498	$2,898	$3,525	$3,910

Source: Costar, November 11, 2023

Special Housing Needs

Housing-element law requires local governments to include an analysis of housing needs for residents in specific special needs groups and to address resources available to address these needs.

Table 13.4-9: Special Needs Groups

Special Needs Category	*Count*	*Percent*
Persons with Disabilities[1]	8,966	7% of residents
Persons with Developmental Disabilities[2]	3,246	2.7% of residents
Elderly (65+ years) [1]	14,514	11.3% of residents
	3,249 households	7.2% of households
Large Households (5+ members) [1]	4,253 households	9.5% of households
Farmworkers[1]	122	0.2% of labor force
Migrant Worker Student Population	0	0% of labor force
Female Headed Households[1]	3,571 households	7.9% households
Male Headed Households	1,924 households	4.3% households
Married Couple Households	24,719 households	55% households
Householder Living Alone	1,624 households	22% households
People Experiencing Homelessness[3]	326	N/A

Source(s):

1. US Census Bureau, American Community Survey 2015-2019 5-year estimates

2. California Department of Developmental Services, 2020, reflects the DDS consumer count by CA ZIP Codes 95050, 95051, 95052, 95053, 95054, 95055, 95056

3. Santa Clara County: Annual Point in Time Count Report

Persons with Disabilities including persons with Developmental Disabilities

Disabled residents face housing access and safety challenges. Disabled people, in many cases, are of limited incomes and often receive Social Security income only. As such, most of their monthly income is often devoted to housing costs. In addition, disabled persons may face difficulty finding accessible housing (housing that is made accessible to people with disabilities through the positioning of appliances and fixtures, the heights of installations and cabinets, layout of unit to facilitate wheelchair movement, etc.) because of the limited number of such units.

The following is a summary of the number of people in Santa Clara with different types of disabilities according to the 2019 ACS:

Ambulatory Difficulty	4,234
Independent Living Difficulty	3,372
Cognitive Difficulty	3,246
Self-care Difficulty	1,885
Vision Difficulty	1,557

According to the 2019 ACS there are 8,966 residents with one or more of the above listed types of disabilities in Santa Clara, representing seven percent of residents. Most residents with a disability are 75 and older (47.1 percent), followed by those 65 to 74 years old (18 percent). The most commonly occurring disability amongst seniors 65 and older was an independent living difficulty, experienced by 14.5 percent of Santa Clara's seniors. The most common disabilities for people 35-64 years old was ambulatory difficulty followed by cognitive difficulty.

For those with a developmental disability, the majority reside in the home of a parent, guardian, or family member (78 percent). The second most common living situation for individuals with a developmental disability is a community care facility (9.6 percent).

Housing Choices is a local nonprofit focused on enhancing the lives of people with developmental and other disabilities and their families by creating and supporting quality, affordable housing opportunities. Housing Choices provided the following comments relating to the needs of developmentally disabled residents in Santa Clara County:

- Between September 2015 and June 2021, the Department of Developmental Services reported that the number of Santa Clara County residents with developmental disabilities age 62 and older grew by 35 percent. This increase is generally attributable to gains in life span which likely means that more adults with developmental disabilities will outlive their parents and family members who are by far the single largest source of housing for people with developmental disabilities in the City of Santa Clara.
- Because older adults currently occupying a licensed facility in Santa Clara County are living longer, this reduced rate of occupant turnover, coupled with closing facilities, will make it more difficult for middle-aged and senior adults who have been living with aging parents in the City of Santa

Clara to transition to licensed care when their parents pass away. Notwithstanding 20 percent growth in Santa Clara County's total population of adults with developmental disabilities, the Department of Developmental Services has documented a 15 percent decline in the age group 42 to 51 in Santa Clara County between September 2015 and June 2021. In light of gains in life expectancy, this loss can reasonably be attributed to displacement from the county because of the lack of residential living options (either licensed facilities or affordable housing) when an elderly family caregiver passes away or becomes unable to house and care for the adult. Displacement takes a particular toll on adults with developmental disabilities who depend on familiarity with transit routes and shopping and services, as well as support from community-based services and informal networks built up over years of living in Santa Clara.

Santa Clara has responded to the need for community care facilities and there are several group homes and independent living options for Santa Clara residents with disabilities, shown in table 10 below. Action 18 in the housing plan will explore ways to increase special needs housing and support the creation of new shared housing options for residents with disabilities.

Table 13.4-10: Housing Properties for Persons with Disabilities

Property Name	*Number of Units*	*Address*
Group Homes		
Briarwood Cooperative	Shared single-family home with private bedrooms for 4 individuals with developmental disabilities	2114 Briarwood Drive Santa Clara, CA 95051
De La Cruz Cooperative	Shared single-family home with private bedrooms for 4, individuals with developmental disabilities	3779 De La Cruz Boulevard Santa Clara, CA 95054
Various Locations Life Services Alternative	3 five-person group homes for persons with physical or developmental disabilities	260 W. Hamilton Avenue Campbell, CA 95008
Independent Living		
Estancia	90 apartments (1 BR, 2 BR, 3 BD) for individuals with developmental disabilities	1650 Hope Drive Santa Clara, CA 95054
Rivertown Apartment	15 apartments (2 BR, 3 BD) for individuals with developmental disabilities	1340 Hope Drive Santa Clara, CA 95054
Stoney Pine Villa	12 one-bedroom units, 8 two-bedroom units, 3 three-bedroom units	267 W California Street Sunnyvale, CA 94086

Source: City of Santa Clara:

Elderly (65+ years)

Many senior-headed households have special needs due to their relatively low incomes, disabilities or limitations, and dependency needs. Specifically, many people aged 65 years and older live alone and may have difficulty maintaining their homes, are usually retired, and living on a limited income, and are more likely to have high health care costs and rely on public transportation, especially those with disabilities. The limited income of many elderly persons often makes it difficult for them to find affordable housing. There are 3,249 households headed by elderly residents, representing 7.2 percent of total households in Santa Clara. Of all the age groups in Santa Clara, elderly residents experience poverty at a lower rate (7.8 percent) than those aged 18 to 34 (8.8 percent) which is counter to trends in other cities where elderly residents are more likely to be low income. Seniors may experience specific housing needs and require special assistance in their living situations. The City of Santa Clara has several housing properties dedicated to seniors, including options for seniors who are more active and those who require assisted living. These properties are detailed in Table 13.4-11 below.

Table 13.4-11: Housing Properties for Seniors

Property Name	*Number of Units*	*Address*
Active Seniors		
Belovida	27 one-bedroom units for seniors age 62 and older	1820 Main Street Santa Clara, CA 95050
Bracher Apartment	72 one-bedroom units for seniors age 62 and older	2665 South Drive Santa Clara, CA 95051
Camino del Rey	48 one-bedroom units for seniors age 55 and older	2525 El Camino Real Santa Clara, CA 95051
Gateway Santa Clara	40 one-bedroom units, 2 two-bedroom units for seniors age 55 and older	1000 El Camino Real Santa Clara, CA 95050
John Burns Gardens	95 one-bedroom units, 5 two-bedroom units for seniors age 62 and older	820 Agnew Road Santa Clara, CA 95054
Liberty Tower	60 studios, 41 one-bedroom units for seniors age 62 and older	890 Main Street Santa Clara, CA 95050
Valley Village	80 studios, 80, one-bedroom units, 140 two- bedroom units for seniors age 62 and older	390 N Winchester Boulevard Santa Clara, CA 95050
Assisted Living		
Pacific Gardens	21 beds for seniors age 55 and older	2384 Pacific Drive Santa Clara, CA 95051

Source: City of Santa Clara:

Large Households (5+ members)

Large households, defined by HCD as households containing five or more persons, have special housing needs due to the limited availability of adequately sized, affordable housing units. Larger units can be very expensive; as such, large households are often forced to reside in smaller, less expensive units or double-up with other families or extended families to save on housing costs, both of which may result in unit overcrowding. There are 4,253 large households in Santa Clara representing 9.5 percent of all households. A larger percentage of renter households (5 percent) are defined as large households as compared to owner households (4.5 percent).

In Santa Clara, 3.2 percent of families are living in poverty. For large households with five or six family members 2.7 percent live in poverty, this rate goes up drastically for families with seven or more people (7.1 percent). Table 12 below shows household size by tenure in Santa Clara. Two-person households make up the largest number of households with 32.5% being owner households and 34% being renter households.

Table 13.4-12: Household Size by Tenure

	Owners		*Renters*		*Total*	
Household Size	*Number*	*Percent*	*Number*	*Percent*	*Number*	*Percent*
1-Person Household	3,822	20%	6,122	24%	9,944	22%
2-Person Household	6,222	32.5%	8,642	34%	14,864	33%
3-Person Household	3,946	20.6%	4,703	18.4%	8,649	19%
4-Person Household	3,157	16.4%	3,802	14.8%	6,959	15.5%
5+ Person Household	1,996	10.4%	2,257	9%	4,253	9.5%
Total	19,143	100%	25,526	100%	44,669	100%

Source: City of Santa Clara:

Farmworkers

Due to the high cost of housing and low wages, migrant farmworkers have difficulty finding affordable, safe, and sanitary housing. There are 122 residents who may work as farmworkers and live in Santa Clara, representing only 0.2 percent of the working population. Maps from the State of California Department of Conservation Farmland Mapping and Monitoring Program show no farmland in Santa Clara. Due to the low number of agricultural workers in the City, the housing needs of migrant and/or farmworker housing need can be met through general affordable housing programs. The City conducted specific focus group outreach to farmworker

advocate groups in the City who identified that there may be a need for multi-generational housing options.

Female-Headed Households

Single-parent households require special consideration and assistance because of the greater need for day care, health care, and other services. In particular, female-headed households with children tend to have lower incomes and a greater need for affordable housing and accessible daycare and other supportive services. The relatively low incomes earned by female-headed households, combined with the increased need for supportive services, severely limit the housing options available to them. There are 3,571 female-headed households in Santa Clara, representing 7.9 percent of households. A total of 16.7 percent of female-headed households live in poverty, a much higher percentage than all households living in poverty at 6.7 percent. The largest household type in Santa Clara is married couple household (55 percent), followed by householders living alone (22 percent), and male-headed households (4.3 percent).

People Experiencing Homelessness

Population estimates for people experiencing homelessness is very difficult to quantify. Census information is often unreliable due to the difficulty of completely counting a population without permanent residences. Given this impediment, local estimates of the homeless and anecdotal information are often the sources of population numbers. In 2022, the regional point in time count identified a total of 440 people who were unsheltered or living in emergency shelters in the City of Santa Clara. Data from Santa Clara County Office of Supportive Housing identified 769 clients in 2021. These individuals are affiliated with the City of Santa Clara, had an emergency shelter, transitional housing, or outreach enrollment during, or took a Vulnerability Index Service Prioritization Decision Assistance Tool in 2021. Of these identified clients, 58 percent were male, 42 percent were female. The most individuals indicated they were between 55 to 64 years old followed by those 25 to 44 years old. Over half of individuals (52%) identified as non-Hispanic White and 46 percent identified at Hispanic/Latinx. Of these 769 homeless clients, 43 indicated they were veterans, 453 reported to have a disabling condition, 384 had a chronically homeless status, 264 had a self-reported domestic violence background, and 82 clients self-reported currently fleeing domestic violence. In 2019 there were 326 people counted. During this same time period, Santa Clara County's point in time count increased by 3 percent. Comparing point in time count between 2019 and 2022, the number of unsheltered individuals in the City of Santa Clara rose from 264 to 375 and the number of sheltered individuals rose from 62 to 65. This suggests that the City of Santa Clara's overall increase in homelessness was due primarily to the growth in unsheltered homeless. Housing types for sheltered homeless individuals from 2021 can be found in table 13 below.

Table 13.4-13: Housing Inventory Count for Sheltered Individuals

Project Type	*2021 Housing Inventory Count*
Emergency Shelter	10
Transitional Housing	65
Rapid Rehousing	151
Permanent Supportive Housing	101
Other Permanent Housing	126
Grand Total	453

Source: 2021 Housing Inventory Count (HIC) Data for City of Santa Clara

The location of homeless encampments and RV parking shifts regularly. There are concentrations of overnight RV parking in the northern part of the City near Bassett Street, Hope Drive, Memorex Drive, and Richard Avenue. There are smaller concentrations in other parts of the City near De La Cruz Boulevard and Martin Avenue, Saratoga Avenue and Los Padres Boulevard, and certain portions of Stevens Creek Boulevard.

For encampments, there are concentrations on Saratoga Creek from Forbes Avenue, north along the creek to El Camino Real. Several segments of El Camino Real include unhoused residents camping near vacant buildings. On the north side of the City, the Guadalupe River trail from Highway 237 down to Trimble Road has a concentration of homeless encampments. Lastly, Calabazas Creek from Tasman Drive to Highway 101 has historically had several encampments. Generally, encampments are located in areas adjacent to waterways or near unoccupied/vacant buildings. Action 17 in the housing plan chapter ensures that the City adopts and implements the Homelessness Response Plan by early 2023.

Table 13.4-14 lists nine sites in the City where persons in need of emergency shelter can seek shelter and other assistance.

Table 13.4-14: Emergency Housing Providers in the City of Santa Clara

Provider	*Target Population*	*Capacity/ Housing Type*
Bill Wilson Center, Bill Wilson House	Homeless teenagers	Six-person group home
Bill Wilson Center, Homeless Teen Parent Project	Homeless teen mothers and dependent children	Six-person group home and four transitional apartments
Bill Wilson Center, Runaway Youth Shelter	Runaway, homeless and other troubled youth	Short-term transitional
Bill Wilson Center, Transitional Housing for Foster Home Teenage Girls	Teenage girls	Six-person group home
Bill Wilson Center, Transitional Housing for Homeless Teens	Homeless teenagers	Six-person group home
HomeFirst, Sobrato Family Living Center	Homeless families	33-unit transitional

Table 13.4-14: Emergency Housing Providers in the City of Santa Clara

Provider	*Target Population*	*Capacity/ Housing Type*
HomeFirst, Sobrato Family Living Center II	Homeless families	10-unit transitional and eight-unit permanent
Charities Housing Homesafe Santa Clara	Survivors of domestic violence	24-unit transitional
Silicon Valley Independence Living Center	Persons with disabilities	Four-bedroom transitional

Source(s): City of Santa Clara, 2022

Energy Conservation Opportunities

The Housing Element should analyze opportunities for energy conservation in residential development. Energy-related housing costs can directly impact the affordability of housing. While State building code standards contain mandatory energy efficiency requirements for new development, the City and utility providers are also important resources to encourage and facilitate energy conservation and to help residents minimize energy-related expenses. Policies addressing climate change and energy conservation are integrated into the Santa Clara General Plan.

Santa Clara has two solar systems at City facilities, which have capacity to produce up to 500 kilowatts (kW) of energy combined. Pursuant to the City's Climate Action Plan (CAP), five more solar photovoltaic (PV) projects will be installed with a total capacity of three to five megawatts (MW). To encourage residential PV units, Silicon Valley Power (SVP) offers a Neighborhood Solar Program which matches resident and business contributions to the fund for nonprofit solar facilities in the City. SVP also provides rebates for local businesses and residents for solar electric system installation and expedited solar system permitting. SVP offers free home energy audits to residents to help identify energy efficiency improvements, and rebates, including energy efficient appliances, insulation, lighting, cooling, and process changes. The City is also working with the regional energy supplier PG&E to encourage residents and businesses to retrofit their natural gas systems.

At-Risk Housing Analyses

State housing law requires an inventory and analysis of government-assisted dwelling units eligible for conversion from lower income housing to market rate housing during the next 10 years. Reasons for this conversion may include expiration of subsidies, mortgage pre-payments or pay-offs, and concurrent expiration of affordability restrictions. Currently, five affordable housing properties in Santa Clara are at risk of converting to market rate housing in the next 10 years as shown in table 15 below.

Table 13.4-15: At-Risk Housing

Project Name	*Address*	*Total Units*	*Affordable Units*	*Funding Source*	*Date of Affordability End*
Benton House*	1885 Benton Street, Santa Clara	5	5	HCD	06/03/28
Clara Vista House*	723 Clara Vista Street, Santa Clara	6	6	HCD	06/03/28
Sobrato Family Living Center I**	1509 Agnew Rd, Santa Clara	33	32	Local	05/21/29
Estancia	1650 Hope Dr	450	90	Local	06/23/29
Casa Del Maestro Apartments (Phase I) 2001	3445 Lochinvar Ave, Santa Clara	40	2	Local	10/02/31
Total		**534**	**135**		

Source(s): At Risk-Housing Report for City of Santa Clara, CHPC 2022
**Not included in total unit count, zoned as single family residences*
***Currently being refinanced with a possible extension of the affordability period*

Transferring ownership of the affordable units to a nonprofit housing organization is a viable way to preserve affordable housing for the long term and increase the number of government resources available to the project. The City will seek to establish deeper relationships with non-profit affordable housing developers and supportive services providers to identify and preserve at risk properties for preservation. Additionally, Sobrato Family Living Center is currently seeking to rehabilitate its units and extend the affordability period of the project, and other properties may seek to do the same. HCD also administers programs to finance the acquisition of at-risk projects, and there are low-income housing tax credits, and bond financing. Locally, there are HUD CDBG rehabilitation funds.

In Santa Clara, the estimated market value for the 5 affordable units in the at-risk projects is evaluated in Table 13.4-16 below. The current total market value for the 124 at-risk units in Casa del Maestro Apartments, Estancia, and Sobrato Family Living Center is estimated to be $32,596,728. The estimated replacement cost is for the same units is approximately $57,800,000, with additional rent subsidies of $537,000 per year of deed restricted affordability, or $29,568,000 for the typical 55-year affordability requirement.

Two small at-risk properties owned by Momentum for Mental Health are operated as supportive housing for people dealing with mental health concerns, and as a smaller operation valuation comparable would be similar to a single-family residence, and the replacement cost would mirror the cost of single-family construction. However, the replacement strategy for the smaller projects would most likely be a purchase and rehabilitation project. For a five to six room unit the costs would be approximately $1,200,000 to 1,700,000 million for purchase and rehabilitation or construction. Momentum for Mental Health is a non-profit organization and will likely not be

selling the properties in the coming years, and seek to refinance and rehabilitate the project and seek subsidies to extend the affordability of the project.

Table 13.4-16: Market Value of At-Risk Projects

Size of Unit	*Total Units*
1-Bedroom	40
2-Bedroom	68
3-Bedroom	16
Total	124
Gross Annual Income	$4,357,584
Operating Costs	$1,097,911.20
Net Annual Income	$3,259,672.80
Market Value	$32,596,728

Source(s): zumper.com, compiled by MIG
1. Median Rent: 1-bed = $2,402, 2-bed = $2,995, 3-bed = $3,962
2. Average Unit Size: 1-bed = 700 sq.ft., 2-bed = 900 sq.ft., 3-bed = 1,100 sq.ft.
3. Annual operating costs assume 5% vacancy rate and cost per square foot is 20% based on age of the building yielding expenses per square foot = $8.24
*4. Market value = Annual net project income*multiplication factor*
5. Multiplication factor based on building age and rent tier = 12

Table 13.4-17: Replacement Costs of At-Risk Projects

Size of Unit	*Total Units*	*Total Cost ($425 per sq.ft)*
1-Bedroom (800 sq. ft.)	40	$13,600,000
2-Bedroom (1,200 sq. ft.)	68	$34,680,000
3-Bedroom (1,400 sq. ft.)	16	$9,520,000
Total	124	$57,800,000

Source(s): RSMeans Data, 2022, 3-Story, Stick and Stucco; regional adjustment
1. Per unit cost: 1-BR, $340,000; 2-BR, $510,000; 3-BR, $595,000
2. Additional subsidies would be required of approximately $200 per bedroom (2020 Income Limits – Fair Market Rent)

Coastal Zone

The City of Santa Clara is not in a coastal zone and therefore is not subject to the requirements of Government Code 65588 (c) and (d).

Projected Housing Need (RHNA)

Housing Element law requires a quantification of each jurisdiction's share of the regional housing need as established in the RHNA-Plan prepared by the jurisdiction's council of governments. The California Department of Housing and Community Development (HCD), in conjunction with the ABAG, determine a projected housing need for the region covered by ABAG. This share, known as the Regional Housing Needs Allocation (RHNA), is 441,176 new housing units for the 2023-

2031 planning period throughout the ABAG region. ABAG has, in turn, allocated this share among its constituent jurisdictions, distributing to each its own RHNA divided along income levels. The City of Santa Clara has a RHNA of 11,632 housing units to accommodate in the housing element period. The income distribution is as shown in Table 13.4-18.

Table 13.4-18: Regional Housing Needs Allocation 2023-2031

Income Group	*% of County AMI*	*Number of Units Allocated*	*Percent of Total Allocation*
Very Low[1]	<50%	2,872	25%
Low	50-80%	1,653	14%
Moderate	80-120%	1,981	17%
Above Moderate	>120%	5,126	44%
Total	---	11,632	100%

Note: Pursuant to AB 2634, local jurisdictions are also required to project the housing needs of extremely low-income households (0-30% AMI). In estimating the number of extremely low-income households, a jurisdiction can use 50% of the very low-income allocation or apportion the very low-income figure based on Census data. There are 5,462 extremely low- and 5,018 very low-income households. Therefore, the City's very low-income RHNA of 2,872 units can be split into 1,436 extremely low-income and 1,436 very low-income units.
Source(s): Association of Bay Area Governments

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Chapter 13.5
Constraints Analysis

Many factors can encourage or constrain the development, maintenance, and improvement of housing stock. These factors fall into two categories — governmental and non-governmental constraints — and include physical constraints, land availability, development economics, and governmental regulations, all of which impact the cost and amount of housing produced. These constraints may result in housing that is not affordable to low- and moderate-income households or may render residential construction economically infeasible for developers. Constraints to housing production significantly impact households with lower incomes and special needs.

This chapter addresses both the governmental and non-governmental constraints that impact the City of Santa Clara's housing market and production. State law requires that Housing Elements analyze potential and actual governmental and non-governmental constraints to the production, maintenance, and improvement of housing for persons of all income levels and disabilities. The constraints analysis must also demonstrate local efforts to remove or mitigate barriers to housing production and housing for persons with disabilities. Where constraints to housing production related to the City's regulations or land use controls are identified, appropriate programs to remove or mitigate these constraints are included in the Housing Plan.

Government Constraints

Governmental constraints for affordable housing development are defined as policies, standards, requirements, or actions imposed by the various levels of government upon land and housing development. Although State and federal agencies play a role in the imposition of governmental constraints, local government's ability to influence these agencies is generally limited. Housing constraints associated with these State and federal governmental constraints are, therefore, not significantly addressed in this document.

Municipal Boundaries

The City of Santa Clara is completely surrounded by the boundaries of other cities: San José to the north, east and south; and Cupertino and Sunnyvale to the west. Other than a small parcel on Homestead Road, there are no other developable lands potentially annexable to the City. The City's new housing opportunities, therefore, must come from within the existing City limits, and primarily through redevelopment of existing parcels.

Land Use Controls and Development Standards

Land use controls have helped maintain the quality of the City's residential neighborhoods, consistent with community established goals. These land use controls, however, can be viewed as constraints in that they determine the amount of land to be developed for housing and establish a limit on the number of units that can be built on a site. These standards have not been changed substantially since 1969.

General Plan

On November 16, 2010, the Santa Clara City Council adopted the 2010-2035 General Plan. The 2010-2035 General Plan includes a range of residential land use designations and densities, from Very Low Density Residential with a maximum density of 10 dwelling units per acre, to High Density Residential with a maximum density of 50 units per acre. The new General Plan has also established three mixed use designations: Neighborhood Mixed Use, which allows residential densities up to 36 dwelling units per acre; Community Mixed Use, which allows residential densities up to 36 dwelling units per acre; and Regional Mixed Use, which allows residential densities up to 50 dwelling units per acre. The Related Santa Clara Project, Lawrence Station Area Plan, the Tasman East Specific Plan, the Patrick Henry Drive Specific Plan, and the Gateway Crossings project added higher-density General Plan designations for a total of fifteen land use designations that allow for residential development, as shown in Table 13.5-1.

Because of high land costs in the City, sites that are zoned for high-density housing are typically occupied by multi-family housing developments. The City has few instances where single-family homes occupy sites that are zoned for higher density housing.

Table 13.5-1: 2010-2035 General Plan Land Use Designations (Residential)

Land Use Designation	*Density/ FAR*
Very Low Density Residential	0 to 10 du/acre
Low Density Residential	8 to 19 du/acre
Medium Density Residential	20 to 36 du/acre
High Density Residential	37 to 50 du/acre
Very High Density Residential	51 to 100 du/acre
High Density Flex	60 to 149 du/acre
Urban Village	100 to 149 du/acre
Village Residential	60 to 149 du/acre
Urban Center	120 to 250 du/acre
Urban Center/ Entertainment District	37 to 90 du/acre
Transit Neighborhood	Up to 350 du/acre Less than 1 acre, minimum 60 du/acre Greater or equal to 1 acre, minimum 100 du/ac
Very High Density Mixed Use	50 to 120 du/acre

Table 13.5-1: 2010-2035 General Plan Land Use Designations (Residential)

Land Use Designation	*Density/ FAR*
Neighborhood Mixed Use	Minimum 10 du/acre for sites < 1 acre Minimum 20 du/acre for sites >= 1 acre Maximum 36 du/ ac Minimum Commercial FAR of 0.10
Community Mixed Use	Residential 20 to 36 du/acre Minimum Commercial FAR of 0.10
Regional Mixed Use	Residential 37 to 50 du/acre Minimum Commercial FAR of 0.15

Source(s): Santa Clara General Plan, Lawrence Station Area Plan (LSAP), Patrick Henry Drive Specific Plan (PHD), Tasman East Specific Plan, Related Santa Clara Project, Gateway Crossings Project, City of Santa Clara June 2022

Zoning Ordinance

The type, location and density of residential development are primarily regulated through the zoning ordinance. Zoning regulations serve to protect and promote the health, safety, and general welfare of the residents of a community while also serving to implement the goals and policies of the General Plan. The City began a comprehensive update to their Zoning Ordinance to reflect the goals and policies of the City's 2010-2035 General Plan in early 2014. The City is in the process of completing an update to the Zoning Ordinance that will be implemented in early 2023, addressing California statutory requirements with regard to a variety of issues, including solar energy systems, family day care homes, affordable housing, group homes, alterations to legal non-conforming buildings, and historic resources.

Currently, residential uses are permitted in ten zoning districts and in the City's mixed use overlay and combining districts, allowing flexibility for mixing land uses and supporting large-scale and master-planned development projects.

Density Bonus

The City's Density Bonus Ordinance was updated in 2015. The City currently provides density bonuses or equivalent financial incentives for housing projects which include affordable and/or senior housing units, consistent with State law. Modifications to the City's Density Bonus Ordinance, in order to meet the requirements of Government Code Section 65915, were made in conjunction with the adoption of the 2015-2023 Housing Element.

The City's Zoning Ordinance update, which will be implemented in early 2023, will bring the City into compliance with State Density Bonus Law, including recently adopted legislation that goes into effect in 2023.

Currently, requests for density bonuses and other concessions or incentives are generally processed concurrently with an application for a Planned Development rezoning. With the Zoning Ordinance update, most properties could develop under a conventional zoning district,

including properties that will be rezoned to one of the new high density residential or mixed use zoning districts. Under the updated Zoning Ordinance, requests for density bonuses and other concessions or incentives will generally be evaluated through the Planning permit process required for the project. Residential developments would be subject to by right approval by the Director of Community Development, including provisions for additional units allowed via density bonuses. Density bonus agreements would ultimately be approved by the City Council.

Inclusionary Housing

The City has had an "inclusionary" housing policy in place since 1992. The Affordable Housing Ordinance of 2018 requires private development projects with more than 10 units to include at least 15 percent of new housing units as affordable. For residential ownership projects with fewer than 10 units, either one dwelling at an affordable housing cost for a household earning up to 100 percent of AMI may be provided, or an in-lieu fee identified for residential ownership projects in the Affordable Housing Master Fee Schedule may be paid. Residential rental projects of 10 or more units must also provide at least 15 percent of the units at a maximum average of 100 percent AMI. Residential rental projects with fewer than 10 units may either provide an affordable unit or pay an in-lieu fee identified for residential rental projects in the Affordable Housing Master Fee Schedule. The City Council can also authorize a developer to utilize an alternate means of compliance such as a dedication of land for affordable housing, the development of affordable units at an off-site location, or some combination thereof.

For non-residential projects, affordable housing requirements may be met through the payment of impact fees identified in the Affordable Housing Master Fee Schedule, calculated on a per square foot basis for net new gross floor area. This impact fee can be mitigated through the construction of affordable residential units on an appropriate housing site. For all new construction of mixed use projects that exceed 20,000 square feet, affordable housing requirements on the residential gross floor area portion of the mixed use project shall be met in line with the provisions of SCCC 17.40.080 or SCCC 17.40.090. Affordable housing requirements applicable on the non-residential gross floor area portion of the mixed use project shall be met in line with the provision of SCCC 17.40.100. As an alternative to the payment of an impact fee, a developer or owner may construct affordable residential units on an appropriate housing site.

As of 2021, the City has exceeded its fifth cycle RHNA goals by 3,013 units and has attained 289.1% of that goal without counting units permitted in 2022. This suggests that the City's inclusionary housing ordinance is not impacting feasibility to the point that market rate development is not occurring to meet housing needs. In fact, staff received input during Housing Element outreach asking that the affordable housing ordinance require deeper levels of affordability because 100%AMI is no longer affordable for many households in Santa Clara. If the City does amend its required affordability, it would need to consult with market rate and

affordable housing developers to balance concerns about the depth of affordability and project feasibility.

On May 5, 2022, City staff participated in a countywide listening session with market rate and affordable housing developers. Regarding inclusionary policies, developers suggested that allowing flexibility in the options available (i.e. land dedication) to market rate developers was very important and opened up possibilities to partner with affordable developers. The City's inclusionary ordinance does offer flexibility in meeting its obligations.

Residential Development Standards

The City's Zoning Ordinance contains development standards for each zoning district. Table 13.5-2 outlines the residential standards under each zoning classification and specific area plans, including minimum lot sizes, setbacks, widths, and densities, as well as restrictions on building and landscape coverage.

Table 13.5-2: Residential Development Standards

Residential Use Type	*R1-8L*	*R1-6L*	*R2-7L*	*R3-18D*	*R3-25D*	*R3-36D*	*R3-M*	*R3-RV*	*MU*	*TMU*	*LSAP*	*TN*	*PHD*
Minimum Lot Size (sq. ft.)	8,000	6,000	7,000	8,500	8,500	8,500	1,500	1,200	20,000	20,000	n/a	n/a	8,500 – 10,000
Maximum Density (du/ac)	5	7	12	18	25	36	10	n/a	25	45	100	350	250
Minimum Lot Width (ft.)	70	60	65	70	70	70	n/a	100	100	100	n/a	n/a	n/a
Maximum Height (ft.)	25	25	25	20	25	45	n/a	n/a	45	50	n/a	220	32
Minimum Front Yard (ft.)	20	20	20	20	20	20	25	15	10	10	n/a	n/a	n/a
Minimum Side Yard (ft.)	6 & 9	5	5	10	10	10	15 & 25	5 & 15	10	10	n/a	n/a	n/a
Minimum Rear Yard (ft.)	20	20	15	15	15	20	15	n/a	20	20	n/a	n/a	n/a
Max. Building Coverage	40%	40%	45%	35%	35%	45%	n/a	n/a	30%	30%	n/a	n/a	n/a
Min. Landscape Coverage	n/a	n/a	40%	40%[1]	40%[1]	40%[1]	n/a	n/a	30%	30%	n/a	n/a	n/a

Table 13.5-2: Residential Development Standards

Residential Use Type	*R1-8L*	*R1-6L*	*R2-7L*	*R3-18D*	*R3-25D*	*R3-36D*	*R3-M*	*R3-RV*	*MU*	*TMU*	*LSAP*	*TN*	*PHD*

Source(s): Santa Clara Zoning Ordinance, (2014), Tasman East Focus Area Plan, Lawrence Station Area Plan (LSAP), Patrick Henry Drive Specific Plan (PHD)
Notes:
1 Each lot greater than 22,000 square feet in size shall have not less than forty-five percent (45%) of the lot area developed into permanently maintained open space.

In addition to the residential categories identified below, the Planned Development zoning district also permits residential development. It allows flexibility in both development standards and land use mix not permitted in other zones in order to adapt to specific site constraints without reducing housing density or adding costs to affordable housing units. An analysis of Santa Clara's development regulations compared with those of Mountain View, Sunnyvale, and San José, showed that these cities have fairly similar standards. Additionally, in 2014 the City initiated an update to its Zoning Ordinance. As part of that update, the City will establish appropriate minimum and maximum densities in residential and mixed use districts consistent with the 2010-2035 General Plan. In sum, the City's development standards do not substantially restrict the cost and supply of housing overall, or in particular, lower income housing

Parking Standards

Parking can substantially add to the cost of housing. The City's Zoning Ordinance currently requires two spaces per unit in both single-family and multi-family districts. However, the City has reduced parking requirements for a number of recent multi-family residential projects, including the Camino Del Rey Senior Apartments. The City's current parking standards are summarized in Table 13.5-3 below. Over the three most recently adopted Specific Plans (in order of adoption: Lawrence Station, Tasman East (Transit Neighborhood) and Patrick Henry Drive (PHD), residential parking requirements have been progressively reduced and now stand at one parking space per unit (or less) in both Tasman East and PHD. As part of the comprehensive Zoning Ordinance update, the City will review its citywide parking standards and consider reducing residential parking requirements, including unbundling and additional reductions according to housing type (e.g., housing for people with developmental and other disabilities). In addition, see Action 3: Affordable Housing Incentives and Facilitation, which includes an objective to analyze parking reforms as part of proposed long-range plans, including the El Camino Real Specific Plan and the Santa Clara Station Area Plan.

Table 13.5-3: Parking Standards

Housing Type/ Zoning District	*Requirements*
Single-Family Dwellings (R1-8L, R1-6L, and R2-7L zones)	Two garage or carport parking spaces
Dwellings (R3-18D, R3-25D, and R3-36D zones)	One garage or carport shall be provided for each dwelling unit, plus one parking space for each dwelling unit
Multi-Family Dwellings (MU and TMU zones)[1]	At least one garage or carport shall be provided for each dwelling unit, plus one parking space for each dwelling unit
Mobile Home Park[2]	One individually accessible and one tandem parking space per mobile home site
Recreational Vehicle Park	One visitor parking space shall be provided for every fifteen (15) recreational vehicle sites or fraction thereof
Emergency Shelters	One space per shelter employee
Accessory Dwelling Unit	No parking required
LSAP Studio and One Bedroom Residential Unit	One parking space per unit
LSAP Two or more bedroom Residential Unit	Two parking spaces per unit
Transit Neighborhood	One parking space per unit
PHD	One parking space per unit greater than 550 square feet and 0.5 spaces per unit less than 550 square feet

Source(s): Santa Clara Zoning Ordinance, 2022, Lawrence Station Area Plan (LSAP), Patrick Henry Drive Specific Plan (PHD)

1. MU and TMU zones exist in current zoning code but are not applied anywhere in the City and won't be used in the Future.

2. R3-M zones exist in current zoning code but are not applied anywhere in the City and won't be used in the future.

3. R3-RV zones exist in current zoning code but are not applied anywhere in the City and won't be used in the future.

Provision for a Variety of Housing Types

State Housing Element law specifies that jurisdictions identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population. This includes single-family housing, multi-family housing, factory-built or manufactured housing, emergency shelters, and transitional housing among others. Permitted housing types are described in Table 13.5-4. Although single-family uses are permitted in multi-family zones, this rarely occurs in the City on sites large enough for multi-family housing due to the high costs of housing and limited availability of vacant land.

Table 13.5-4: Permitted Housing Types Within Residential Zoning Classifications

	R1-8L	*R1-6L*	*R2-7L*	*R3-18D*	*R3-25D*	*R3-36D*	*R3-M*	*R3-RV*	*MU*	*TMU*	*ML*	*LSAP*	*TN*	*PHD*
Single-Family Dwellings	P	P	P	P	P	P						P		
Two-Family Dwellings			P	P	P	P						P		
Multi-Family Housing				P	P	P			P	P		P	P	P
Accessory Unit	P	P	P	P	P	P			P	P				P
Manufactured Housing	P	P												
Mobile Home Park							P							
Recreational Vehicle Park								P						
Residential Care Facilities (<6 persons)	P	P	P	P	P	P	P	P	P	P				P
Emergency Shelter											P			
Transitional Housing	P	P	P	P	P	P	P	P	P	P		P	P	P
Supportive Housing	P	P	P	P	P	P	P	P	P	P		P	P	P

Source(s): Santa Clara Zoning Ordinance, 2014, Lawrence Station Area Plan (LSAP), Patrick Henry Drive Specific Plan (PHD), Tasman East Focus Area Plan

Single-Family Dwellings

The majority of the residential areas in the City are composed of single-family districts. Single-family dwellings are permitted in all of the City's residential districts, with the exception of the mixed use and mobile home park zones. However, there are few instances where multi-family properties are developed with single-family homes.

Multi-Family Dwellings

Most residential construction in recent years has been for multi-family units. Multi-family dwellings are permitted in the R3-18D, R3-25D, and R3-36D districts, as well as in the City's mixed use zones. Existing development standards have not constrained multi-family development, which typically provide a good opportunity for affordable housing in the City.

Accessory Units

The 2021 update to the city's Accessory Unit Zoning Ordinance includes regulations which allow for both Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs) on a property, allowance of ADUs in multi-family zoning districts, and reduction of the required setbacks. The Zoning Ordinance defines an accessory unit as "one additional dwelling unit that includes a single kitchen, sleeping quarters, not more than one bathroom, and not more than two bedrooms. The accessory unit may be attached to or part of the existing single-family unit or may be a detached structure and shall meet all other requirements of the Zoning Ordinance." Since 2018, approximately 170 accessory units have been permitted in the City for an average of 42.5 units per year.

Manufactured Housing

Factory-built, modular homes constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundations, are considered single-family dwellings and are generally treated as such. Currently, the City permits manufactured housing in all R-1, R-2, and R-3 zones. The City also permits mobile home parks and recreational vehicle parks in the R3-M and R3-RV zones, respectively.

Residential Care Facilities

Residential care facilities can be described as any family home, group care facility or similar facility, including some transitional housing facilities, for 24-hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living. In accordance with State law (Lanterman Developmental Disability Services Act, AB 846 (1977), composed of divisions 4.1, 4.5 and 4.7 of the Welfare and Institutions Code and Title 14 of the Government Code), the City permits residential care facilities serving six or fewer persons in all residential zones. The Zoning Ordinance does not explicitly address residential care facilities for more than six persons. As part of the comprehensive Zoning Ordinance update to be completed in early 2023, the City will address the provision of residential care facilities serving seven or more residents.

Emergency Shelters

An emergency shelter is defined as "housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay."

Emergency shelters are currently a permitted use in the ML (Light Industrial) zone, provided they meet the minimum property development standards in which they are located when, on the date that a complete shelter management plan is submitted to the City, the number of existing shelter beds within the City is fewer than the City's most recent annual count of homeless persons residing within the City.

If the demonstrated need has already been met, additional emergency shelters may be conditionally permitted in the ML (Light Industrial) zone, subject to conditions with the issuance of a use permit pursuant to Chapter 18.110 SCCC. The determination required by this subsection shall occur on the date the operator submits the materials.

In the City's Zoning Ordinance update, emergency shelters are proposed to be allowed by right in the R-3 and R-4 Residential districts, the C-C and C-R Commercial districts, the MU-VHD Mixed Use district, and the LI Light Industrial district.

Low Barrier Navigation Centers

A Low Barrier Navigation Center is defined as "a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing."

State law requires low barrier navigation centers be a use permitted by right in mixed-use zones and non-residential zones permitting multi-unit uses, if specified requirements are met.

In the City's comprehensive Zoning Ordinance update to be completed in early 2023, Low Barrier Navigation Centers will be listed as a by-right use in the R3, R4 and R5 multi-family residential districts, the MU-NC, MU-CC, MU-RC, MU-MD, and MU-VHD mixed use districts, the C-C, C-R, and C-D commercial districts, and the LI Light Industrial district.

Transitional Housing

Transitional housing is a type of housing used to facilitate the movement of homeless individuals and families to permanent housing. Transitional housing can take several forms, including group quarters with beds, single-family homes, and multi-family apartments, and typically offers case management and support services to return people to independent living (usually between six and 24 months).

California Government Code Section 65582 (h) defines "transitional housing" and "transitional housing development" as buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Pursuant to SB 2 (2007), which amended Sections 65582, 65583 and 65589.5 of the Government Code, transitional housing that is a residential use should be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

Historically, the City has shown an ability to provide transitional housing through group homes and small apartment complexes. The Zoning Ordinance was amended, in conjunction with the adoption of the 2015-2023 Housing Element, to permit transitional housing in the same manner

as other residential dwellings of the same type in the same zone, per applicable State law. The Ordinance amendment was approved by the City Council on December 9, 2014.

Supportive Housing

State law requires local jurisdictions to address the provisions for supportive housing. California Government Code Sections 65582 (f)(g) defines "supportive housing" as housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

As with emergency shelters and transitional housing, the City has previously been able to provide supportive housing through group homes and small apartment complexes. The Zoning Ordinance was amended, in conjunction with the adoption of the 2015-2023 Housing Element, to permit supportive housing in the same manner as other residential dwellings of the same type in the same zone, per applicable State law. The Ordinance amendment was approved by the City Council on December 9, 2014.

The Zoning Ordinance update will add supportive housing as a by-right use in all multi-family and mixed-use zones.

Single-Room Occupancy (SRO) Housing

The City's proposed Zoning Ordinance will allow Single-Room Occupancy (SRO) Facilities by right in the C-C Community Commercial, C-R Regional Commercial, C-D Downtown Commercial, MU-CC Mixed Use Community Commercial, and MU-RC Mixed Use Regional Commercial districts.

Employee Housing

The City's Zoning Ordinance does not currently include provisions for employee housing. Pursuant to the Health and Safety Code, employee housing for six or fewer employees is to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. As part of the comprehensive Zoning Ordinance update to be completed in early 2023, the City will amend the Zoning Ordinance to be consistent with these State requirements for employee housing.

Zoning and Land Use

Restrictive land use policies and zoning provisions can constrain the development of housing for persons with disabilities. Under the State Lanterman Developmental Disabilities Services Act (composed of divisions 4.1, 4.5 and 4.7 of the Welfare and Institutions Code and Title 14 of the Government Code), small licensed residential care facilities for six or fewer persons must be treated as regular residential uses and permitted by right in all residential districts. The City of

Santa Clara is compliant with the Lanterman Act. Furthermore, the Zoning Ordinance is being updated concurrent with the Housing Element update to address the provision of emergency shelters, transitional housing, and supportive housing – housing types that are suitable for occupancy by persons with disabilities (see discussions on the provision of a variety of housing types earlier). Specifically, the Zoning Code Update incorporates the following provisions to be consistent with State law:

- AB 2221 (2022): Adds front setbacks to the list of development standards that cannot preclude the development of an Accessory Dwelling Unit (ADU). Added to ADUs, Section 18.60.030 of the Zoning Code Update.
- SB 897 (2022): Increases the height limit to 18 feet for detached ADUs within ½ mile of transit or on lots with multifamily dwellings, and to 25 feet or the primary dwelling height for attached ADUs. Added to ADUs, Section 18.60.030 of the Zoning Code Update.
- SB 897 (2022): Clarifies that a Junior Accessory Dwelling Unit (JADU) can be within an attached garage; if a JADU does not have a separate bathroom, it needs to have both an interior connection to the main living unit and an exterior entry; also requires owner occupancy and deed restrictions for JADUs. Added to ADUs, Section 18.60.030 of the Zoning Code Update.
- AB 682 (2022): Allows Density Bonuses to be extended to shared housing projects. Added to Density Bonuses, Chapter 18.64 of the Zoning Code Update.
- SB 290 (2021): Changes standard language regarding incentives to not include the physical environment. Added to Density Bonuses, Chapter 18.64 of the Zoning Code Update.
- Low Barrier Navigation Centers: Adds a definition, an enumerated use, and a parking standard for Low-Barrier Navigation Centers to the Zoning Code Update. Allowed by right in the same districts that emergency shelters are allowed, and in all mixed-use districts.
- AB 2339 (2022): Changes where emergency shelters need to be zoned. In the proposed code update, Emergency Shelters are proposed to be allowed by right in the R-3 and R-4 Residential districts, the C-C and C-R Commercial districts, the MU-VHD Mixed Use district, and the LI Light Industrial district.
- AB 2162 (2018): Added Supportive Housing as a by-right use in all multi-family and mixed-use zones.
- Residential Care Facilities: Separated Residential Care Facilities from Community Care Facilities, which are non-residential in nature by adding a definition for Residential Care Facilities, and an enumerated use for residential care facilities with six or fewer residents, which are allowed by right in all residential districts, and for seven or more, which are allowed with a minor use permit, approved by the Director of Planning.

Definition of Family

A community's Zoning Ordinance can potentially restrict access to housing for households failing to qualify as a "family" by the definition specified in the Zoning Ordinance. Even if the code provides a broad definition, deciding what constitutes a "family" should be avoided by jurisdictions to prevent confusion or give the impression of restrictiveness.

California court cases have ruled that a definition of "family" that: 1) limits the number of persons in a family; 2) specifies how members of the family are related (i.e., by blood, marriage or adoption, etc.), or 3) a group of not more than a certain number of unrelated persons as a single housekeeping unit, is invalid. Court rulings stated that defining a family does not serve any legitimate or useful objective or purpose recognized under the zoning and land planning powers of the jurisdiction, and therefore violates rights of privacy under the California Constitution.

The Santa Clara Zoning Ordinance defines a family as "an individual or group of persons living together as a single housekeeping unit in a dwelling unit, including State or County licensed residence programs which comply with State law. Family shall not be construed to include a fraternity, sorority, club, or other group of persons occupying a hotel, boarding house, or similar institution." This definition is not overly restrictive and does not constrain access to, or the development of housing.

Reasonable Accommodation

Both the federal Fair Housing Amendments Act (FHAA) and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. The City conducted an analysis of its Zoning Ordinance, permitting procedures, development standards, and building codes to identify potential constraints for housing for persons with disabilities. The City's policies and regulations regarding housing for persons with disabilities are described below.

A request to retrofit an existing residence with accessibility equipment (i.e., a ramp, landing, lift, etc.) is typically approved "over the counter", if the proposal does not negatively impact the neighborhood or surrounding properties. When more review is required, the request is reviewed through the City's Development Review process. However, at times it may be reasonable to accommodate requests from persons with disabilities to waive specific standards or procedures of the Zoning Ordinance to ensure that homes are accessible to persons with disabilities. In conjunction with the adoption of the 2015-2023 Housing Element, the City adopted a reasonable accommodations ordinance. The Ordinance amendment was approved by the City Council on December 9, 2014.

Building Codes and Enforcement

The City enforces Title 24 of the California Code of Regulations that regulates the access and adaptability of buildings to accommodate persons with disabilities. Government Code Section 12955.1 requires that 10 percent of the total dwelling units in multi-family buildings without elevators, consisting of three or more rental units or four or more condominium units, are subject to the following building standards for persons with disabilities:

- The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests.
- At least one powder room or bathroom shall be located on the primary entry level served by an accessible route.
- All rooms or spaces located on the primary entry level shall be served by an accessible route. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms, or hallways.
- Common use areas shall be accessible.
- If common tenant parking is provided, accessible parking is required.

Compliance with Building Codes and State accessibility laws and regulations (California Code of Regulations (CCR) Title 24) may increase the cost of housing production and impact the viability of rehabilitating older properties. These regulations are minimum Statewide standards to ensure safety and accessibility and do not significantly contribute to governmental constraints regarding housing for persons with disabilities. In addition, the City does not impose supplemental local requirements with respect to accessibility. Compliance with provisions of the Code of Regulations, California Building Standards Code, and federal Americans with Disabilities Act (ADA) is assessed and enforced by the Building Division of the Community Development Department as a part of the building permit submittal process.

Planning and Development Fees

The City and other agencies assess a number of fees that affect the development and cost of housing. Utility service connection fees; upgrade of public curb, gutter, and sidewalk (and sewer lateral(s) if necessary); permit fees; and dedication requirements are similar or lower compared to those in other communities in Santa Clara County and the Bay Area. In some cases, fees for street trees, drainage, and traffic mitigation are also collected. Table 13.5-5 provides a breakdown of planning, engineering, and other fees.

Table 13.5-5: Planning and Development Fees

Application	*Fee*
Planning Fees	
Architectural Review	$813-$32,529
Development Agreement	$10,844-$32,529
Environmental Impact Report	$32,529

Table 13.5-5: Planning and Development Fees

Application	*Fee*
General Plan Amendment	$2,710-$37,950
Initial Study/ Negative Declaration	$21,686
Lot Line Adjustment	$5,422
Mills Act Application	$7,694
Rezoning	$8,338-$65,058
Tentative Parcel Map	$16,264 - $21,686
Tentative Subdivision Map	$5,422-$21,686
Use Permit	$5,725-$13,251
Variance	$3,187-$9,473
Vesting Tentative Parcel Map	$3,650-$4,950
Vesting Tentative Subdivision Map	$6,060-$8,970
Zoning Administrator Action	$463
Zoning Code Text Amendment	$24,397
Development Fees	
Sanitary Sewer Outlet Charge	$441.07 per unit; $1,658.38 per lot; $7,510.26 per acre
Sanitary Sewer Connection Fee	$1,140 per unit
Sanitary Sewer Conveyance Fee	$4,218 per unit
Street Improvements	$105.51 per foot
Sidewalk Improvements	$15.35per foot
Street Curb Improvements	$38.49 per foot
Electric	Varies
Storm Drain	$7,510.26 per acre
Storm Drain Improvements	$38.37 per foot
Recreation Tax	$15 for first bedroom; $5 for each additional
School Impact Fee	$4.08 per sq. ft.
Traffic Impact Fee	SF: $1,274.11 per unit MF: $566.27 per unit
Park Impact Fee	SF: $38,068 - $45,320 MF: $30,659 - $36,500

Source(s): City of Santa Clara, 2022

Table 13.5-6 compares the planning and development fees of Santa Clara and several other South Bay cities. Generally, Sunnyvale charges the lowest fees in the area while Campbell's fees skew higher. The City of Santa Clara's fees are moderate for the region.

Table 13.5-6: Regional Comparison of Planning and Development Total Fees (includes entitlement, building permits, and impact fees) Per Unit

Jurisdiction	*Single Family*	*Small Multi-Family*	*Large Multi-Family*
Campbell	$72,556	$20,599	$18,541
Cupertino	$136,596	$77,770	$73,959
Gilroy	$69,219	$40,195	$39,135
Los Altos Hills	$146,631	N/A	N/A
Los Gatos	$32,458	$5,764	$3,269

Table 13.5-6: Regional Comparison of Planning and Development Total Fees (includes entitlement, building permits, and impact fees) Per Unit

Jurisdiction	*Single Family*	*Small Multi-Family*	*Large Multi-Family*
Milpitas	$77,198	$74,326	$59,740
Monte Sereno	$33,445	$4,815	$4,156
Morgan Hill	$55,903	$41,374	$36,396
Mountain View	$90,423	$69,497	$82,591
San Jose	$9,919	$23,410	$23,410
Santa Clara	**$72,034**	**$64,980**	**$62,084**
Saratoga	$64,272	$17,063	$15,391
Sunnyvale	$133,389	$126,673	$98,292
Unincorporated County	$25,166	N/A	N/A

Source(s): Century Urban Report

Table 13.5-6 provides the actual development fees for recent development projects in Santa Clara. The total fees are moderate and represent only a small portion of total development costs. Because application and building fees are relatively reasonable, they are not considered a significant constraint to the construction of market-rate or affordable housing. The Park Impact Fee Ordinance was adopted in 2014.

On- and Off-Site Improvement Requirements

On- and off- site improvements, including public streets, curbing, sidewalks, streetlights, water, sewer, and drainage requirements, have an impact on the cost of residential development. Improvement requirements for new developments are regulated under the Subdivision Ordinance (Chapter 17.05 of the City Code). Off-site improvement requirements are less costly in a fully developed community since infrastructure needed to serve infill development is already in place. However, the financial burden of improvements as the City's infrastructure ages is a concern. To assist private developers and public projects in the development process, the City has published the Standard Details document which outlines construction standards for the most common improvement requirements, such as sidewalks, storm drains, and sewer connections. This publication is updated periodically and available on the City's website. The standards are as follows:

- Dedication of streets, alleys and other public rights-of-way or easements may be a condition of approval for a tentative, or parcel map. These requirements may be easements that are needed for streets, alleys, access, drainage, public greenways, scenic easements, public utilities, and other public purposes. In addition, these easements or dedications may include requirements for improvements.
- Required on-site street improvements can include construction of curbs, sidewalks, driveway approaches, and transitions.

- Storm drain systems must be designed to collect and convey storm water, avoid damage to adjacent properties, and support the ultimate development of the watershed. Off-site storm drain improvements may also be required to satisfy this requirement.
- Projects must connect to sewer, water, gas, and electric lines.
- Development located in the Utility Underground District, as designated in the current General Plan, is required to underground utility lines (or pay an in-lieu fee).

The City's Project Clearance Committee (a development review committee made up of representatives from different departments in the City) reviews new development applications and determines, pursuant to each City department, required infrastructure improvements and conditions of approval.

Local Processing and Permit Procedures

Development review can affect housing costs. Timelines for permit processing are estimated for various permit and approval types in Table 13.5-6 and Table 13.5-7. There are no constraints to affordable housing or multi-family housing over and above requirements for single-family and market rate units. Moreover, permit processing in Santa Clara is consistent with, if not faster and more effective than, permitting in comparable nearby cities. Project processing, from initial submittal through discretionary review and building permit approval, averages six months for most residential developments.

Table 13.5-7: Planning and Permit Procedures

Type of Approval/ Permit	*Processing Time*	*Approval Body*
Ministerial Review	0 to 2 weeks	Staff
Conditional Use Permit	1 and ½ to 4 months	Planning Commission
Zone Change	4 to 9 months	City Council
General Plan Amendments	4 to 9 months	City Council
Site Plan Review	2 to 6 weeks	Staff
Architectural/ Design Review	3 to 12 weeks	Director of Community Development
Tentative Map (fewer than 5 parcels)	3 to 6 months	City Council
Tentative Map (more than 5 parcels)	3 to 6 months	City Council
Initial Environmental Study	3 to 6 months	Approval Body
Environmental Impact Report	12 to 18 months	Approval Body

Source(s): City of Santa Clara, 2022

The following review and hearing bodies would typically be involved in the approval process for a new housing or mixed use development project:

- Project Clearance Committee (PCC): The development review committee made up of representatives from different departments in the City typically including Planning, Public Works (Engineering and Traffic), Utilities (Water, Sewer, and Electric), Police, Fire, and the Building Division.
- Director of Community Development: The Director of Community Development or designee hears projects subject to the Architectural Review process.
- Historical Landmarks Commission (HLC): An appointed commission of members of the public who review proposals and make recommendations related to structures on the local, State, or national register of historic places, as well as applications for Mills Act contracts.
- Planning Commission (PC): An appointed commission of members of the public who review development applications for consistency with the General Plan and Zoning Ordinance of the City of Santa Clara and are the deciding body for variances and Conditional Use Permits.
- City Council (CC): A body of seven elected individuals who act as the governing body for the City of Santa Clara.

Architectural Review Process

Architectural review in Santa Clara is intended to ensure the implementation of Zoning Ordinance standards and General Plan policies. Architectural review is typically required for most residential projects, including multi-family developments, as well as single-family attached developments and developments taller than one story. This process does not provide any additional burden for affordable housing projects and therefore are not considered a constraint to development. This process is codified in Chapter 18.76 of the City's Zoning Ordinance, which was revised in 2020 to create a streamlined process by replacing a committee structure as the approval body for Architectural Review applications with the Director of Community Development.

Under this process, an applicant submits plans and drawings for any sign, building, structure, or alteration of the exterior of a structure in a form and detail prescribed by the Director of Community Development. The Community Development Director or designee limits decisions on multifamily projects to objective standards in conformance with the State of California's Housing Accountability Act. The following considerations are used by the Director of Community Development in rendering decisions on all Architectural Review applications, which also include commercial and industrial development proposals.

- Off-street parking areas, screening strips and other facilities and improvements must meet the Zoning Ordinance and General Plan intent. Any applicable state legislation that waives or reduces parking standards are applied.
- Design and location of the proposed development and its relation to neighboring developments and traffic will not impair the desirability of the neighborhood, will not create traffic congestion or hazard, and will not be detrimental to harmonious development. For multifamily residential projects, ensuring the application of objective development standards will be used to determine if the development meets this standard.
- Approval will not adversely impact the health, comfort or general welfare of persons residing or working in the neighborhood. For multifamily residential projects, ensuring the application of objective development standards will be used to determine if the development meets this standard.
- The Director of Community Development may require the applicant to modify buildings, parking areas, landscaping, signs, and other facilities and improvements to meet Zoning Ordinance and General Plan requirements.
- The granting of any architectural approval is an administrative function; therefore, the action is final and conclusive, except in the event of an appeal.
- In the event the applicant or others affected are not satisfied with the decision of the Director, they may appeal the decision to the City Council. In the case of permits for single-family homes, the affected parties first appeal is to the Planning Commission, and if still not satisfied, the affected party may appeal to City Council.
- Any architectural review approval granted shall be automatically revoked and terminated if not used within two years of original grant or within the period of any authorized extensions.

Since the City Council adopted the streamlined Architectural Review process in 2020, no Architectural Review applications for multi-family housing have been denied.

A typical residential development project in a standard zoning district would be required to obtain approval through the Development Review Hearing process, heard by the Director of Planning. Such a project would typically be subdivided, requiring a Tentative Map as well. Prior to obtaining these entitlements, projects go through the process of review by the project planner, and by the Project Clearance Committee to work out details and conditions from each City department. The associated environmental review per the California Environmental Quality Act (CEQA) would also be completed during this process. The time it takes to complete this process varies per project. However, from initial submittal to approval, the process typically takes four to six months, or four to 18 months if an EIR is required.

SB 35 Streamlining

In accordance with Government Code section 65913.4 (SB 35 (2017)), applications for multi-family residential development that include a minimum of 50 percent lower income units may be eligible for a streamlined, ministerial approval process if they meet objective standards as outlined in the Government Code. By March 2023, the City will create an SB 35 checklist and written procedures for processing SB 35 applications.

Planned Development

Many residential development projects in the City are processed via the Planned Development (PD) process to integrate uses, utilize imaginative planning and design concepts, subdivide land in a manner that results in units not having required frontage on a dedicated public street, or to create a community ownership project. Through the PD process, the number of units permitted is governed by the General Plan.

A development plan is required to process a PD. The plan must be designed to provide an environment of a stable and desirable character, and comply with the General plan land use designation, and justify the mixture of normally separated uses and exceptions to normal regulations (such as on-site parking, landscaping, building lot coverage, height limits, setback requirements, required distances, and buffering between residential and commercial components). An application for a planned development zoning must accompany the development plan. Construction of the project must begin within two years of the City Council approval. The time to process a PD is estimated between six and 12 months.

All new large-scale development projects of at least 25 contiguous acres where a mixture of residential with commercial, office, research and development and/or public uses is proposed are required to be rezoned to the Planned Development-Master Community (PD-MC) zoning district. An application for rezoning to the PD-MC district is submitted as a separate application from the site development application and must include a master community plan that, if approved by the City Council, will become a part of the zoning map of the City of Santa Clara. The master community plan must conform to the City's General Plan and overall residential density must also conform to the City's General Plan, though individual housing types could be greater or less than the average.

An application for development within a PD-MC district must include a development area plan, which may be submitted any time subsequent to submittal of the PD-MC district application. A development area plan must be a minimum of 20 percent of the total acreage of the project or 10 acres, whichever is less. If the development area includes property designated for a public use or is proposed for use as affordable housing, then no minimum acreage shall apply. The Director of Planning and Inspection also has the authority to waive the minimum acreage requirement under exceptional circumstances.

Consideration of development area plans will include notification to surrounding property owners and neighbors in the same fashion as the original master community plan hearings. The Planning Commission is responsible for considering the development area plan application concurrent with or after its consideration of the master community plan application. In general, the time for the processing and review of PD-MC applications averages 12-18 months. This is an appropriate timeframe given the scale of theses types of projects, which usually require the preparation of an Environmental Impact Report (EIR). Construction in each development area must begin within two years of final development area plan approval by the City Council. The Planning Commission may also grant extensions of up to two years (per extension). Developments in the PD-MC district are not required to undergo the Architectural Review process. However, most residential development activities in the City do not require the processing of a PD-MC, just a Planned Development (PD) permit.

In the neighboring City of Cupertino, multi-family planned development projects take approximately four months to process, assuming no Environmental Impact Reports (EIR) would be required. However, if an EIR is required, the timeframe can be extended significantly. In Mountain View, another neighboring jurisdiction, the timeframe to process and review a large-scale development is approximately six to 12 months. Similarly, in Santa Clara, the timing for the processing and review of a PD or PD-MC application is largely dependent on the environmental clearance requirements.

The Zoning Ordinance update should reduce the number of projects that have historically relied on the PD process by including new high-density residential and mixed-use zoning districts that conform to the General Plan, and new provisions that streamline the permitting process for projects that meet new objective development standards.

Zoning Transparency

Per AB 1483 (2019), for purposes of zoning and fee transparency, the City of Santa Clara provides the following information online:

The Zoning Ordinance is available on the City's website at:
https://www.codepublishing.com/CA/SantaClara/#!/SantaClara18/SantaClara18.html

Zoning designations for every parcel with the City of Santa Clara is available at:
https://map.santaclaraca.gov/public/index.html?viewer=regional

The City's Planning Fee schedule is available at:
https://www.santaclaraca.gov/home/showpublisheddocument/56997/637291919770930000

Building Codes and Enforcement

Title 24 of the California Code of Regulations, also referred to as the California Building Standards Code (CBSC), governs the design and construction of buildings, facilities, and associated equipment throughout California.

The City of Santa Clara adopted the current 2019 Building Standards Code, with amendments, in November of 2018, and those standards have been in effect since January 1, 2020.

On October 18, 2022 the City Council adopted the 2022 CBSC, with local amendments, to be effective January 1, 2023. The local amendments, which are intended to address building safety concerns of relevance to the City of Santa Clara, include the following elements:

- 2022 California Building Code, Chapter 3 and Chapter 9: Additional automatic fire sprinkler requirements for Group R3 occupancies.
- 2022 California Building Code, Chapter 10: Additional requirements for safe stairway configuration and the routing of emergency exit paths to facilitate emergency egress out of multi-story buildings.
- 2022 California Building Code, Chapter 19: Additional requirements for Structural Plain Concrete in Seismic Design Category C, D, E, or F.

These amendments were found to be prudent and necessary based upon the City's climatic, topographical, and geological conditions and are intended to promote safety for future residents in the context of Santa Clara's urban environment, particularly as the City is increasingly granting land use entitlements for higher density Type III, and in some cases, Type I construction, including the use of towers located above podiums.

The City adopted its first "Reach Code" (optional local energy code amendments that exceed or enhance State cod standards) in November 2021, following a long public process. The 2021 Reach Code made local amendments to the 2019 version of the CBSC; specifically, the California Energy Code and the California Green Building Standards Code. The Reach Code mandates the use of electricity as a power source in new construction, limits installation of natural gas plumbing and meters, and increases requirements on new construction to install electric vehicle infrastructure. Non-substantive changes to the 2021 Reach Code were adopted on October 18, 2022 to reflect the 2022 update of the CBSC ("2022 Reach Code").

Existing single-family, duplex, and triplex units are inspected only when an owner seeks a permit for additional construction or when complaints are received. Certain types of major additions require the applicant to bring the building or portion thereof up to current codes. Site improvement standards for residential development in the City, with the exception of minimum parking requirements, are not more restrictive than those in surrounding jurisdictions. Parking

ratios for newer multi-family districts, including the Transit Neighborhood and the Patrick Henry Drive districts, are lower than for comparable zoning designations of neighboring cities.

Airport Noise and Use Limitations

The most significant governmental constraint in the City is the State-required airport noise and Airport Land Use Commission regulations that prohibit and limit new housing near the San José International Airport within noise and safety zones. The San José Norman Y. Mineta International Airport is located to the east of, and adjacent to, the City. Noise generated by aircraft using the Airport has a noticeable effect on Santa Clara residents in the area north of the U.S. 101. Proposed housing in these areas is potentially required to have noise limiting construction methods including specially designed windows, walls, and insulation. These additional construction requirements often burden the developer and limit new construction near the airport.

Environmental and Infrastructure Constraints

The parcels identified as housing resources in the 6th cycle Housing Element are largely located in areas with adopted Specific Plans, and those Specific Plans include infrastructure plans that document existing infrastructure and any needed infrastructure improvements to support build-out of those plans, and a strategy for funding those improvements. Further, each specific plan amendment to the General Plan has conducted and Environmental Impact Report (EIR) and the Housing Element itself, upon adoption, will be CEQA compliant.

Water Supply

The City of Santa Clara receives its potable water supply from the San Francisco Public Utilities Commission (SFPUC), the Santa Clara Valley Water District (SCVWD), and groundwater from City-owned wells. In the City's 2020 Urban Water Management Plan (UWMP), the City has confirmed that it is able to meet water demands under all potential hydrologic conditions, as demonstrated by the Drought Risk Assessment required by the State's Water Code.

The 2020 UWMP must demonstrate that the water supplier has sufficient entitlements and infrastructure to meet future water demands in their service area. Future water demands are determined using population growth estimates from the relevant general plan. Water supply is not an identified constraint on housing production. This has been verified in the Environmental Impact Reports for the Specific Plan areas and other housing development projects that comprise the housing units identified in this Housing Element. The UWMP is updated every five years.

The City's Water and Sewer Department has specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) If this provision is not a part of the City's regulatory framework, the City commits to adopting it within the next calendar year.

The SCVWDs 2020 UWMP has also indicated that it will be able to provide all water demands for Santa Clara County (including the City of Santa Clara) through 2045.

Wastewater

Wastewater is collected by sewer systems in the cities of Santa Clara and San José and conveyed by pipeline to the San José - Santa Clara Regional Wastewater Facility (RWF). If existing water treatment facilities would be insufficient to service the increased population anticipated by a general plan, the UWMP must identify new or expanded water treatment facilities to meet the additional need. If a development project is compliant with its general plan, that project's impact to water treatment facilities would be captured and planned for in the corresponding UWMP. If a development project is not compliant with its general plan designation, it will require evaluation to determine if it independently triggers a need for new or expanded facilities. The Housing Element is compliant with the City's General Plan, as amended. As such, the project's water demand is consistent with City of Santa Clara's 2020 UWMP population growth projection. Therefore, the Housing Element's impact to water treatment facilities is captured in the City of Santa Clara's 2020 UWMP, and the identified housing resources in the Housing Element do not trigger a need for additional water treatment facilities. This impact would be less than significant, and no mitigation would be required.

Energy

The City of Santa Clara owns and operates the municipal electric utility, Silicon Valley Power (SVP), which services over 57,000 residential, commercial, and industrial customers in the City of Santa Clara. It owns, operates, and participates in more than 590 megawatts of electric generating resources supplemented by purchase agreements for 261 megawatts (MW) of additional capacity. In an average year, approximately 45 percent of SVP-owned generating capacity comes from renewable energy sources—either geothermal, hydroelectric, or wind. Residential electricity demand is low compared with the energy needs of data centers and other high-tech firms that are located in Santa Clara.

In 2022, the City updated the Santa Clara Climate Action Plan to establish GHG emissions reduction measures that the City will implement to achieve the State-recommended GHG emissions reductions which include a near term reduction in GHG emissions by 2030 (SB32). The Climate Action Plan's primary goals include a transition to clean renewable energy, diversion of waste, and promoting energy efficiency, water conservation, and climate resiliency.

Street System

Vehicular circulation in the City includes a wide network of surface streets. With the influx of workers into the job-rich City during the day, commute patterns are northbound in the morning and southbound in the evening. Existing and perceived future traffic delays are a major concern

of Santa Clara residents, as expressed by during community outreach activities. Since most of the City streets are fully improved with limited opportunity for widening, alternative travel modes, such as public transit, bicycling, and walking, offer opportunities to address traffic constraints.

The parcels identified as housing resources in the 6th cycle Housing Element are located in areas with adopted Specific Plans which identify and accommodate infrastructure needs and requirements. Any mitigation required is identified in each specific plan's EIR.

Seismic, Geologic, and Soil Hazards

The San Francisco Bay Area is a seismically active region with numerous active faults. No active faults run through the City, although several are present in the surrounding region. Geologists with the U.S. Geological Survey and other agencies foresee a 62 percent probability of a magnitude 6.7 or greater earthquake in the San Francisco Bay region before 2032. Seismic, Geologic, and Soils Hazards are more specifically addressed in each specific plan's EIR.

Flooding

The principal surface water drainages in the City are the San Tomas Aquino Creek, Saratoga Creek, and Calabazas Creek, which all originate in the Santa Cruz Mountains and drain northward across the urbanized Santa Clara Valley floor before discharging into the San Francisco Bay. All of these creeks have been channelized and substantially modified to reduce flood hazards in the City. The City's storm drain system is managed by the City of Santa Clara Public Works Department and consists of curb inlets that collect and channel surface water into a series of pipelines beneath City public rights-of-way. Stormwater is conveyed through these underground pipelines to the channelized creeks within the City, which then flow into the San Francisco Bay. During severe storms, flooding can occur in localized areas along streams running through the City.

Flood zone mapping by the Federal Emergency Management Authority (FEMA) indicates that approximately ten percent of the City is located within a Special Flood Hazard Area (SFHA). None of the areas identified on the sites inventory/where housing development is approved/proposed are located in a SFHA.

Non-Governmental Constraints

Locally and regionally, there are several constraints that hinder the City's ability to accommodate the community's housing needs. The high cost of land, rising development costs, and neighborhood opposition make it expensive for developers to build affordable housing. These constraints may result in housing that is not affordable to low and moderate income households or may render residential construction economically infeasible for developers. While local government has little influence on larger market factors such as interest rates, its policies and

regulations can act as constraints that affect both the amount of residential development that takes place and the affordability of housing.

Land Availability

In 2022, fewer than five acres of vacant parcels (including right-of-way properties) are zoned for residential or mixed use development throughout the City, including in the three focus areas for future development (El Camino Real, Lawrence Station, and Tasman East). Of those sites identified as appropriate for new housing, some are too small to accommodate higher density development unless combined with adjacent parcels. The City revised its General Plan designations in 2010, which were supplemented through the Specific Plan process, to encourage high-quality infill redevelopment that includes higher-density housing in addition to commercial businesses in some locations. According to the City of Santa Clara website, there are currently 64 development projects pending, approved, under construction or completed, with most projects clustered around El Camino Real, Lawrence Station, and Tasman East.

Community Resistance

Historically there has been community opposition to higher density residential infill development proposed along major transportation corridors, particularly when that development is located directly adjacent to long-established single-family neighborhoods. The relatively shallow depth of many of these properties can make the transition between existing low density single-family homes and proposed higher density residential challenging. Several substantial medium-and high-density developments have, however, been approved in spite of such opposition. Over the past 20 years, affordability for lower and moderate income households has not been the primary concern for community opposition to residential development. Instead, community resistance has been based on density, traffic impacts, and parking.

Approximately 247 acres of vacant and underutilized land has been approved, through adoption of Specific Plans, for new higher-density residential or mixed use redevelopment in three focus areas: Lawrence Station, Tasman East, and Patrick Henry Drive. Directing higher density housing to commercial areas, with convenient access to transportation and retail services, and separation from lower-density existing neighborhoods may reduce community opposition. City regulations that require appropriate transitions between uses and densities, and adequate parking, could reduce some o community opposition to the approval of new housing.

In addition, the enactment of AB 2011 in 2022 mandates ministerial approval along commercial corridors of most residential projects that meet the minimum density requirements of that bill. Such projects must provide an affordability component to qualify, such as 15% low-income units, but this affordability percentage is already mandated by the City's inclusionary zoning ordinance, and so all projects with at least 10 units will meet the affordability requirement of AB 2011. Given that the City will no longer have the discretion to deny such projects, community resistance will not be able to stop such projects from going forward along commercial corridors.

National Construction Costs

Market constraints substantially influence the cost of housing and pose a challenge to providing housing affordable for all income levels. Land prices are typically the most significant component of the cost. The cost of land has increased rapidly over the past decade. Construction costs and fluctuating interest rates are also major contributors to the increasing cost of housing in the San Francisco Bay Area.

Construction costs vary widely according to the type of development, with multi-family housing generally less expensive to construct than single-family homes. However, wide variation within each construction type exists depending on the size of the unit and the number and quality of amenities provided. Construction costs can be broken down into two primary categories: materials and labor. A major component of the cost of housing is the cost of building materials, such as wood and wood-based products, cement, asphalt, roofing materials, and pipe. The availability and demand for such materials affect prices for these goods. An indicator of construction costs is Building Valuation Data compiled by the International Code Council (ICC). The unit costs compiled by the ICC include structural, electrical, plumbing, and mechanical work, in addition to interior finish and normal site preparation. The data is national and does not consider regional differences and does not include the price of the land upon which the building is built. The national average for development costs per square foot for apartments and single-family homes in the first quarter of 2022 are $150-$500 per square foot depending on size and type, with an average of approximately $200 per square foot.

For multi-family apartment buildings, the type of parking is a key variable in the overall cost of construction. For lower density buildings (2-4 story wood-frame buildings), in which surface parking is provided, construction costs are in the $175 per square foot range. For projects that include structured parking, the garage construction costs add about $20,000 per parking stall to the $175 per square foot for the units. Site-specific constraints, such as flood hazards, could add additional costs if mitigations are required. Again, depending on the size and type of construction the national average is $35,000 to $65,000 per unit.

These costs also exclude the cost of land and soft costs, such as entitlements and financing. Reduction in amenities and the quality of building materials (above a minimum acceptability for health, safety, and adequate performance) could lower costs and associated sales prices or rents. In addition, prefabricated factory-built housing may provide for lower priced housing by reducing construction and labor costs. Another factor related to construction costs is development density. As the number of units increases, overall costs generally decrease due to economies of scale. The City's ability to mitigate high construction costs is limited without direct subsidies.

Fee Analysis

Below is a fee analysis for two single family and two multifamily scenarios that illustrate the approximate fees for the hypothetical projects. Some fees are project specific and will be calculated based on the project type, location, and narrative.

Table 13.5-8: Fee Analysis Scenarios

Single-Family A new home on an empty lot in an existing neighborhood; no significant grading or other complicating factors	**Scenarios** *Single-Family* Small: 2,600 residential sq ft Large: 5,000 residential sq ft *Assuming no parking
Multi-Family A new multi-family project on an empty lot in an existing neighborhood; no significant grading or other complicating factors	*Multi-Family* Small: 10,000 residential sq ft + 3,750 parking sq ft; 10 units Large: 93,750 residential sq ft + 40,000 parking sq ft; 100 units

Table 13.5-9: Fee Analysis

Action/Activity	*Fee*
PLANNING ENTITLEMENT FEES	
Pre-Application - Single Family - Planning Review - Project Clearance Committee Review	 $476 + Technology Fee (3.37%) $3,179 + Technology Fee (3.37%) $5,442 + Technology Fee (3.37%)
Architectural Review - Over the Counter - Single Family (that require a Development Review Hearing) - New development – Non-SFR - Design Consultant Review	 No Charge $893 + Technology Fee (3.37%) $32,529 + Technology Fee (3.37%) Deposit of Consultant Estimated Costs + Citywide Overhead + Technology Fee (3.37%)
Stormwater Management Plan Review	$813
BUILDING PERMIT FEES	
Single-Family/Duplex/ADU Residential Scaled Permit Fee	
Plan Check Project Size 1 to 250 sq. ft.	 $656.55 +Technology Fee (3.37%)

Table 13.5-9: Fee Analysis

Action/Activity	*Fee*
251 to 1,000 sq. ft. - First 250 sq. ft. - Each additional 100 sq. ft. or fraction thereof	 $656.55 + Technology Fee (3.37%) $262.62 + Technology Fee (3.37%)
1,001 to 3,000 sq. ft. - First 1,000 sq. ft. - Each additional 100 sq. ft. or fraction thereof	 $2,626.23 + Technology Fee (3.37%) $131.31 + Technology Fee (3.37%)
3,001 to + - First 3,000 sq. ft. - Each additional 100 sq. ft. or fraction thereof	 $5,252.45 + Technology Fee (3.37%) $65.66 + Technology Fee (3.37%)
Inspection Project Size 1 to 250 sq. ft.	 $737.10
251 to 1,000 sq. ft. - First 250 sq. ft. - Each additional 100 sq. ft. or fraction thereof	 $737.10 $226.05
1,001 to 3,000 sq. ft. - First 1,000 sq. ft. - Each additional 100 sq. ft. or fraction thereof	 $2,432.42 $191.64
3,001 to + - First 3,000 sq. ft. - Each additional 100 sq. ft. or fraction thereof	 $6,265.31 $95.82

Table 13.5-9: Fee Analysis

Action/Activity	*Fee*
Commercial/Multi-Family/Industrial Scaled Permit Fee	
Plan Check	
Project Valuation	
$1 to $1,000	$109.42 + Technology Fee (3.37%)
$1,001 to $10,000	
- First $1,000	$109.42 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$18.23 + Technology Fee (3.37%)
$10,001 to $75,000	
- First $10,000	$273.56 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$15.99 + Technology Fee (3.37%)
$75,001 to $150,000	
- First $75,000	$1,313.12 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$20.34 + Technology Fee (3.37%)
$150,001 to $750,000	
- First $150,000	$2,845.07 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$7.10 + Technology Fee (3.37%)
$750,001 to $3,000,000	
- First $750,000	$7,112.69 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$5.00 + Technology Fee (3.37%)
$3,000,001 to $10,000,000	
- First $3,000,000	$18,383.57 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$2.93 + Technology Fee (3.37%)
$10,000,001 to +	
- First $10,000,000	$38,955.65 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$1.46 + Technology Fee (3.37%)
Inspection Permit	
$1 to $1,000	$92.13 + Technology Fee (3.37%)
$1,001 to $10,000	
- First $1,000	$92.13 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$38.90 + Technology Fee (3.37%)
$10,001 to $75,000	
- First $10,000	$441.47 + Technology Fee (3.37%)

Table 13.5-9: Fee Analysis

Action/Activity	*Fee*
- Each additional $1,000 or fraction thereof	$18.15 + Technology Fee (3.37%)
$75,001 to $150,000	
- First $75,000	$1,621.60 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$23.10 + Technology Fee (3.37%)
$150,001 to $750,000	
- First $150,000	$3,353.80 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$10.07 + Technology Fee (3.37%)
$750,001 to $3,000,000	
- First $750,000	$9,397.97 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$4.01 + Technology Fee (3.37%)
$3,000,001 to $10,000,000	
- First $3,000,000	$18,427.40 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$3.72 + Technology Fee (3.37%)
$10,000,001 to +	
- First $10,000,000	$44,502.16 + Technology Fee (3.37%)
- Each additional $1,000 or fraction thereof	$1.85 + Technology Fee (3.37%)
Technology Fee	3.37% of Building Permit Fee, Electrical Permit Fee, Plumbing Permit Fee, Mechanical Permit Fee, and Plan Check & Sign Fee
Building Conformance Fee	Valuation x $0.00032
Plan Review Fees	
Plan Review Fee (including building, mechanical, electrical & plumbing)	75% of building permit fee
Title 24 Energy Conservation Plan Review	20% of building permit fee
3-B Electrical Permit Fees	
Minimum Permit Fee Permit Issuance	$209 + Technology Fee (3.37%) $87 + Technology Fee (3.37%)
System Fee Schedule New Buildings or Alterations - Residential (per sq ft.)	 $0.22/sq ft. + Technology Fee (3.37%) $0.08/sq ft + Technology Fee (3.37%)

Table 13.5-9: Fee Analysis

Action/Activity	*Fee*
- New Garages, Carports and Accessory Buildings (per sq ft.)	
3-C Mechanical Permit – New Buildings	
Residential	$0.08/sq ft. + Technology Fee (3.37%)
3-C Plumbing Permit – New Buildings	
Residential	$0.08/sq ft. + Technology Fee (3.37%)
3-G Grading Plan Review Fees	
50 cubic yards or less	No Fee
51 to 100 cubic yards	$329.00 + Technology Fee (3.37%)
101 to 1,000 cubic yards	$875.00 + Technology Fee (3.37%)
1,001 to 10,000 cubic yards	$1,312.00 + Technology Fee (3.37%)
10,001 to 100,000 cubic yards – base	$2,188.00 + Technology Fee (3.37%)
Each additional 10,000 cubic yards	$97.00 + Technology Fee (3.37%)
100,001 to 200,000 cubic yards – base	$3,063.00 + Technology Fee (3.37%)
Each additional 10,000 cubic yards	$219.00 + Technology Fee (3.37%)
200,001 cubic yards or more – base	$5,252.00 + Technology Fee (3.37%)
Each additional 10,000 cubic yards	$110 + Technology Fee (3.37%)
3-H Grading Permit Fees	
100 cubic yards or less	$441.00 + Technology Fee (3.37%)
101 to 1,000 cubic yards – base	$441.00 + Technology Fee (3.37%)
Each additional 100 cubic yards – base	$73.00 + Technology Fee (3.37%)
1,001 to 10,000 cubic yards	$1,106.00 + Technology Fee (3.37%)
Each additional 1,000 cubic yards	$49.00 + Technology Fee (3.37%)
10,001 to 100,000 cubic yards – base	$1,547.00 + Technology Fee (3.37%)
Each additional 10,000 cubic yards	$196.00 + Technology Fee (3.37%)
100,001 cubic yards or more – base	$3,316.00 + Technology Fee (3.37%)
Each additional 10,000 cubic yards	$98.00 + Technology Fee (3.37%)
Multi-Family Monitoring Fee	$119/unit
AHA Affordable Housing Agreements – For Sale	$3,771/agreement
Affordable Housing Application Fee	$50/application
AHA Affordable Housing Agreements – MF For Rental	$5,113/agreement
AHA Affordable Housing Agreements – Amendments	$1,990/agreement

Table 13.5-9: Fee Analysis

Action/Activity	*Fee*
DEVELOPMENT IMPACT FEES	
Affordable Housing Fees For Sale - Residential - Single Family Home - Townhome - Condominium	Fees shall be equal to the difference between the unrestricted appraised market value ("Initial Market Value") of the unit and the Affordable Sales Price of the unit, multiplied by the fractional amount due. The Initial Market Value of the last unit sold shall be the basis for calculating the in-lieu fee
Rental Residential Any tenure type	$22.22/sq ft
Traffic Impact Fee - Multi-family Residential - Single-family Residential	 $566.27/dwelling unit $1,274.11/dwelling unit
School Fee	$4.08/sq ft
Park Fee - Multi-family Residential - Single-family Residential	 $30,659 - $36,500 $38,068 - $45,320
ELECTRIC UTILITY	
Engineering Plan Check Electric, per sheet - 1st – 3rd check - 4th and subsequent review	 $292.48/sheet $41.63/sheet
Time of Use Meter Installation – Residential	$298.89/meter
FIRE/STATE MANDATED	
Building Plans - 30% of Building Department Fee - Minimum: 3.5 hours	 $756
Planning Application Review	$865
Design Review/Consultation	$216/hour
Miscellaneous Inspections/Plan Reviews	$216/hour

Table 13.5-9: Fee Analysis

Action/Activity	*Fee*
PUBLIC WORKS	
Sanitary Sewer Outlet (choose the greatest) Residential – Single Family - Per unit - Per lot - Per acre Conveyance Fee Condo & Planned Unit Development - Per unit - Per acre Conveyance Fee	 $441.07/unit $1,658.38/lot $7,510.26/acre $4,218/dwelling unit $441.07/unit $7,510.26/acre $4,218/dwelling unit
Recreation Tax (Bedroom) New Construction Permit - First bedroom - Each additional	 $15 $5/bedroom
Project Clearance Committee Review: - Preliminary application - Architectural review	 $861.44 $861.44
Cost Analysis for Development - Minor (ADU, SFR, Up to 4 Residential Units) - Major	 $416.31 $1,011.95
Engineering Plan Review – Initial Review - First three (3) reviews - Fourth and subsequent review	 $168/sheet $34/sheet
WATER/SEWER	
Wastewater Treatment Plant Capacity Fee	Project Specific
Engineering Plan Review	Project Specific
Project Clearance Committee Review	$601

Hard Costs

Hard costs for a hypothetical 2,600 square foot home are about $420 per square foot, while for a 5,000 square foot home they are about $525 per square. For a hypothetical small multi-family unit, the hard costs are $415 per square foot, and $425 per square foot for a large multi-family unit.

Soft Costs

Soft costs are generally assumed to be around 30% of hard costs (plus 5% contingency). Generally, single family soft costs are $133 per square foot for small and $147 per square foot for large. Multifamily soft costs range between $165 and $159 per square foot.

Land Costs

According to the California Building Industry Association, the cost of land represents a substantial portion of the total housing development cost but has little impact on the maintenance and improvement of existing stock. In many markets, up to 25 percent of housing costs are attributable to land costs. The average land costs in California are significantly higher than land costs in other states.

Land costs for single family homes are between $210,000 and $2,510,000. Land costs for apartments and condos range between $400,000 and $1,600,000. Due in large part to limited land availability in the City, residential land has not been widely available for sale. High costs will continue to present challenges for the production of affordable housing in the City.

Availability of Financing

The availability of financing affects a person's ability to purchase or improve a home. The primary concern in a review of lending activity is to see whether home financing is generally available in the community. Financing new residential development can be a significant cost; however, residential financing for both single family and multiple family housing is generally available. Developers of single-family projects often secure loans for land acquisition, installation of improvements, and construction. Land acquisition and development loan rates are typically the prime rate plus 0.5 to 2 percent, which is currently, in 2022, between 3.99 to 5.4 percent. Mortgage rates were low for previous years but are now increasing. Apartment loan rates are generally lower. Developers of affordable housing face significant challenges in securing financing. Due to the limited possible return from rents or sales prices of affordable units, many private lenders are unable to finance affordable projects due to the rate of return. Thus, affordable developers must rely on community lending divisions, nonprofit institutions, grants and special loans, and local assistance.

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Chapter 13.6
Housing Resources

This section analyzes the resources available for the development, rehabilitation, and preservation of housing in Santa Clara. This includes an evaluation of the availability of land resources, the City's ability to satisfy its share of the region's future housing needs, the financial resources available to support the provision of affordable housing, and the administrative resources available to assist in implementing the City's housing programs.

Availability of Sites for Housing

A critical component of the Housing Element is the identification of land suitable for residential development including vacant sites and sites having the potential for redevelopment. Santa Clara is a highly urbanized community that has very little vacant, uncommitted land for new development. The following discussion summarizes the residential growth potential in each of these areas and concludes with an assessment of how these sites can address the City's share of regional housing needs.

Regional Housing Needs Allocation (RHNA)

California General Plan law requires that every city and county have properties appropriately zoned to accommodate their fair share of regional housing need. The California Department of Housing and Community Development (HCD) allocates a numeric regional housing goal to the Association of Bay Area Governments (ABAG). ABAG is then mandated to distribute the numerical goal among the cities and counties in the region. This share is known as the Regional Housing Needs Allocation (RHNA). The RHNA process' goal is to ensure a fair distribution of new housing construction among cities and counties in the region so that every community may plan for a mix of housing types for all economic segments. The housing allocation targets are not building requirements; rather, they are planning goals for each community to accommodate through appropriate planning policies and land use regulations. Allocation targets are intended to ensure that adequate sites and zoning are made available to address anticipated housing demand during the Housing Element planning period.

The sixth cycle RHNA for the ABAG region covers an eight-year planning period (January 31, 2023 – January 31, 2031) and is divided into four income categories: very low, low, moderate, and above moderate. HCD determined that the projected housing need for the Bay Area region (including the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma) is 444,176 new housing units for this Housing Element planning

period. As determined by ABAG, the City of Santa Clara's allocation for the 2023-2031 planning period is 11,632 housing units, with the units distributed among the four income categories as shown in Table 13.6-1.

Table 13.6-1 City of Santa Clara RHNA 2023-2031

Income Group	*Income Category (% AMI)*	*RHNA (Housing Units)*	*Percentage of Total Housing Units*
Very Low	<50%	2,872	25%
Low	50-80%	1,653	14%
Moderate	80-120%	1,981	17%
Above Moderate	>120%	5,126	44%
Total		**11,632**	**100%**

Source(s): Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031, Updated March 2022.
Note(s):
1 AMI = Area Median Income
2 Pursuant to AB 2634, local jurisdictions are required to project the housing needs of extremely low-income households (0-30% AMI) and consider this income group a subset of the very low-income category. In estimating the number of extremely low-income households, a jurisdiction can use 50% of the very low-income allocation or apportion the very low-income figure based on Census data.

Progress Toward the RHNA

Since the RHNA uses June 30, 2022, as the baseline for growth projections for the 2023-2031 Housing Element planning period, jurisdictions may claim units approved and proposed that are anticipated to be complete (have a Certificate of Occupancy) after June 30, 2022.

Approved and proposed residential development projects credited toward the RHNA include a variety of affordable and market-rate projects in various stages of the development process. Most of these projects are concentrated within Specific Plan areas and along major thoroughfares, where residential development is expected to continue throughout the planning period. These projects are credited toward the RHNA based on the affordability and unit count of the development. Combined, a total of 11,946 units are expected to be completed within the planning period, as shown in Table 13.6-2.

Approved Projects

Approved residential development projects credited toward the 2023-2031 RHNA have been reviewed for compliance with applicable Codes and regulations and have received planning entitlement approval. These projects will proceed through the building permit application review, issuance, and construction process with anticipated completion and occupancy permits to be finalized on or after June 30, 2022.

Pending or Proposed Projects

Seven projects in various stages of planning review are included as proposed projects. These sites are included although there is no certainty those units will be achieved because the proposals have not been approved, are currently under staff review, or are pending an application submittal. The identified realistic capacity for these sites is the total units included in the preliminary proposals. Since there is no guarantee that the projects will be approved or developed, in the case a proposed development falls through, the sites are still available to accommodate those identified units and may be able to count toward the lower-income RHNA depending on site density and size. Affordability for these projects is assumed based on the site's location per Specific Plan requirements, the City's inclusionary housing ordinance requirements, or a developer/affordable housing agreement. The status of the following projects is as of December 2022.

After credits, approved, and pending projects are considered, the City has a remaining RHNA of 4,980 units.

Table 13.6-2 Pending and Approved Projects

Site/Credit Type	AFFORDABILITY CATEGORIES					*Project Status*	*Affordability*
	Very Low [30-50% AMI]	Low [50-80% AMI]	Moderate [80-120% AMI]	Above Moderate [above 120% AMI]	Total Units		
RHNA 2023-2031	**2,872**	**1,653**	**1,981**	**5,126**	**11,632**		
Tasman East Focus Area Specific Plan (TE)							
TE 2233 Calle Del Mundo (St. Anton)	-	-	23	172	**196**	Under Construction	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 2300 Calle De Luna (Related)	-	-	84	616	**700**	Under Construction	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 5123 Calle Del Sol (Ensemble) - Phase I & II	-	-	60	442	**503**	Approved/Under Construction [1]	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 2200 Calle De Luna (Holland)	-	-	69	510	**580**	Approved	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 2225 Calle de Luna & 2232 Calle del Mundo	-	-	44	326	**371**	Approved	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 2263 Calle Del Mundo (Ensemble)	-	-	36	264	**301**	Approved	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 2302/2310 Calle Del Mundo (Ensemble)	-	-	18	132	**151**	Approved	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 2343 Calle Del Mundo (Summerhill)	-	-	41	305	**347**	Approved	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 2354 Calle Del Mundo (Ensemble)	-	-	10	78	**89**	Approved	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 2101 Tasman Drive (Related)	-	-	114	836	**950**	Proposed	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
TE 5185 Lafayette (Ensemble)	-	-	32	238	**271**	Proposed	*per Sect. 17.40.115 of City Code: 12% affordable at 100% AMI*
subtotal TE project(s)	-	-	*531*	*3,919*	*4,459*		
Patrick Henry Drive Focus Area Specific Plan (PHD)							
PHD Summerhill	15	15	15	255	**300**	Proposed	*per adopted SP: 15% affordable - 5/5/5 split at 50%/80%/120% AMI*
PHD Sares Regis	40	40	40	680	**800**	Pre-application [2]	*per adopted SP: 15% affordable - 5/5/5 split at 50%/80%/120% AMI*
PHD Walnut Hill	20	20	20	353	**416**	Pre-application [3]	*per adopted SP: 15% affordable - 5/5/5 split at 50%/80%/120% AMI*
subtotal PHD project(s)	*75*	*75*	*75*	*1,288*	*1,516*	-	
Lawrence Station Area Plan (LSAP)							
LSAP 3580 Rambla Pl (Summerhill)	-	5	48	233	**286**	Under Construction	*per Affordable Housing Agreement*
LSAP 2961 Corvin Drive (Toll Brothers)	-	-	4	34	**38**	Under Construction	*per Affordable Housing Agreement*
LSAP 3305 Kifer Road (Toll Brothers)	-	-	5	40	**45**	Under Construction	*per Affordable Housing Agreement*
LSAP 3517 Ryder St (Westlake Urban)	-	-	-	328	**328**	Approved	*Exempt, no affordability component*
subtotal LSAP project(s)	-	5	57	635	697	-	
Freedom Circle Focus Area							
3905 Freedom Circle Mixed-Use Project (Greystar)	54	54	54	914	**1,075**	Approved	*per Affordable Housing Agreement: 15% affordable - 5/5/5 split at 50%/80%/120% AMI*
subtotal FC project(s)	*54*	*54*	*54*	*914*	*1,075*	-	

Site/Credit Type	AFFORDABILITY CATEGORIES					*Project Status*	*Affordability*
	Very Low [30-50% AMI]	Low [50-80% AMI]	Moderate [80-120% AMI]	Above Moderate [above 120% AMI]	Total Units		
Other							
Villa Bella Residential Project	-	4	4	48	**56**	Under Construction	*per Inclusionary Ordinance: 15% affordable at 100% AMI*
3035 El Camino Real Residential Project	-	-	4	44	**48**	Under Construction	*per Affordable Housing Agreement: 10% affordable at or below 100% AMI + 0.8 fractional in-lieu fee/distribution of affordable units - averages to a maximum of 100 percent Area Median Income*
3945 Stevens Creek Blvd - The Meridian	-	59	-	-	**59**	Under Construction	*per Developer Agreement: 100% affordable at 80% AMI*
2330 Monroe Street Affordable Housing Project (Freebird)	32	32	-	1	**65**	Under Construction	*per Affordable Housing Agreement: 100% affordable (minus 1 managers unit) - 50/50 split at V LOW/LOW*
Agrihood Mixed-Use Development Project	109	54	18	180	**361**	Under Construction	*per Affordable Housing Agreement: 160 mixed-income apartments (10% affordable at 120% AMI (16 units)) and 165 affordable senior apartments (54 units at 30% AMI; 55 units at 50% AMI; 54 units at 60% AMI; 2 units at 120% AMI)*
Laguna Clara II (Equity)	-	-	9	174	**183**	Under Construction	*per Affordable Housing Agreement: 5% affordable at 100% AMI*
Gateway Crossings (Hunter/Storm) - Phase 1	-	37	36	652	**725**	Under Construction	*per Developer Agreement, Phase 1: 37 affordable units at 80% AMI + 36 affordable units at 100% AMI*
Clara Gardens - 3550 El Camino Real	120	-	-	-	**120**	Approved/Under Construction [4]	*per Affordable Housing Agreement: 100% affordable at 30-50% AMI*
1530-1540 Pomeroy Avenue Residential Project					**8**	Approved	*no affordability component*
Related Santa Clara - Phase 1	-	-	20	1,660	**1,680**	Approved	*per Development Area Plan: 20 affordable units (10% of 200) at 120% AMI [future phases, 50 affordable units at 120%]*
Gateway Crossings (Hunter/Storm) - Phase 2					**840**	Proposed	*per Developer Agreement, Phase 2: affordability TBD*
950 Monroe Street Mixed-Use Project	-	-	8	46	**54**	Proposed	*per Inclusionary Ordinance: 15% affordable at 100% AMI*
subtotal other project(s)	*261*	*186*	*99*	*2,805*	*4,199*		
Total Pending and Approved Projects	**390**	**320**	**816**	**9,561**	**11,946**		
Remaining RHNA 2023-2031	**2,482**	**1,333**	**1,165**	**(4,435)**	**(314)**		

Source(s): City of Santa Clara, June 2022.
Note(s): All calculations were rounded down. There are likely discrepancies due to rounding down between the row and column totals.
1 Phase I building permit issued 4/18/22 for 311 units; the remaining 192 units are approved.
2 Application expected Dec 2022.
3 Application expected early 2023.
4 Building permit issued for interior work (8/4/22); building permit for exterior work pending corrections, for 43 units. The remaining 77 units are approved.

Sites Inventory Methodology and Assumptions

Default Density Assumptions

The California Government Code states that if a local government has adopted density standards consistent with the population-based criteria set by State law (at least 30 units per acre for Santa Clara), HCD is obligated to accept sites with those density standards (30 units per acre or higher) as appropriate for accommodating the jurisdiction's share of regional housing need for lower-income households. Default density is considered by the State as sufficient to provide market-based incentives for the development of housing for lower-income households.

The Santa Clara General Plan (adopted in 2010) identifies ten Focus Areas appropriate for higher density residential and mixed-use development. A detailed discussion of density assumptions and the affordability level of sites is included below.

Site Suitability and Lot Consolidation

Consistent with Housing Element law related to the suitability of small and large sites, the inventory of lower-income sites is limited to parcels between 0.5 and 10 acres in size. Due to the City's historical parcelization pattern, the inclusion of small sites in the inventory is expected. To adhere to State law and HCD guidance, small sites (under 0.5 acres) are not used to meet the lower-income RHNA. There are 10 available sites included in the inventory with a parcel size under 0.5 acres. All of these are located in the Tasman East Specific Plan area and range between 0.458 and 0.482 acres. Parcels of similar size have been developed with residential within the last housing element cycle in the Tasman East Specific Plan area. While these sites have densities that are appropriate for lower-income RHNA sites and meet the default density standard, they are all credited toward the moderate- and above moderate-income categories. No sites in the inventory are larger than 10 acres. Although many of the parcels identified as sites are adjacent to one another, no lot consolidation is assumed.

Realistic Capacity and Suitability of Non-Vacant Sites

Housing Element law requires jurisdictions to demonstrate that the land inventory is adequate to accommodate that jurisdiction's share of the region's projected growth. Santa Clara has a remaining RHNA of 4,980 units to be achieved through the identification of sites. The City has various residential and mixed-use development opportunities on sites that are currently available, although all sites are non-vacant. All available sites are within Specific Plan areas. Each project shown in Table 13.6-3, demonstrates that the project's actual density was developed higher than the minimum density allowed. Because each Specific Plan has its own distinct land

use designations and affordability requirements, realistic capacity for available sites was calculated based on the average of percent above minimum density allowed per Specific Plan of existing and approved projects (see Table 13.6-3). Percent above the minimum density allowed was used to remain conservative, realistic, and to account for the wide range of Specific Plan densities allowed (from 20 du/ac in Lawrence Station to 350 du/ac maximum in Tasman East). In every case, claiming realistic capacity using the methodology and assumptions defined here yields total unit counts below the maximum density allowed.

Development Trends and Realistic Capacity

Current development trends in the Specific Plan areas show that a range of medium to high residential density is feasible, realistic, and appropriate to accommodate housing for all income levels. Since the City's adoption of the Lawrence Station Area Plan and Tasman East Specific Plan, Santa Clara has seen an uptick in development and development interest. The following projects, shown in Table 13.6-3, show examples of high-density development coming in well above the minimum densities.

Table 13.6-3 High-Density Projects in Specific Plan Areas

Project Name	*Zoning*	*Density Range (du/ac)*	*Acres*	*# of Units*	*Actual Density*	*Status*	*Included in 6th Cycle*	*% above allowed minimum density*
Tasman East Focus Area Specific Plan								
TE 2233 Calle Del Mundo (St. Anton)	Transit Neighborhood	100 to 350	1.22	196	160	Under Construction	Yes	160%
TE 2200 Calle De Luna (Holland)	Transit Neighborhood	100 to 350	2.44	580	237	Approved	Yes	237%
TE 2300 Calle De Luna (Related)	Transit Neighborhood	100 to 350	5.02	700	139	Under Construction	Yes	139%
TE 2343 Calle Del Mundo (Summerhill)	Transit Neighborhood	100 to 350	2.63	347	131	Approved	Yes	131%
TE 2302/2310 Calle Del Mundo (Ensemble)	Transit Neighborhood	60 to 350	0.77	151	196	Approved	Yes	327%

Project Name	*Zoning*	*Density Range (du/ac)*	*Acres*	*# of Units*	*Actual Density*	*Status*	*Included in 6th Cycle*	*% above allowed minimum density*
TE 2354 Calle Del Mundo (Ensemble)	Transit Neighborhood	60 to 350	0.50	89	178	Approved	Yes	297%
Patrick Henry Drive Focus Area Specific Plan								
PHD Summerhill	Urban Village	100 to 149	2.51	300	119	Proposed	Yes	119%
Lawrence Station Area Plan								
2904 Corvin Drive (Corvin Supportive Housing)	LSAP/Very High Density Residential	51 to 100	1.08	145	134	Building Permit final June 2022	No	263%
3560 Rambla Pl (Summerhill)	LSAP/Very High Density Residential	51 to 100	2.49	251	100	Building Permit final Sept 2021	No	196%
3578 Rambla Pl (Summerhill)	LSAP/Very High Density Residential	51 to 100	1.72	126	73	Building Permit final March 2022	No	143%
3517 Ryder St (Westlake Urban)	LSAP/Very High Density Residential	51 to 100	3.92	328	83	Approved	Yes	163%

Source(s): City of Santa Clara, 2022.

Realistic Capacity Calculations

These sites show sufficient capacity to meet and exceed the identified housing need. A detailed listing of sites, consistent with State law, is included in the document Appendix B.

Consistent with HCD Guidelines, the following methodology for determining realistic capacity on each identified site must account for land use controls and site improvements.

- Lower-density residential sites: realistic capacity for sites in land use designations that allow less than 30 units per acre is calculated at minimum density allowed. This includes the Medium Density Residential (20-36 du/ac) designation in the Lawrence Station Area Plan. The identified sites in these designations are non-vacant. Minimum density was used to calculate a more conservative realistic capacity.

- Specific Plan sites: All sites are within adopted Specific Plan areas and have been vetted through City-led and community-focused planning processes. Specific Plan areas represent locations with opportunities for more intense development with limited impact on existing neighborhoods, per the City's 2010-2035 General Plan. All available sites have been rezoned to reflect the uses and densities set forth in the respective Specific Plans. These sites were selected for inclusion in this inventory due to their location, existing zoning that accommodate and incentivize higher densities, and potential for housing production.

  All available sites are within Specific Plan areas. Each project shown in Table 13.6-3, demonstrates that the project's actual density was developed higher than the minimum density allowed. Because each Specific Plan has its own distinct land use designations and affordability requirements, realistic capacity for available sites was calculated based on the average of percent above minimum density allowed per Specific Plan of existing and approved projects (see Table 13.6-3). Percent above the minimum density allowed was used to remain conservative, realistic, and to account for the wide range of Specific Plan densities allowed (from 20 du/ac in Lawrence Station to 350 du/ac maximum in Tasman East). In every case, claiming realistic capacity using the methodology and assumptions defined here yields total unit counts below the maximum density allowed.

  The following averages were used to calculate realistic capacity, per Specific Plan area:

  - Lawrence Station Area Plan: minimum densities x 191%
  - Tasman East Focus Area Specific Plan: minimum densities x 215%
  - Patrick Henry Focus Area Specific Plan: minimum densities x 119%

Densities Appropriate for Accommodating Lower-Income Housing

The capacity of sites that allow development densities of at least 30 units per acre are credited toward the lower-income RHNA based on State law. The California Government Code states that if a local government has adopted density standards consistent with the population-based criteria set by State law (at least 30 units per acre for Santa Clara), HCD is obligated to accept sites with those density standards (30 units per acre or higher) as appropriate for accommodating the jurisdiction's share of regional housing need for lower-income households. All available sites included in this inventory, except for three sites zoned Medium Density Residential (20-36 du/ac), have density standards of 30 units per acre or higher. Located within the Lawrence Station Area Plan, the three sites zoned Medium Density Residential (20 – 36 du/ac) are credited toward the moderate- and above-moderate income categories.

To create a more conservative and realistic estimate of affordability for Santa Clara, available sites that qualify for one hundred percent affordable units based on the allowed density are split

evenly between the very low-, low-, and moderate-income categories 33.33 percent, 33.33 percent, and 33.33 percent, respectively.

Table 13.6-4 Specific Plan Land Use Designations

Land Use Designation	*Min./Max. Density*	*Meets Default Density*	*Number of Parcels Included in 6th Cycle*	*Total Acreage of Available Sites*
Tasman East Focus Area Specific Plan				
Transit Neighborhood (parcels less than 1 acre)	60 to 350	Yes	14	8.033
Transit Neighborhood (parcels equal to or greater than 1 acre)	100 to 350	Yes	0	0
Tasman East Specific Plan Subtotal			*14*	*8.033*
Patrick Henry Drive Focus Area Specific Plan				
Very High Density Residential	51 to 99	Yes	2	6.660
Village Residential	60 to 149	Yes	1	9.062
High Density Flex	60 to 149	Yes	4	9.568
Urban Village	100 to 149	Yes	5	12.986
Urban Center	120 to 250	Yes	1	3.821
Patrick Henry Drive Specific Plan Subtotal			*13*	*42.098*
Lawrence Station Area Plan				
Low Density Residential	8 to 19	No	0	0
Medium Density Residential	20 to 36	No	3	1.993
High Density Residential	37 to 50	Yes	0	0
Very High Density Residential	51 to 100	Yes	6	27.534
Lawrence Station Area Plan Subtotal			*9*	*29.528*

Source(s): Patrick Henry Drive Specific Plan, March 2022. Lawrence Station Area Plan, Neighborhood Transit-Oriented Development Plan, Nov. 2016. Tasman East Focus Area Specific Plan, Nov. 2020.

Re-use of Sites

AB 1397 (2017) requires that specific parameters be placed on sites that were used in previous Housing Element planning cycles but did not develop and are identified in the current Housing Element to meet the lower-income RHNA. However, as noted in HCD guidance documents, due to updates in the prior planning period to the General Plan or other planning activities, such as the creation of a specific plan, some sites previously identified in the Housing Element may have been rezoned during intervening years to allow a higher density, thereby increasing the potential housing capacity of the site. Because the zoning characteristics of such a site have changed, that site can be considered a new site for the purposes of the housing element inventory.

All sites in this Housing Element are Specific Plan parcels, including some previously identified in the fifth cycle. Parcels identified in the fifth cycle subsequently rezoned to a higher density through their respective Specific Plan processes were not rezoned to accommodate a shortfall; rather, the rezoning was conducted to implement General Plan policy. Thus, no sites are subject to the reuse provisions of AB 1397 (2017).

No Net Loss Provision

Government Code Section 65863 stipulates that a jurisdiction must ensure that its Housing Element inventory can accommodate its share of the RHNA by income level throughout the 2023 to 2031 planning period. If a jurisdiction approves a housing project at a lower density or with fewer units by income category than identified in the Housing Element, it must quantify at the time of approval the remaining unmet housing need at each income level and determine whether there is sufficient capacity to meet that need. If not, the city must "identify and make available" additional adequate sites to accommodate the jurisdiction's share of housing need by income level within 180 days of approving the reduced-density project. This provision is commonly referred to as the "no net loss" provision of Housing Element law.

Site Selection

The Housing Element sites inventory, in addition to the list of pending and approved projects, includes accessory dwelling unit (ADU) projections and vacant and underutilized sites within Specific Plan areas zoned for high-density residential and mixed-use development. These latter two categories have been used to demonstrate that the RHNA for the extremely low-, very low-, low- and moderate-income categories can be accommodated during the planning period. As the discussion below concludes, the sites have no identified constraints that would prevent development or reuse during the Housing Element period. Table 13.6-5 summarizes the sites inventory.

Table 13.6-5 Sites to Meet the RHNA

Site/Credit Type	*Affordability Category*				*Total Capacity*
	Very Low [30-50% AMI]	Low [50-80% AMI]	Moderate [80-120% AMI]	Above Moderate [above 120% AMI]	
RHNA	**2,872**	**1,653**	**1,981**	**5,126**	**11,632**
Pending and Approved Projects	390	320	816	9,561	11,946
ADU Projection	102	102	102	34	340
Available Specific Plan Sites	3,049	3,049	3,354	305	9,808
Tasman East Focus Area Specific Plan	*126*	*126*	*389*	*263*	*913*

Site/Credit Type	*Affordability Category*				*Total Capacity*
	Very Low [30-50% AMI]	Low [50-80% AMI]	Moderate [80-120% AMI]	Above Moderate [above 120% AMI]	
RHNA	**2,872**	**1,653**	**1,981**	**5,126**	**11,632**
Patrick Henry Drive Focus Area Specific Plan	*2,038*	*2,038*	*2,038*	*-*	*6,139*
Lawrence Station Area Plan	*885*	*885*	*927*	*42*	*2,756*
Total	**3,541**	**3,471**	**4,272**	**9,900**	**22,094**
Surplus	***23%***	***110%***	***116%***	***93%***	***90%***

Source(s): Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031, Updated March 2022. Technical Assistance for Local Planning, Housing – Using ADUs to Satisfy RHNA, Technical Memo, March 2022. Patrick Henry Drive Specific Plan, March 2022. Lawrence Station Area Plan, Neighborhood Transit-Oriented Development Plan, Nov. 2016. Tasman East Focus Area Specific Plan, Nov. 2020.
Note(s): AMI = Area Median Income

ADU Projection

Since 2017, the State legislature has passed a series of laws that significantly increase the potential for the development of ADUs and Junior ADUs (JADUs) by removing development barriers, allowing ADUs through ministerial permits, and requiring jurisdictions to include programs in their housing element that incentivize ADU development. Interest in constructing ADUs is high in Santa Clara and continues to grow. In 2018, the City issued 21 ADU building permits. In 2019, the number increased to 51 annual building permits, with similar numbers in 2020 (45 ADU building permits) and 2021 (53 ADU building permits). This represents a 152 percent increase in ADU production in Santa Clara between 2018 and 2021. The City estimates that interest will continue to increase over the next few years, given the many single-family neighborhoods citywide that create capacity for additional ADUs. As of June 2022, 53 percent (or 16,103 parcels) of total parcels were zoned for single-family housing, totaling 2,504 acres. ADUs are permitted on single-family, multi-family, and mixed-use lots, including R1, R2, and R3 zone districts, which represent a significant number of lots in Santa Clara.

As an incentive to ADU production, the City does not charge a Planning fee for review/processing ADU requests. Also, State law allows jurisdictions to charge impact fees on ADUs over 750 square feet, but the City of Santa Clara does not. The City has also exempted ADUs/JADUs from providing parking (JADUs that convert a garage space/s are required to provide replacement parking for the primary dwelling).

The slight dip in ADU production in 2020 may be due to the COVD-19 pandemic and other events of 2020. In 2021, the City had the highest number of ADU building permits to date, which is likely more representative of ADU production moving forward based on ADU trends in Santa Clara,

new and pending favorable ADU legislation that created new incentives and streamlined processes to build ADUs, and the pent-up demand for additional housing in the Bay Area.

While it is impossible to predict with certainty the exact number of ADUs that will be developed during the planning period (2023-2031), the City conservatively estimates:

- An average of 43 ADUs per year will be constructed throughout the planning period. This reflects the average number of building permits issued for ADUs between 2018 and 2021. Given the anticipated increase in ADUs over the near term, this is a conservative estimate.
- A total of 340 ADUs can be predicted to be constructed during the planning period.

The affordability assumptions for ADU projections are based on ABAG's ADU affordability analysis pre-certified by HCD[1].

Available Specific Plan Sites

Plan Bay Area 2050 Growth Geographies

After nearly four years of technical analysis and deep engagement with Bay Area residents and partners, the Metropolitan Transportation Commission (MTC) and ABAG jointly adopted Plan Bay Area 2050 in October 2021. Plan Bay Area 2050 was developed in collaboration with Bay Area residents, partner agencies, and nonprofit organizations. Thirty-five strategies make up the heart of the plan to improve housing, the economy, transportation, and the environment across the Bay Area's nine counties.

Throughout Plan Bay Area 2050, Growth Geographies are geographic areas used to guide where future growth in housing and jobs would be focused under the plan's strategies over the next 30 years. These geographies are identified for growth either by local jurisdictions or because of their proximity to transit or access to opportunity.

All sites included in this Housing Element are considered Priority Development Areas (PDAs), defined as areas generally near existing job centers or frequent transit that are locally identified (i.e., identified by towns, cities, or counties) for housing and job growth.

2010-2035 General Plan Focus Areas, Focus Area Plans, and Related Planning Efforts

In 2010, the City of Santa Clara adopted its comprehensive 2010-2035 General Plan, which included identification of nine focus areas throughout the City, listed in Table 13.6-6. These areas were chosen for their potential to significantly define Santa Clara's identity as a place in transition

1 ABAG estimates an affordability breakdown of ADUs as follows: 30% very low-income, 30% low-income, 30% moderate-income, and 10% above moderate-income. Technical Assistance for Local Planning, Housing – Using ADUs to Satisfy RHNA, Technical Memo, March 2022.

from a suburb to a regional economic center. The opportunity to develop at a higher density near transit is central to this new identity.

A comprehensive plan, such as a specific plan is a required prerequisite for new residential development within a focus area. The purpose of these plans and the prerequisite requirements ensure that new neighborhoods are self-sufficient, with easy access to retail, services, and public amenities. Specific Plans also ensure that adequate public services and facilities are provided in tandem with new development. In 2014, the City initiated updates to the Housing and Land Use Elements that identify and require future development to be comprehensively planned through the preparation of Specific Plans within the Lawrence Station and Tasman East Focus Areas.

Of the nine focus areas identified in the 2010-2035 General Plan, four have resulted in Specific Plans, three of which have been adopted. The Freedom Circle Future Focus Area was added to the General Plan in June 2022, while preparation of this sixth cycle Housing Element was well underway. A specific plan has not been drafted or adopted for this future focus area, and therefore the future focus area, with the exception of the Greystar site that had its own approved General Plan Amendment and Rezoning to allow residential development, was not included in the sites inventory. However, properties within that planning area could become available during the planning period if a specific plan were adopted, helping to guard against the loss of affordable housing capacity.

Table 13.6-6 2010-2035 General Plan Focus Areas

2010-2035 General Plan Focus Area	*Related Planning Effort*	*Status*
Existing		
Downtown Focus Area	Santa Clara Downtown Precise Plan	Draft, Nov. 2022
Santa Clara Station Focus Area	None	
Stevens Creek Boulevard Focus Area	None	
El Camino Real Focus Area	El Camino Real Specific Plan	Draft, May 2021
Lawrence Station Focus Area	Lawrence Station Area Plan	Adopted, Nov. 2016
Tasman East Focus Area	Tasman East Focus Area Specific Plan	Adopted, Nov. 2018; Revised, Nov. 2020
Great America Parkway Focus Area	Patrick Henry Drive Focus Area Specific Plan	Adopted, Mar. 2022
Freedom Circle Focus Area	Freedom Circle Focus Area Plan	Adopted, June 2022
Future		
Central Expressway Focus Area	None	
De La Cruz Focus Area	None	

Source(s): City of Santa Clara 2010-2035 General Plan, Nov. 2010. Patrick Henry Drive Specific Plan, March 2022. Lawrence Station Area Plan, Neighborhood Transit-Oriented Development Plan, Nov. 2016. Tasman East Focus Area Specific Plan, Nov. 2020.

Mixed-Use Developments

Although opportunities for residential and mixed-use development exist throughout Santa Clara based on existing General Plan land use policy and implementing zoning, along major corridors such as along El Camino Real, the City has focused the sites inventory in areas where development of residential uses is most likely to occur within the Housing Element planning period. This is due to development standards allowing very high densities, developer interest in residential development within Specific Plan areas, site size and location (near transit, major corridors, and highways), and recent development trends in the immediate and surrounding areas. The inclusion of nonresidential uses within mixed-use developments complements a transit-oriented neighborhood and will not affect the potential capacity on site because all available sites have minimum density requirements.

Most parcels included in this sixth cycle sites inventory have zoning that allows nonresidential uses in the form of mixed-use developments. Only one land use designation/zone district allows stand-alone nonresidential development.[2] This land use policy illustrates the City's commitment to incentivizing mixed-use districts and higher-density, transit-oriented residential development that addresses many goals: meeting the region's housing needs, encouraging housing near employment centers, increasing transit usage, and reducing greenhouse gas emissions.

Specific Plans

A considerable portion of Santa Clara is designated for specific plan development. The City has three approved Specific Plans with a significant number of sites and residential development capacity remaining. Combined, the sites identified in the Lawrence Station, Tasman East, and Patrick Henry Drive Specific Plan areas have enough capacity to satisfy the outstanding RHNA (i.e., the remaining RHNA after pending and proposed projects). The Specific Plan areas provide opportunities for development of market-rate and affordable housing. Development types authorized by the approved Specific Plans include multi-unit and mixed-use development. None of the listed Specific Plan areas have any site restrictions or governmental constraints that would impede development. Table 13.6-4 provides an overview of the City's Specific Plan densities. Further detail is provided in the following sections.

The Specific Plan sites have a high level of certainty to develop given that:

- Through the adoption and implementation of each City-initiated Specific Plan, all parcels within each area have been re-zoned to accommodate high density residential development.
- Specific parameters for densities, uses, development standards, and minimum affordability requirements have already been established.

2 Only one land use designation/zone district, in the Patrick Henry Drive Specific Plan area, allows stand-alone nonresidential development. See section "Specific Plan Sites" for additional detail.

- No recent, significant enhancements have been made to these sites.
- Infrastructure is either in place, or planned for, in support of proposed land uses, addressing transportation, wet utilities, solid waste management, and energy services and systems. For both the Tasman East and Patrick Henry Drive Specific Plans, an infrastructure fee has been created to apportion costs between developers in the Plan Areas.
- Redevelopment of nonresidential uses into high density residential and mixed-use has already occurred, illustrating developer and property owner interest and the financial feasibility of site redevelopment.
- All land use designations within the Specific Plan areas have established minimum densities.
- No land use designation in the Tasman East Specific Plan or Lawrence Station Area Plan areas allows for stand-alone nonresidential uses.
- The City has financial resources available to support the development of affordable housing.

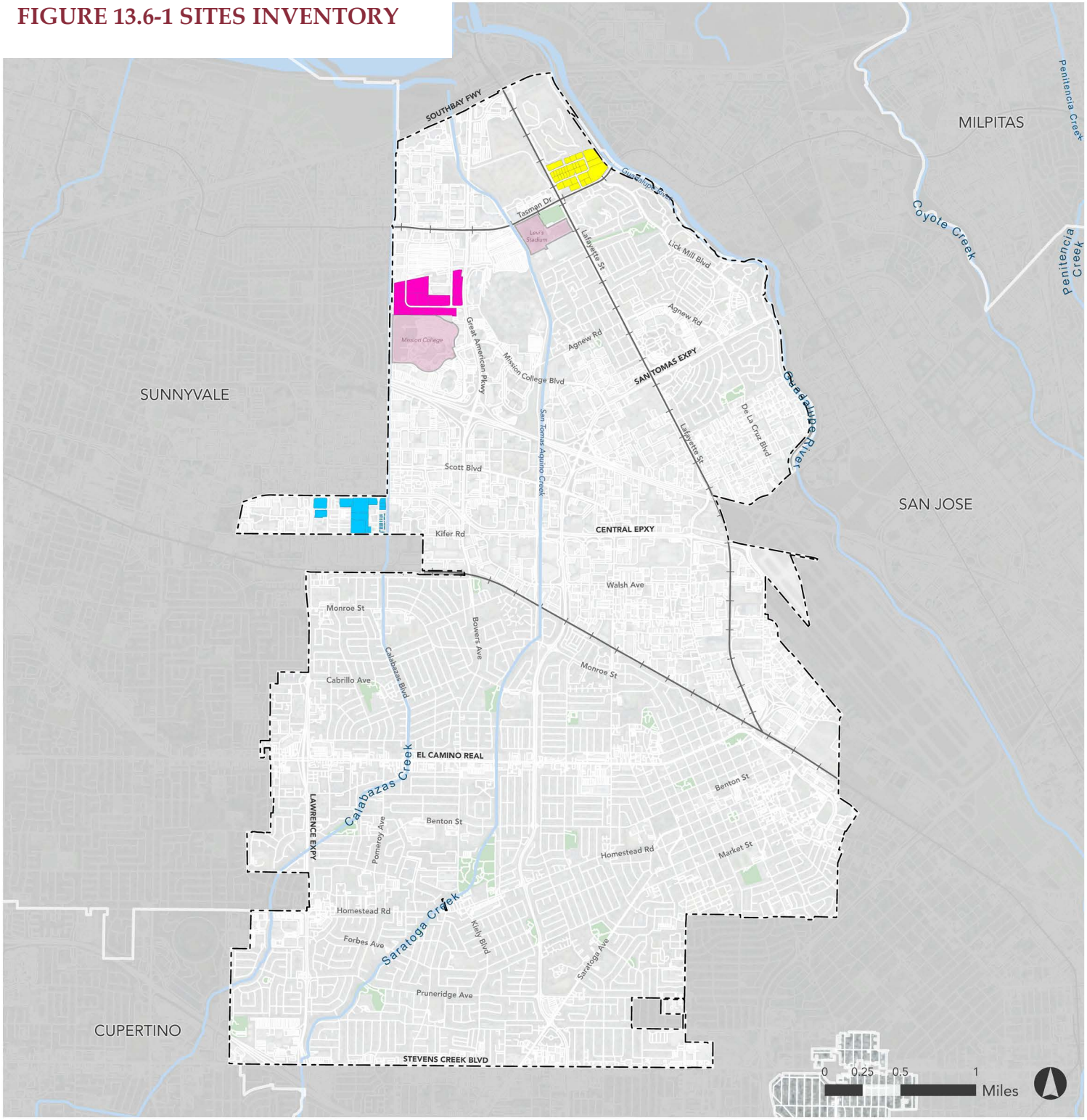
Affordability Requirements

- **Tasman East Focus Area Specific Plan.** All development in the Tasman East Focus Area Specific Plan area adheres to the affordable housing requirements referenced in Section 17.40.115 of the Santa Clara City Code. For-sale and rental affordable units shall be maintained as affordable housing for not less than 20 years applicable to for-sale units and 55 years applicable to rental units. Section 17.40.115 requires that 12% of total housing units be affordable.
- **Patrick Henry Focus Area Specific Plan.** In recognition of the conversion of employment uses to residential land, the Patrick Henry Drive Specific Plan calls for a deeper level of affordability than is required by the Citywide Affordable Housing ordinance. Affordable housing requirements for the Patrick Henry Drive Specific Plan are referenced in Section 17.40.116 of the Santa Clara City Code. Developments will provide 15 percent affordable units split equally between three affordability levels of 50 percent, 80 percent, and 120 percent of Area Median Income (AMI).
- **Lawrence Station Area Plan.** Projects must comply with the City's inclusionary ordinance in the Lawrence Station Area Plan area. There are some projects already developed that did not require affordable units, because the Lawrence Station Area Plan was adopted before the City's inclusionary ordinance.
- **Citywide Affordable Housing Requirements.** Effective February 2018, the City's inclusionary housing ordinance (Title 17, Chapter 17.40 Citywide Affordable Housing

Requirements) requires residential ownership and rental projects of ten (10) or more units to provide at least fifteen percent (15%) of the units at affordable housing costs for extremely low, very low, low and moderate income households, or some combination of those income categories. A developer shall select income categories for each of the affordable units such that the average income of purchasers will not exceed 100 percent of AMI.

- **Affordability by Design.** Additionally, affordability by design in Specific Plan areas is encouraged, with the development of smaller units targeted for those who desire a walkable, urban lifestyle.
- **General Plan.** The General Plan also outlines other Affordable Housing incentives including encouraging and supporting public and private efforts to provide affordable housing, density bonuses and other financial incentives for housing projects that include affordable and/or senior housing units, consistent with State law requirements.

FIGURE 13.6-1 SITES INVENTORY



CITY OF SANTA CLARA CALIFORNIA
1852
THE MISSION CITY

City of Santa Clara
Sites Inventory

Legend

Specific Plan Sites

- Lawrence Station Area Plan
- Patrick Henry Drive Focus Area Specific Plan
- Tasman East Focus Area Specific Plan

Basemap Features

- Santa Clara City Limits
- Surrounding Cities
- Major Destinations
- Rivers and Waterbodies
- Parks and Open Space
- Railways

Source(s): Esri, County of Santa Clara OpenData 2023, City of Santa Clara 2023.

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Tasman East Focus Area Specific Plan

Adopted in November 2018, the Tasman East Specific Plan regulates the development of 46.1 acres of land located near the City's northern boundary. Approved for the development of 4,500 units, full buildout of the area will likely occur by 2038. The Specific Plan area includes 34 parcels situated east of Lafayette Street, north of Tasman Drive, west of the Guadalupe River Trail, and south of the Santa Clara Tennis and Golf Club property. Each parcel of one acre or more in size is required to accommodate a minimum density of 100 dwelling units per acre. Each parcel of less than one acre in size is required to achieve a minimum density of 60 dwelling units per acre. There are no density maximums for individual parcels.

Approximately half of the Tasman East Specific Plan's parcels have either been re-developed or have projects with active applications or are already under construction. This area is transitioning from a mix of light industrial and business park uses to a high density residential neighborhood with a mix of uses at the ground floor.

Eleven projects within the Specific Plan area were counted toward the sixth cycle RHNA as approved, proposed, or under construction. Fifteen remaining parcels, on approximately 8 acres, have been identified as sites and remain to be re-developed. Not Viable sites were identified and excluded based on existing uses. Assuming realistic capacity, on a parcel-level, the Tasman East Focus Area Specific Plan sites identified in this Housing Element can accommodate a total of 913 units (see Table 13.6-5). Appendix B provides a detailed list of all sites, including assumed affordability.

FIGURE 13.6-2 TASMAN EAST LAND USE DIAGRAM

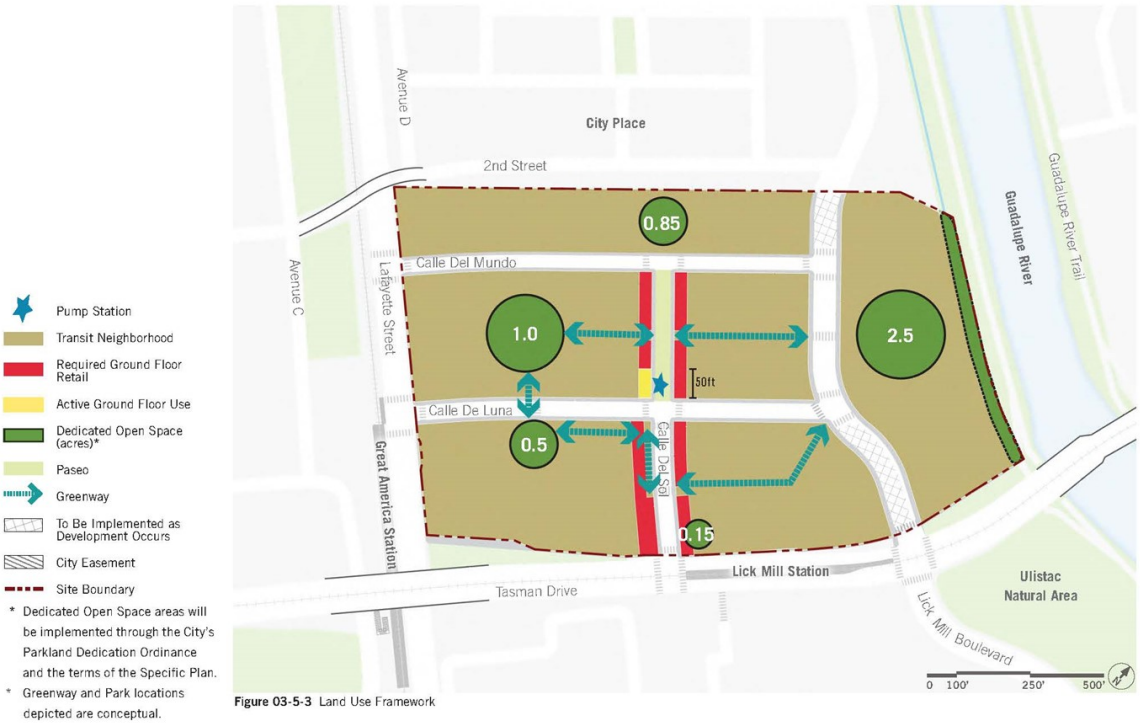


Figure 03-5-3 Land Use Framework

FIGURE 13.6-3 TASMAN EAST SITES



City of Santa Clara

Tasman East Focus Area Specific Plan Sites

Legend

Basemap Features

- Santa Clara City Limits
- Surrounding Cities
- Major Destinations
- Rivers and Waterbodies
- Parks and Open Space
- Railways

Specific Plan Sites

- Available
- Pending Project (Approved)
- Pending Project (Approved/Under Construction)
- Pending Project (Proposed)
- Pending Project (Under Construction)

Source(s): Esri, County of Santa Clara OpenData 2022, City of Santa Clara 2022.

Patrick Henry Drive Focus Area Specific Plan

In March 2022, the City Council approved the Patrick Henry Drive Specific Plan. The planning area encompasses approximately 73.59 acres bounded by Sunnyvale and Calabazas Creek to the west, the southern edge of San Francisco Public Utilities Commission right-of-way to the north, Great America Parkway to the east, and Mission College to the south. As one of the City's first high-density residential neighborhoods, Patrick Henry Drive will add thousands of units to better balance the City's jobs-housing ratio, a share of which will be income restricted to help meet regional and local affordability goals. Several regional destinations and amenities are nearby, including Levi's Stadium, Great America Theme Park, and the Santa Clara Convention Center. The VTA light rail station at Old Ironsides and Tasman Drive is just over one-half mile, or an approximately 10-minute walk, from the center of the Specific Plan area.

The Patrick Henry Drive Specific Plan resulted from a collaborative planning effort involving the City, area property owners, and the Santa Clara community. The plan will create a 73.59-acre high-density, residential neighborhood located near regional destinations, including job-centers, transit, and other amenities. At buildout, the project will accommodate up to 12,000 new residential dwelling units and 310,000 square feet of nonresidential uses, including 200,000 square feet of new neighborhood-serving retail and public facilities, such as libraries and community spaces. New and improved pedestrian and bicycle connections, trails, and parks will link neighborhoods and enhance connections to nearby amenities and recreation destinations. Careful planning will ensure adequate infrastructure and services to support the proposed new development. Targeted residential densities range from a minimum of 51 dwelling units per acre to a maximum of 250 units per acre. These densities will help meet the demand for housing that addresses job and retail growth in the City and region.

Three projects within the Specific Plan area were counted toward the sixth cycle RHNA as approved, proposed, or under construction. Thirteen remaining parcels, on approximately 42 acres, have been identified as sites and remain to be re-developed. Not Viable sites were identified and excluded based on existing uses. Assuming realistic capacity, on a parcel-level, the Patrick Henry Drive Focus Area Specific Plan sites identified in this Housing Element can accommodate a total of 6,139 units (see Table 13.6-5). Appendix B provides a detailed list of all sites, including assumed affordability.

High Density Flex

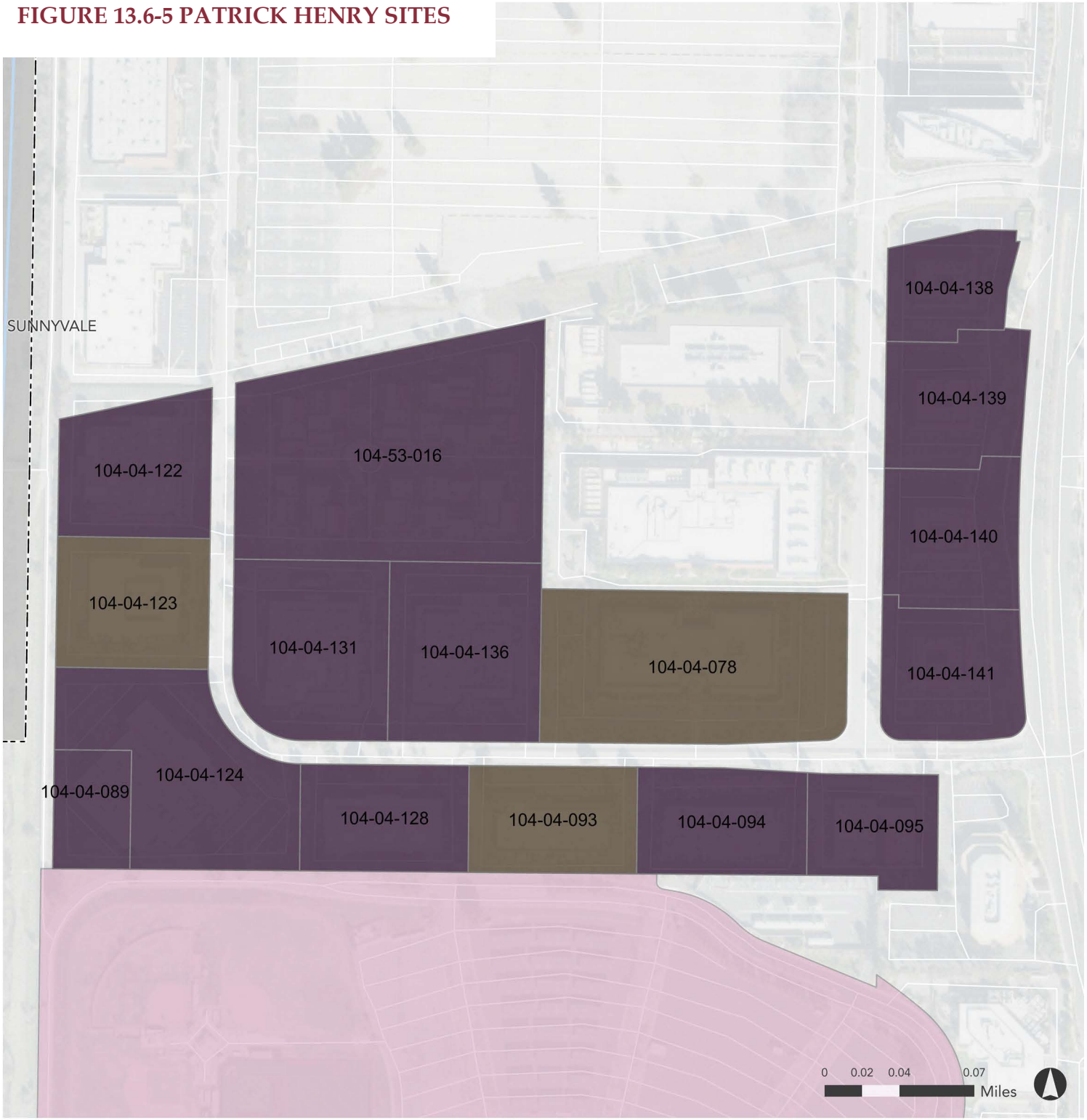
Only one land use designation in the Patrick Henry Drive Specific Plan area allows for stand-alone nonresidential uses: High Density Flex. Six parcels are zoned High Density Flex, two of which were excluded because they are small sites and publicly owned utility parcels, owned by the Santa Clara Valley Transportation Authority (VTA) and the City of Santa Clara. APNs 104-04-130 and 104-04-072, respectively.

In the event that any of the four High Density Flex sites (totaling 9.6 total acres) develop with nonresidential uses only, the City will quantify at the time of approval the remaining unmet housing need at each income level and per law, identify and make available adequate sites to accommodate the RHNA by income level within 180 days of approving any such reduced-density project.

FIGURE 13.6-4 PATRICK HENRY LAND USE DIAGRAM



FIGURE 13.6-5 PATRICK HENRY SITES



City of Santa Clara

Patrick Henry Focus Area Specific Plan Sites

Legend

Basemap Features

- Santa Clara City Limits
- Surrounding Cities
- Major Destinations
- Rivers and Waterbodies
- Parks and Open Space
- Railways

Specific Plan Sites

- Available
- Pending Project (Proposed)

Source(s): Esri, County of Santa Clara OpenData 2022, City of Santa Clara 2022.

Lawrence Station Area Plan

The Santa Clara Lawrence Station Area Plan Area is located northeast of the Lawrence Caltrain Station, bounded by Central Expressway to the north, Kifer Road to the South, Lawrence Expressway to the west, and Calabazas Creek to the east, encompassing approximately 72 acres (65 acres of developable land area excluding existing public right-of-way). Adopted in 2016, the Lawrence Station Area Plan is largely developed and was originally approved for the development of 3,500 units. Residential uses have replaced the areas original uses: one- and two-story buildings, generally occupied by light industrial (including manufacturing and warehousing uses), office, and various other commercial uses.

Four projects within the Specific Plan area were counted toward the sixth cycle RHNA as approved, proposed, or under construction. Nine remaining parcels, on approximately 30 acres, have been identified as sites and remain to be re-developed. Not Viable sites were identified and excluded based on existing uses. Assuming realistic capacity, on a parcel-level, the Lawrence Station Area Plan sites identified in this Housing Element can accommodate a total of 9,808 units (see Table 13.6-5). Appendix B provides a detailed list of all sites, including assumed affordability.

FIGURE 13.6-6 LAWRENCE STATION LAND USE DIAGRAM



FIGURE 13.6-7 LAWRENCE STATION SITES



City of Santa Clara

Lawrence Station Area Plan Sites

Legend

Basemap Features

- Santa Clara City Limits
- Surrounding Cities
- Major Destinations
- Rivers and Waterbodies
- Parks and Open Space
- Railways

Specific Plan Sites

- Available
- Pending Project (Approved)
- Pending Project (Under Construction)

Source(s): Esri, County of Santa Clara OpenData 2022, City of Santa Clara 2022.

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Chapter 13.7
Housing Element Program Accomplishments

This chapter analyzes program performance for the City of Santa Clara's 2015-2023 Housing Element programs. State law (California Government Code Section 65588[a]) requires each jurisdiction to review its Housing Element as frequently as appropriate and evaluate:

- The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goals
- The effectiveness of the Housing Element in attainment of the community's housing goals and objectives
- Progress in implementation of the Housing Element

This evaluation provides critical information on the extent to which programs have achieved stated objectives and whether these programs continue to be relevant to addressing current and future housing needs in Santa Clara. The evaluation provides the basis for recommended modifications to policies and programs and the establishment of new housing objectives. The Department of Housing and Community Development determined that the Santa Clara 2015-2023 Housing Element was in full compliance with State law. Following adoption in 2015, the City was tasked with following through on the commitments made in the housing programs. The City has analyzed the effectiveness of the 5th cycle Housing Plan actions, policies, and goals and has used this evaluation to inform the revised Housing Plan for the 6th cycle. While the fair housing analysis conducted in Chapter 3 relied upon contemporary data, the retroactive analysis of past program accomplishments depended on data points collected during program actions that, in some cases, did not align directly with the data points collected during the fair housing analysis conducted for the 6th cycle.

Specific attention was given in the evaluation of the cumulative effectiveness of past goals, policies, and related actions in meeting the housing needs of special populations. In cases where data was not available, institutional knowledge and staff interviews were used to provide context for the program evaluation. Generally, the effectiveness of the action was evaluated in terms of the:

- number of individuals served
- cost of the program/action based on the benefit to the individual served
- availability of funding and resources
- efficiency and effectiveness of the program partners and service providers

- the ability to satisfy expressed AFFH requirements in the next cycle.

Overall, the programs that targeted households showed that services were provided to a number of special needs households such as the elderly, persons with disabilities, female-headed households, and persons experiencing homelessness. Indirectly, the jurisdiction made efforts to increase affordability via policies supporting varied types and tenures and increase the affordable housing stock that generally improved the availability of housing that variably resulted in serving special needs households. Although no specific data points exist for some of the 5th cycle programs, it is expected that the populations served under many of the direct service actions align with those programs that did collect data, as shown in the matrix below. Overcrowded households were not identified in the 5th cycle as a targeted demographic for specific action, nor was farmworker housing as there are no active farms in the City of Santa Clara and no Agricultural Land Use Designations beyond the allowed use of community or urban gardens. However, during community engagement, an effort was made to identify farmworker populations that could be commuting to other jurisdictions or retired farmworkers that would be eligible for farmworker housing.

Anecdotally and statistically, we know that overcrowding is increasing due to affordability pressures on all households and the most vulnerable special needs populations will require additional attention beyond tenant protections. Therefore, many of the new program goals, policies, and actions are informed not only by the 5th cycle evaluation but the fair housing assessment and community input collected during the authoring of the Housing Element. Further, the City participated in a regional Assessment of Fair Housing process led by Santa Clara County -during the development of this document and facilitated a local homelessness taskforce and outreach process in 2022. Analyzing the cumulative effectiveness of the 5th cycle Housing Plan actions, policies, and goals in conjunction with the additional analyses conducted in this document along with community engagement, has provided clarity and focus on the development of the 6th cycle Housing Plan.

Following the evaluation table, the quantified objective performance is summarized. For the next cycle, 2023-2031 the Actions have been reprioritized and will be reordered based on the updated goals, policies, and the integration of HCD's new Affirmatively Furthering Fair Housing requirements.

5th Cycle Housing Plan

Table 13.7-1: Goals and Policies

Goal A: Create and maintain high-quality, livable, and unique residential neighborhoods and preserve established single-family neighborhoods.
Policy A-1 Maintain and improve the quality of residential neighborhoods, eliminate housing deficiencies and prevent future blight through the encouragement of ongoing maintenance, rehabilitation and conservation of existing housing stock.
Policy A-2 Provide code enforcement support for residential neighborhoods in conformance with City Code and Zoning Ordinance regulations.
Policy A-3 Promote compatibility between neighborhoods while respecting differences in neighborhood character.
Policy A-4 Promote consensus with City Design Guidelines.
Goal B: Manage growth in the City by designating suitable vacant or underutilized sites for new residential development and ensuring compatibility with community goals and existing neighborhoods.
Policy B-1 Disperse affordable housing units throughout the City to avoid a concentration in any one neighborhood.
Policy B-2 Encourage the building of higher density housing on appropriate vacant or underutilized sites.
Policy B-3 Encourage the annual construction of the number of housing units necessary to meet the City's regional housing needs determination through housing finance and reducing development constraints.
Policy B-4 Promote compatibility between neighborhoods while respecting differences in neighborhood character.
Policy B-5 Work towards the mitigation of jobs/housing ratio impacts created by developments with significant employment.
Policy B-6 Encourage higher density residential development in transit-oriented and mixed-use areas where appropriate.
Policy B-7 Encourage a mix of unit types and sizes in new housing development.
Goal C Provide housing within the community for persons of all economic levels, regardless of religion, gender, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or mental or physical disability.
Policy C-1 Construct and preserve affordable housing for lower and moderate-income households through the use of public subsidies, regulatory incentives and flexible development standards.
Policy C-2 Participate in local, regional, State and federal programs that support affordable, transitional, supportive and permanent housing.
Policy C-3 Create opportunities for affordable housing and housing to support special needs populations and extremely low-income households.
Policy C-4 Ensure equitable housing opportunities for all residents.
Goal D Provide an adequate variety of individual choices of housing tenure, type and location, including higher density where possible, especially for low and moderate income and special needs households.
Policy D-1 Promote a variety of housing types, indifferent locations to maintain social and economic diversity in the City.
Policy D-2 Participate in programs that provide support services to residents in need.
Policy D-3 Increase public outreach efforts to inform residents and potential developers of available City housing programs.

Table 13.7-1: Goals and Policies

Policy D-4 Encourage early participation from residents and other stakeholders in development of long-range plans and review of new development proposals.
Policy D-5 Ensure compliance with all State and federal regulations relating to housing opportunities and the prevention of discrimination.

Source(s): City of Santa Clara, 2022

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
Action 1	Neighborhood Conservation Improvement Program (NCIP). Assist approximately 424 homeowners with rehabilitation assistance, including approximately 160 extremely low-income households (ELI). Continue to conduct inspections of homes on a request and complaint basis, providing referrals to the NCIP and assistance where possible to correct identified issues and problems. Policy A-1	2022: The City increased funding for smaller grant funded projects that address accessibility and minor repairs. 2018-21: The Housing and Community Services division increased funding for this program (approximately $1 million annually) to assist more low-income and senior homeowners to improve the habitability, use and occupancy of owner-occupied housing. 2017: A NCIP Procedure Manual was updated and approved by the Loan Committee. 2015-16: An NCIP Procedural Manual is annually updated and approved by the Loan Committee.	Since 2014, the program has assisted over 121 low-income households of which 53 were seniors, and 37 were female headed households, and 11 were disabled.	Continue to offer these services, every two years the City could conduct proactive outreach to low-income homeowners who are elderly, have disabilities, or have large households. Renumbered and Renamed to Action 4: Maintenance of Housing Stock
Action 2	Preservation of Assisted Rental Housing. Continue to assist property owners of assisted housing by providing funding to make periodic improvements to the property, if available. Such assistance helps the project maintain its affordability.	Since 2014 the city has assisted with the preservation of Riverwood Place (146 units) by restructuring an existing City loan to allow for improvements and to extend affordability by 18 years. The City also helped preserve the 42-unit Westwood	Both projects serve lower income families	Continue to explore ways to preserve housing that serves a variety of groups pending

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	Continue to monitor at risk project by maintaining contact with the property owner annually regarding long term plans for the project. Establish contact with public and nonprofit agencies interested in purchasing and/or managing units at risk. As necessary and feasible, the City will provide financial and technical assistance to these organizations. Provide tenant education on Section 8 rental subsidies and other available assistance through City and County agencies as well as nonprofit organizations. Notify tenants at least one year in advance of potential conversion to market rate housing. Provide information regarding tenant rights and conversion procedures. Policy B-1, Policy C-1, Policy C-2, Policy C-3, Policy D-1	Ambassador complex by restructuring our existing loan to allow for rehabilitation and to extend affordability by 27 years.		available CDBG and PHLA capital funding, housing vouchers, funding for supportive services, and the interest of property owners to collaborate. Renumbered to Action 5
Action 3	<u>Acquisition of Multi-Family Housing.</u> Annually explore funding sources available at the regional, State, and federal levels to support acquisition/rehabilitation opportunities. Work with nonprofit entities to acquire and rehabilitate existing multi-family structures to be maintained as affordable rental housing. Seek opportunities to identify and purchase deteriorated residential properties during depressed rental	Multi-Family Housing Acquisition and Rehabilitation Status: 2018-21: The City seeks opportunities to occupy deteriorated properties that, during times of depressed rental markets, cannot raise sufficient capital to rehabilitate. This is an active City program; however, market conditions have not provided compelling opportunities. In the meantime, the Housing and Community Services Division has launched a multi-family energy focused rehabilitation incentive for affordable	The City is not well positioned to regularly compete for land on the open market.	Continue to coordinate with affordable housing developers and to explore and prioritize sites for possible funding assistance from the City.

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	markets, rehabilitate units, and convert from market rate to affordable levels. Policy B-1, Policy C-1, Policy C-2, Policy C-3, Policy D-1	projects in Santa Clara, with three projects currently in the pipeline. 2019-20: The City of Santa Clara has worked with Riverwood Place Associates, L.P. (MidPen Housing Corporation) to extend the affordable housing requirements for 148 rental units within the project located at 5090 Lick Mill Boulevard. MidPen approached the City of Santa Clara with a proposal to fund a solar panel installation as solar provides a great opportunity for long-term sustainability and cost savings. The estimated capital cost was estimated to be around $680,000. MidPen Housing also proposed, as part of the financing strategy, to modify the terms of the City's existing Promissory Note. Whereas the original Promissory Note entitled the City to 75% of residual cash flow receipts, the proposed modification would entail a conventional 50/50 split of residual receipts between the City and MidPen. In exchange for the requested modification, the City requested to increase the interest rate to 2% from the original 0% and to extend the affordability covenants maturity date from March 14, 2056 to March 14, 2074, thereby preserving 148 studio apartments serving special needs adults for an additional 18 years. 2015-17: The City seeks opportunities to occupy deteriorated properties that, during times of depressed rental markets, cannot raise sufficient capital to rehabilitate. This is an active City program. These units are then converted to affordable units.		Renumbered to Action 6

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
Action 4	Code Enforcement Program - Continue the multi-family residential housing inspection and educational programs. Aggressively respond to violations of housing codes. Provide special attention to maintaining the stability of residential neighborhoods through development and enforcement of minimum standards of allowed use of the City's streets, as well as maintenance of front and other yard areas visible from the public right-of-way. Policy A-1, Policy A-2, Policy A-3, Policy A-4	City has three full time code enforcement technicians and one building inspector dedicated to code enforcement. Program has been successful in removing blight and substandard housing.	On-going	Continue with modification to expand Inspection and Code Enforcement Program to include proactive Multi-family Residential Housing inspections and educational programs in a regular cycle, which is beyond the current program that solely responds to code enforcement complaints Renumbered to Action 7
Action 5	Neighborhood University Relations Program. Improve the maintenance of student-occupied homes and behavior of the occupants to minimize impacts on the	Improve Relationship between Santa Clara University Students and other city residents in neighborhoods adjacent to SCU 2015-17 Status: The Planning Division and Police Department continue cooperation and giving attention to this	On-going; SCU now requires freshman and sophomore	Continue, as is Renumbered to Action 8

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	neighborhood surrounding Santa Clara University (SCU). Enhance code enforcement and special Police patrols to address the problems in the area. Continue to hold meetings three times per year with student tenants, landlords, SCU, residents and the City to allow opportunities for stakeholders to discuss neighborhood issues and concerns. Continue to work with neighbors (residents, businesses, and institutions such as Santa Clara University) to ensure that development is compatible with existing neighborhoods and that neighbors are satisfied with the design, density, and parking requirements of projects. Policy A-1, Policy A-2, Policy A-3, Policy A-4	area. Meetings of all parties involved occur at least monthly.	students to live on campus, with some exceptions	
Action 6	<u>Zoning Ordinance.</u> Complete the comprehensive update to the Zoning Ordinance by mid-2016. Continue to monitor the Zoning Ordinance for any potential constraints to the development of housing, particularly housing for persons with special needs (including those with developmental disabilities) and amend the Zoning Ordinance as necessary. Policy A-3, Policy A-4, Policy B-2, Policy C-1, Policy C-2, Policy C-3, Policy C-4, Policy D-1, Policy D-5	Comprehensive Zoning Ordinance Update 2015-22 Status: The City is continuing to work on the comprehensive Zoning Ordinance Update, including the creation of more flexible mixed-use zoning districts that will be applied in the City's Focus Areas, including El Camino, Tasman East and Freedom Circle/Patrick Henry Drive.	The City has updated the zoning ordinance as the Specific Plans have been adopted. The City is currently updated the Zoning Ordinance	Continue, as is Renumbered to Action 9

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
			with an anticipated completion in 1Q2023.	
Action 7	<u>Adequate Sites Inventory.</u> Maintain an inventory of housing sites appropriate for a range of income levels and housing types, including supportive housing for persons with disabilities and developmental disabilities. Provide information and technical assistance on Federal and State funding sources or referrals to appropriate agencies. Disperse and monitor the location of affordable units in various areas of the City. Review housing sites inventory at time of development proposal to determine consistency with proposed density and assumed density in Housing Element. Maintain a zero net loss of units identified in the opportunity sites inventory of this Housing Element. If the assumed density is not entitled, a finding must be made that the displaced units can be redistributed to other opportunity sites. Encourage developments that are transit-based or in close proximity to transit when determining City affordable housing funding decision priorities.	Identify Housing Sites (including TOD and Mixed Use) in General Plan. Status: Sites were identified in the General Plan and new housing has been approved and built-in areas designated for mixed use, including El Camino Real. The underutilized sites inventory is used during consultations with prospective developers.	On-going; Lawrence Station, Tasman East and Patrick Henry Drive specific plans approved	Continue, with modification Renumbered to Action 10

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	Encourage Mixed Use development where appropriate to provide increased opportunities for housing development. Notify owners of mixed use designated sites through an outreach/marketing program. Policy B-1, Policy B-2, Policy B-3, Policy B-5, Policy B-6, Policy B-7, Policy C-1, Policy C-3, Policy D-1, Policy D-3, Policy D-4			
Action 8	<u>Lot Consolidation.</u> Provide technical assistance regarding the lot consolidation process to interested parties. Provide the sites inventory to interested developers and assist in identifying sites with lot consolidation potential. Process lot consolidation applications concurrently with other applications for development. Policy B-2, Policy B-3, Policy C-1, Policy D-1	Consolidate lots for development 2015-17 Status: The City has been processing parcel maps and lot mergers to create larger, more easily developable sites, primarily occurring in the El Camino Real PDA.	This process has been successful when applied strategically	Discontinue
Action 9	<u>Impact Fees.</u> Assess if impact fees are constraining development or providing a competitive edge for the City. If City fees deviate significantly from those charged by comparable communities, take actions to adjust fees as appropriate. Policy B-2, Policy B-3, B-5, B-6, B-7, Policy C-3, Policy D-1	Explore Residential and Commercial Nexus Studies Status: 2017: The City completed both a residential and non-residential nexus study and has adopted residential and non-residential impact fees. 2016: The City has commissioned both a residential and non-residential nexus study and is currently doing outreach with stakeholders and the wider community.	The nexus studies have informed the Zoning Ordinance update	Continue Renumbered to Action 11

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
		2015: Studies have been required as part of environmental review of new employment-related developments, but conditioning and funding have only been accomplished where there were negotiations for a related Development Agreement.		
Action 10	<u>Provision of a Variety of Housing Types.</u> Promote the construction of accessory units to increase the type and size of the City's housing stock, with an objective of 25 units per year or 200 units over eight years. As part of the comprehensive Zoning Ordinance update (to be completed by mid-2016), reconsider, and revise if appropriate, requirements for accessory units. Conduct an ongoing promotional program, including mailings to owners of single-family properties with adequate size for accessory living units. Support development of low-income housing alternatives, such as single-room occupancy (SRO) units, senior housing, family housing, housing for persons with disabilities (including developmental disabilities) etc. Encourage affordable, compatible one- and two-story additions for upgrading single-family homes.	Fund Alternative Affordable Housing Types 2017-21 Status: The City is partnering with the County's Office of Supportive Housing to increase the supply of housing that is affordable and available to extremely low income and/or special needs households in the City through the use of funds from the 2016 Measure An Affordable Housing Bond. There are four active projects in the pipeline that total over 400 units. 165 of those units are for seniors, 134 of those units are set-aside for formerly homeless households, 15 units are set-aside for individuals who are disabled or have development disabilities, and 13 units are homeownership units. Encourage One- and Two-Story Additions 2015-21 Status: Almost 100% of proposed additions are approved, subject to Architectural Review, were consistent with zoning district standards. Modifications are typically approved for reduced rear yard for single story additions. Expand very low and extremely low-income units by following types of developments 2015-17 Status: SRO units, Senior Housing, Family Housing, etc. Support can be in the form of City	This program has been successful in increasing housing types	Continue, as is Renumbered to Action 1

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	Provide increased flexibility for houses built prior to the current zoning requirements. Continue to require the Residential Green Checklist as part of the permit submittals for residential construction. Policy A-3, Policy B-1, Policy B-3, Policy C-1, Policy C-3, Policy C-4, Policy D-1, Policy D-3	funds to variances based on SROs unique characteristics. 2015-16 Status: Although not designed as Mixed-Use developments, residential units have been approved/constructed in areas designated Community Mixed Use. These projects will help to bolster the viability of mixed-use projects along the El Camino. Accessory Dwelling Units: The City now produces on the order of 50 ADUs/year, doubling the 2014 estimate.		
Action 11	Inclusionary Housing Policy. Continue to implement the Inclusionary Housing BMP and BMR programs. Annually monitor the effectiveness of the Inclusionary Housing Policy in expanding the housing supply and diversity in the community. Policy B-1, Policy B-2, Policy B-3, Policy B-7, Policy C-1, Policy C-2, Policy C-3, Policy C-4, Policy D-1	Inclusionary Housing requirement 2015-21 Status: The City's has adopted an Affordable Housing Ordinance, which has increased the inclusionary requirement 15% on site provision for for-sale and rental project with 10 units or more (compared to the previous requirement of 10% for only for-sale projects with 10 or more units). RDA subsidies for inclusionary housing were eliminated under the BMP Program in 1997.	This policy has been applied successfully to housing developmen t projects and has produced low- and moderate-income housing.	Continue, with modification Renumbered and renamed to Action 2: Affordable Housing Ordinance
Action 12	Affordable Housing Incentives. Encourage and assist in efforts to combine public and private funds in joint housing ventures.	Develop Incentives for Affordable and Senior Housing Projects 2015-21 Status: The Zoning Code has been updated to reflect the current State density bonus provisions.	On-going	Continue, as is Renumbered and renamed to Action 3:

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	As appropriate, support and/or partner with housing developers in the application for affordable housing funding, such as providing technical data, assistance in identifying available and appropriate sites, expediting review and processing of affordable housing, and providing local match as funding is available. Annually explore funding available at the regional, state, and federal levels for affordable housing development and programs. Continue to work with the Housing Authority of Santa Clara County to expand the Authority's ability to create low- and moderate-income housing. Participate with other local jurisdictions to provide affordable housing. Collaborate with neighboring jurisdictions to pursue funding opportunities for affordable housing programs. CDBG and HOME funds will continue to be used in conjunction with other cities' funds to construct shelters and to provide housing services. Continue to provide density bonuses or equivalent financial incentives for housing projects which include affordable and/or senior housing units, consistent with State law requirements.			Affordable Housing Incentives and Facilitation

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	Encourage housing developers to use the City's Density Bonus Ordinance and the Planned Development Zone District, which allow for flexibility in the zoning regulations. Continue to pursue opportunities to acquire and rehabilitate existing multi-family structures to be maintained as affordable rental housing. Encourage the provision of specialized housing to meet the needs of those with disabilities (including developmental disabilities); or for group care, emergency housing and foster homes, where appropriate. Identify situations of overcrowding and educate families of local housing programs. Incentivize nonprofit developers to develop units for very low and extremely low households by identifying appropriate housing sites or rehabilitation projects and matching developers with funding sources. Continue to require the Residential Green Checklist as part of the permit submittals for residential construction. Consider, in 2015-2016, other feasible incentives to foster affordable housing development in the City. These may include fee deferral, reduction, or waivers.			

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	Policy B-1, Policy B-2, Policy B-3, Policy B-7, Policy C-1, Policy C-2, Policy C-3, Policy C-4, Policy D-1			
Action 13	Housing Mitigation Fee. Continue to require housing impact studies as part of project- related environmental reviews for new developments or businesses that generate a high number of jobs. Continue to require Housing Impact Studies through development agreements with new projects, to address the impact on the affordable housing supply. Consider, in 2015-2016, establishing an affordable housing mitigation fee for office and industrial developments that propose a significant square footage of area where persons are to be employed. Policy B-2, Policy B-3, Policy C-1, Policy D-1	Requirement of Housing Impact Fee Studies for the largest projects; Development of a Housing Impact Fee Program Status: 2017-21: The City has adopted an Affordable Housing Ordinance, consisting of inclusionary on-site requirement for residential projects, impact fees for residential projects with 9 or fewer units, for fractional units and for nonresidential development. These requirements became effective on February 22, 2018. 2015-16: The City is currently in the process of outreach with the community and stakeholder to determine appropriate Affordable Housing impact fees, residential and non-residential.	On-going	Discontinue
Action 14	Affordable Housing Funding. Identify a steady source of affordable housing funds. Pursue funding available from State, federal, and regional housing programs. Policy B-1, Policy B-2, Policy B-3, Policy B-7, Policy C-1, Policy C-2, Policy C-3, Policy C-4, Policy D-1	In 2022 the City joined the Santa Clara County PHLA Housing Consortium and will be allocating 2019 and 2020 funding in 2023.2017-21: The City has adopted an Affordable Housing Ordinance, which includes a commercial linkage fee. The ordinance became effective on February 22, 2018, and since fall of 2021 has generated $5.6 million since to address affordable housing needs in Santa Clara. 2015-16: The City is currently participating in the drafting of a multi-city nexus study for the	On-going	Continue to plan and allocate PHLA funding and to look for additional ongoing funding sources. Renumbered to Action 12

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
		creation of both residential and commercial housing impact fees.		
Action 15	Economic Displacement. Evaluate programs and policies and provide recommendations to City Council within one years of Housing Element adoption. As necessary and appropriate, adopt programs and policies to address displacement within two years of Housing Element adoption. Monitor programs and policies bi-annually for effectiveness. Policy B-4, Policy B-5, Policy C-1	The City continues to provide Tenant Based Rental Assistance (TBRA) in the form of deposits and rental subsidies for up to 12 months, along with case management services, to families with children experiencing homelessness, those fleeing domestic violence, or families with children that are at risk of homelessness. Community Ownership Conversion Tenant Protections 2018-21 Status: In the case of condominium conversions, landlords are required to provide tenant protections, including advance notice requirements, right of first refusal, and relocation assistance 2019-20 - On March 24, 2020, the Santa Clara City Council approved Ordinances 2014 and 2015, establishing a temporary eviction moratorium in response to the COVID-19 pandemic. The moratorium went into effect immediately, March 24, and the Council subsequently extended the moratorium through August 31, 2020, at which time AB 3088 established a statewide prohibition on residential evictions. Provide Relocation Assistance to Residents Displaced by Redevelopment 2015-17: With the closure of the RDA, the City is exploring funding	The eviction moratorium has since expired, and state and pandemic related local rental assistance programs have ended. Additional programs may be needed to respond to displacement pressures.	Continue to provide TBRA and explore additional programs that respond to and prevent homelessness and displacement. Allocate the City's HOME ARP funding in 2023. Renumbered and renamed to Action 13: Residential Displacement

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
		streams, including housing linkage fees, for relocation assistance. The City actively encourages developers to provide advance notice and relocation assistance for displaced tenants.		
Action 16	Shared Housing. Continue to support programs designed to create shared housing arrangements for seniors, families, and persons with disabilities (including developmental disabilities). Annually evaluate the need for shared housing services as part of the CDBG annual plan process. Policy B-1, Policy C-2, Policy C-3, Policy C-4, Policy D-1, Policy D-2	Support Shared Living Facilities & Operations 2015-21 Status: The City encourages shared housing arrangements and group living arrangements for special populations who are very low income. In 2018 there was one official shared housing program for seniors in Santa Clara County and it was operated by Catholic Charities. This program ended because it was not sustainable, as it had too few landlords, too many renters, and it required a lot of staff facilitation. Some Seniors have indicated to City staff that they would prefer a 1 bedroom with support services for privacy and safety reasons.	Home sharing can work well for group homes, but less so for the elderly residents.	Continue to support the creation of new shared housing for persons with developmental disabilities. Explore service enhanced senior housing with rents capped at 30% of income versus based on AMI. Explore a new position to help seniors navigate the housing market and to access subsidized housing. Renumbered to Action 18
Action 17	Housing Choice Voucher Program. Continue to participate in and promote the Housing Choice Voucher Program.	Promote Section 8 Housing Program 2015 Status: Currently, the Housing Authority has 659 certificates/vouchers under contract within the City, 269 of which are elderly.	On-going	Continue, as is Renumbered to Action 14

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	Encourage apartment owners to list properties with the Housing Authority for individual Housing Choice Vouchers. Policy B-1, Policy C-1, Policy C-2, Policy C-3, Policy D-1			
Action 18	<u>Homeownership for First-Time Buyers.</u> Continue to collaborate with NHSSV to implement the BMP program and provide assistance to approximately 10 to 15 lower, moderate-, and middle-income households during the 2015-2023 Housing Element planning period. Promote homeownership, particularly for first time buyers, through single-family, townhouse and condominium construction as well as conversion of rental to condominium ownership, where appropriate. Encourage program participation among moderate income households, as well as low-income households, while interest rates are low. Continue to promote homebuyer assistance programs through the Housing Trust Silicon Valley and the County of Santa Clara. Include links to these housing resources on City website by 2015. Policy B-1, Policy C-2, Policy D-1	Support and Fund First-Time Homebuyers (FTHB) 2015 Status: The Santa Clara's BMP (Below Market Purchase) program produced 4 first time homebuyers this year. They were all moderate income. There are 106 BMP owners in the current program since 2007 through October 28, 2022.	The current BMP program does not require BMP homes to stay affordable for more than five years. Policy changes could require resale to income qualified buyers and create more	Continue, with modification to require longer affordability terms on BMP homes. Renumbered to Action 15

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
			opportunities.	
Action 19	Fair Housing Program. Continue to refer tenant-landlord complaints to an agency offering meditation. Provide referral services and promotional support to link those experiencing discrimination in housing with public or private groups who handle complaints against discrimination. Seek state and federal enforcement of fair housing laws and continue to cooperate with local agencies investigating claims of discrimination in lending practices and predatory lending. Provide outreach and education materials about fair housing services, nonprofit partners (e.g., Project Sentinel). Continue to hold open house events and meetings to distribute fair housing information and resources to tenants and homeowners in need of assistance. Refer disputes between property owners to the County Human Relations Commission's Dispute Officer. Policy B-1, Policy C-2, Policy D-1	Contract with Non-Profit Agency for Mediation Services 2015 Status: Annual service contract with Project Sentinel to provide tenant-landlord dispute resolution service on city-wide basis Provide Referral Services and Support for Discrimination Concerns 2015 Status: Provision of fair housing services by the City is essential to meet federal and State requirements to affirmatively further fair housing. Housing projects funded by federal HOME funds must develop and implement an affirmative marketing plan.	This has been an important resource that will continue to expand in outreach	Continue, with modification Renumbered to Action 16
Action 20	Homeless Services. Assist in funding locally administered programs that provide shelter, food and clothing for those with transitional and supportive housing needs.	The City has invested several hundred units of permanent supportive housing and/or ELI/VLI housing for families, individuals, and seniors.	The City has invested in a variety of	Continue to fund services and complete the City's local

Table 13.7-2: Actions and Objectives

Action	*Program Title & Objective*	*Achievements/Results*	*Evaluation*	*Recommendation*
	Continue to support housing for at-risk youth. Policy B-1, Policy C-2, Policy D-1	The City has also invested in public services through its CDBG and HOME programs including Tenant Based Rental Assistance, the regional Homelessness Prevention System, case management services for permanent supportive housing, assistance for survivors of domestic violence, and more. In 2022 the City conducted a six-month Homelessness Task Force and outreach process and published a draft strategic framework.	services and is in the process of writing a local strategic plan to expand its efforts.	homelessness response plan and begin implementing new programs that respond to the identified gaps. Renumbered to Action 17

Source(s): City of Santa Clara, 2022

Quantified Objectives

Table 13.7-2 summarizes Santa Clara's quantified objectives for the 2015-2023 Housing Element planning period and the progress the City has made, including progress meeting the City's fifth cycle RHNA.

Table 13.7-3: Summary of 2015-2023 Housing Element Quantified Objectives (through 2021 APR)

Objectives	*Affordability Breakdown*					*Totals*
	Extremely Low	*Very Low*	*Low*	*Moderate*	*Above Moderate*	
Building Permit Objectives (RHNA)						
Goal	-	1,050	695	755	1,593	***4,093***
Progress	-	289	246	125	4,606	***5,266***
Single-Family Rehabilitation Objective						
Goal	424 (160 ELI)			-	-	***424***
Progress	121 (24 ELI)			-	-	***121***
At-Risk Housing Units to Preserve						
Goal	-	-	-	-	-	-
Progress	-	-	-	-	-	-

Source(s): City of Santa Clara, 2022

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Appendix A
Outreach

Summary

As part of the Housing Element update draft a Public Engagement Plan (PEP) was developed by City staff to provide the community public participation opportunities during the development of the Housing Element under Gov. Code Section 65583 (c)(9). Additionally, the City set up a housing element webpage: https://www.santaclaraca.gov/our-city/departments-a-f/community-development/planning-division/general-plan/housing-element-update; that provided continual updates as work on the 6th Cycle Housing Element progressed. The list-serv generated by this effort has 1,500 subscribers (as of January 3, 2023) that are notified when the page updates and notifications are posted regarding the Housing Element.

During the development of the PEP stakeholders were identified and interviewed, surveys were conducted in multiple languages, and comment on the draft element was received; all informing the final iteration of the 6th Cycle Housing Element.

Stakeholder interviews were conducted to help build a framework for the 6th Cycle Housing Element. The interview questionnaire and summary are included in **Appendix A-1: Stakeholder Interview Summary**. The stakeholders that were interviewed are a subset of interested parties that were contacted from a list of community members and organizations listed in **Appendix A-2: Stakeholder List.**

Shortly after the interviews were conducted, the City conducted an on-line survey to gather information about how residents were experiencing housing. The survey was conducted in English, Spanish, Vietnamese, and Chinese (Mandarin). There were well over 1,500 responses which are summarized in **Appendix A-3: Community Survey Summary**. The survey results were incorporated into the formulation of the 6th Cycle Housing Plan Goals, Policies, and Actions. Although, there was some demographic variance in the results of the survey, they were not statistically significant. Nonetheless, where there were apparent variances or interesting results, those were provided in the summary sections as additional result tables. Finally, feedback collected provided support for the Housing Plan actions focused on diverse outreach and engagement and services to protected classes.

Appendix A-4: Regional Santa Clara County AFFH Related Outreach and **Appendix A-5: Housing Element Specific Outreach** provide numerous instances of regional and local outreach activities that the City conducted or participated in. As stated in the introduction to this 6th Cycle Housing Element, outreach consisted of:

- Community Meetings
- Stakeholders Meetings, Questionnaires, and Interviews
- Digital Surveys: English, Spanish, Vietnamese, Chinese (Simple)
- Community Events
- Community Pop-ups
- Tenant Listening Sessions
- Homelessness Taskforce Meetings
- Planning Commission and City Council Meetings

At a high level, the community engagement was utilized to balance and align community input with State Housing Law requirements. With, consistent themes of affordability, housing type and tenure, housing choice, tenant protections, and homelessness the outreach process informed the Housing Plan actions, polices, and actions, and confirmed or highlighted trends identified by the demographic analysis. Specifically outreach informed the creation of new efforts in the Housing Element as follows:

- Respondents to outreach and commentors were concerned that the designated levels of affordability in the city's existing inclusionary ordinance are increasingly not affordable for many residents. The Housing Element includes a planned effort to update the inclusionary ordinance to increase a greater number of units in the deeper affordability categories and to redefine the City's moderate affordability category to reflect a lower income range. Also proposed is including in the City's Notice of Funding Availability specifications criteria that would prioritize City funding of Extremely Low Income and Very Low Income units.
- Consistent feedback was received through all outlets and demographics of respondents highlighting the need to better address homelessness. The City's newly created Homelessness Task Force comprised of service providers, advocates, and individuals with lived experience of being unhoused have provided recommendations that are being pursued through the creation of a Homelessness Response Plan with implementation actions that will be adopted in early 2023.
- Commentors provided feedback on the need for more displacement prevention. The Housing Plan includes the City Council's future consideration of new policies and programs that would require no net loss of income restricted units during construction or rehabilitation of existing housing; replacement of existing affordable housing units at the same or lower affordability levels; landlord and City notification and information for tenants affected by efforts that would cause relocation; require developers to provide relocation benefits beyond State requirements.

- Residents of affordable and special needs housing shared at listening sessions that they have been particularly affected by heat waves and wildfire smoke. As part of the City's CDBG program, the City will promote a Notice of Funding Availability process for installation of HVAC improvements for sensitive populations.

The City of Santa Clara asked for the public's comments on the Housing Element Draft via its website, list-serv, social media, printed/mailed newsletter (Inside Santa Clara), e-newsletter (City Hall News) and public meetings. The comments were collected via Konveio, a public comment platform for document review and via email. The public comments received on-line and via formal comment letter are included in **Appendix A-6: Public Review Draft Comments, Figures 1-9.** Following the public comment period on the Housing Element Update, commenters and stakeholders were invited to a stakeholder meeting to discuss the potential Housing Plan goals, policies, and actions that could address their questions and concerns.

Additionally, the City continued to engage in community outreach during the 90-day review period of the Housing Element Draft by HCD. The input collected during this period is subsumed in the housing element specific outreach mentioned above in **Appendix A-5**. Public and comment and formal letters continued to be addressed after the City receive comments on the Housing Element Draft. Notably, the section on Housing Resources, was significantly revised based on formal comments regarding the City's process for site selection.

Appendix A-1 Stakeholder Interview Summary

Six interviews were held via telephone, zoom, and/or email with internal and external community stakeholders between May and June 2022.

FIGURE 1: INTERVIEWS AND SCHEDULE

Santa Clara Unified School District	May 9, 2022
Santa Clara Schools Foundation	May 13, 2022
Santa Clara Senior Center	May 13, 2022
PARS Equality Center	May 18, 2021
Momentum for Health	May 31, 2022
Calabazas Community Apartments, Adobe Services	June 8, 2022

STAKEHOLDER INTERVIEW QUESTIONS & KEY FINDINGS

1. What are the strengths and assets that make Santa Clara a great place to live?

   City of Santa Clara provides its residents with a safe, diverse, community driven environment. The public facilities and parks are a utilized asset in the community.

   - Weather
   - Diverse population (ethnically, economically, age)
   - Safe
   - Great public facilities, parks, libraries, recreation facilities
   - Great location, easily accessible to other areas in the Bay Area
   - Good transport
   - Venues, entertainment options
   - Small town, University/Community College town makes it a great location to live
   - High quality schools
   - Family and community oriented
   - Supports its residents

2. What are the most critical challenges related to residential development in Santa Clara?

   Due to the high cost of living and housing shortages, some residents are unable to afford rent or to buy homes. A shortage of affordable and low-income housing could push residents out of the city.

   - Cost of housing
   - County code prohibits acquiring homes and buildings
   - Shortage of affordable and low-income housing
   - The personal home buying process is difficult due to affordability and cash offers
   - Unable to place underhoused and unhoused community in shelters or affordable housing
   - Lack of land for new developments
   - Lack of housing and securing of more housing
   - Difficulty welcoming others, NIMBY
   - Congestion in existing developed areas
   - High cost of rent and living will push residents out of the area
   - Wait list for housing vouchers, Section 8 lottery
   - Cost of construction
   - Lacks character and a downtown
   - Housing department is outsourcing housing assistance as well as creating barriers

3. What are your priorities for housing development in Santa Clara?

The priorities for the City of Santa Clara should be to provide affordable housing to the locals. Establishing creative housing programs is also a priority. Tackling homelessness should also be a priority.

- Financial assistance and programs for organizations to buy buildings for services such as mental illness facilities, homeless shelters
- Increase amount and accessibility of affordable housing
- Partnerships with organizations to allow for creativity
- Affordable housing for families who work in Santa Clara and send their children to public schools
- More affordable housing
- Subsidized housing options
- Facilities for people coming off the streets

4. What is your definition of affordable housing and who does it serve?

The key responses include: prioritizing the service industry, seniors, police officers, teachers, and locals. Residents should not have to pay more than 50% of their income for housing.

- Subsidized housing, based on income listed on tax returns
- Affordable housing and care for individuals with serious mental illnesses
- Serves people who are service workers/blue collar as well as the entire community
- Allows for a community to develop in a city
- Housing that is affordable for families to live in the city where they work
- Two working adults can afford rent without sacrificing food or a savings
- For teachers, seniors, police, only one senior housing development in the area

5. Are there housing projects (or general development trends) in other cities that are examples of what you would like to see in Santa Clara?

Below are examples of cities with housing projects or development trends suggested by the stakeholders.

- 41 South 11th Street house for housing and maintaining housing for groups of people
- Orange County Health Improvement Plan is a nonprofit that works with the county to train employees to operate housing buildings
- Short term rental assistance (TBRA)
- Charities Housing in Cupertino
- The Veranda Senior Housing
- Apartments/Condominiums with more than two bedrooms and in large buildings
- Multigenerational housing developments, co-ops: https://www.cotaticohousing.org/
- San Jose, community engagement
- Permanent supportive housing facility by PATH in San Jose: Villas on the Park

6. How do you see Santa Clara changing over the next 8-10 years? What role does housing play in these changes?

Providing children, elderly, and lower income residents with affordable housing options is critical to maintaining a sense of community in the City of Santa Clara. Creative and innovative housing approaches may pose challenges with locals.

- Shortage of professionals
- Something should be done about affordable housing
- Less people will want to live in the area if there are tents on the street
- Less taxes otherwise businesses won't thrive
- Give locals a reason to stay
- Expanding housing in a creative way could make people uncomfortable
- If housing doesn't change Santa Clara will not grow in a diverse way and live up to its potential
- Digitization of application processes for affordable housing
- Reduced waiting and processing time to meet demand
- Increased value in the area due to new Google development
- Crime should be addressed for safety
- Equitable quality of school districts
- Multi-bedroom units are needed for families to stay
- Increase in city policies and funding toward creating affordable housing for those in need
- Prioritize seniors and low income

7. Are there neighborhoods in the city that lack access to opportunities for healthy food, green space, transit, quality jobs and education?

Overall, the city provides access to opportunities for the residents of the City of Santa Clara. Some neighborhoods in the city could improve on access to food and transportation.

- Stakeholder is unfamiliar with the area or does not live in the city
- City provides access to opportunities
- Bicycle lane improvements
- Suburban neighborhoods lack walkability
- Transportation is infrequent and does not include enough routes
- Some neighborhoods (such as Lafayette) lacks access to nearby grocery stores

8. Can you share any thoughts or stories about housing discrimination and/or housing segregation in Santa Clara?

Overall, there is a stigma around low-income and affordable housing, particularly with landlords.

- Generally, not too prevalent in the city
- Discrimination and stigma from landlords regarding Section 8/low-income applicants
- Difficulties finding landlords willing to work with participants
- Limited supply of housing in the city
- Outdated stereotypes and stigmas about people with housing vouchers
- Upper class residents are less interested in providing the community with affordable or low-income housing developments
- Low-income housing lumped into one building
- Lower income apartments are located near title I schools and districts
- Families in low-income, one-bedroom apartments out of necessity

9. How can the City, in partnership with stakeholder groups, help to ensure inclusive and equitable fair housing outreach that includes all segments of the community?

Partnering with stakeholder groups is important to the community, however inclusive and equitable outreach are key. Residents would like the city to provide outreach to residents in multiple languages and with clearer guidelines to ensure fair housing.

- Understand the residents' needs
- Acknowledge subgroups other than those defined by race or ethnicity that need housing
- Ensure more affordable housing is implemented
- Prioritize teachers, law enforcement, nonprofit workers who want to stay in the city
- Regular outreach meetings to share community needs with the city
- Prioritize building multi bedroom housing

- Provide information about housing in multiple languages
- Provide clear guideline for who qualifies for housing programs
- City's emailing list does not reach all groups
- Not realistic to buy a house in the city of Santa Clara

10. Are there residential blocks or neighborhoods in the city that lack access to quality education and daycare, open space and parks, libraries, shopping, grocery stores, transit service, clean air, and/or other opportunities?

Below are examples of residential blocks or neighborhoods in the city that stakeholders suggest lack access to quality education and daycare, open space and parks, libraries, shopping, grocery stores, transit service, clean air, and/or other opportunities:

- Residential blocks exist in unincorporated areas with the east and south of the city - going towards the foothills (White Rd) and south of the City (Monterrey, Bernal Rd). These areas need more transportation.
- The state is investing resources in BART and the light rail, but they are not reaching those areas. There is a need for more community health clinics, subsidies for day cares throughout the city.
- The northwest of the city will lack an elementary school once all the units are constructed
- Some neighborhoods are further away from public amenities (such as libraries)
- Clean air is a problem in areas like Lawrence, Montague, Santa Moss, and El Camino
- Lafayette and Clyde is a very industrial block with factories and chemical release
- Noise pollution from the nearby San Jose airport, Levi's stadium, and major roads
- Not everybody has AC filters

11. Are there any other specific stakeholders we should be talking with?

Below is a list of suggested stakeholders to speak with:

- Teresa O'Neill – former city council member
- First community housing (https://www.firstcommunityhousing.org/), 21 major projects in Santa Clara County - experts in housing regulations and they understand the basic needs.
- African American Cultural Center
- Donald, Executive Director of Pacific Clinics (Previously UpLift Family services) – he works with families, youth and can give a different perspective on other populations
- Community Solutions
- Religious centers such as churches

Appendix A-2: Stakeholder List

The stakeholder list initially identified potential organizations and individuals that could be interviewed and potentially participate in a stakeholder workshop(s). The organizations and individuals were contacted by e-mail and direct phone calls to participate in a formal interview.

	Groups Served / Sector									
Company/Organization	**Elderly/ Seniors**	**Persons Experiencing Homelessness**	**Families (large families, female headed families)**	**Persons with disabilities**	**Persons with developmental disabilities**	**Lower income households**	**Farmworkers**	**Spanish speaking residents**	**Affordable Developer**	**Market Rate Developer**
Santa Clara Housing Authority						x			x	
City of Santa Clara Youth Commission Safe Place										
City of Santa Clara Senior Advisory Commission	x									
Santa Clara Senior Center	x									
Heart of the Valley: Services for Seniors	x									
Santa Clara Lions Club										
Santa Clara Libraries		x				x				
West Valley-Mission Community College										
Santa Clara University		x	x			x		x		
Mission College Santa Clara			x		x	x				
Santa Clara Historical Society										
Santa Clara Unified School District										
Santa Clara City Library Foundation and Friends										
Santa Clara Youth Soccer League										
Santa Clara Lions Youth Football & Cheer										
Santa Clara Westside Little League										
Briarwood El Camino Little League										
Santa Clara Swim Club										
Sierra Club Loma Prieta										
Asian American Center of Santa Clara County	x					x				

Company/Organization	Groups Served / Sector									
	Elderly/ Seniors	Persons Experiencing Homelessness	Families (large families, female headed families)	Persons with disabilities	Persons with developmental disabilities	Lower income households	Farmworkers	Spanish speaking residents	Affordable Developer	Market Rate Developer
San Jose Japanese American Citizens League										
Hispanic Foundation of Silicon Valley								x		
CAIR California San Francisco Bay Area										
PARS Equity Center						x				
Jewish Family Services of Silicon Valley	x	x	x			x				
Santa Clara Women's League	x									
Elk's Lodge #2347										
Rotary Club of Santa Clara										
Santa Clara Kiwanis Club	x	x	x	x	x	x				
Sacred Heart Community Service	x	x	x			x				
Project Sentinel	x	x	x	x	x	x		x		
Bill Wilson Center		x								
SV@Home									x	
Abode Services		x							x	
Salvation Army (San Jose)	x	x	x	x	x	x				
Homelessness Task Force			x							
Planning Commission										
Santa Clara Unified School District (McKinney Vento homelessness prevention)		x	x							
City of Santa Clara Chamber of Commerce										
Catholic Charities of Santa Clara County	x	x	x	x	x	x				
Momentum for Health				x	x					
Roots Community Health Center	x	x	x	x	x	x				
American Legion Santa Clara Post 419 (Veterans Services)	x	x								
Working Partnerships USA			x			x		x		

Appendix A-3: Community Survey Summary

FIGURE 1: HOW LONG HAVE YOU LIVED IN THE CITY OF SANTA CLARA? (QUESTION 1; N=1,585)

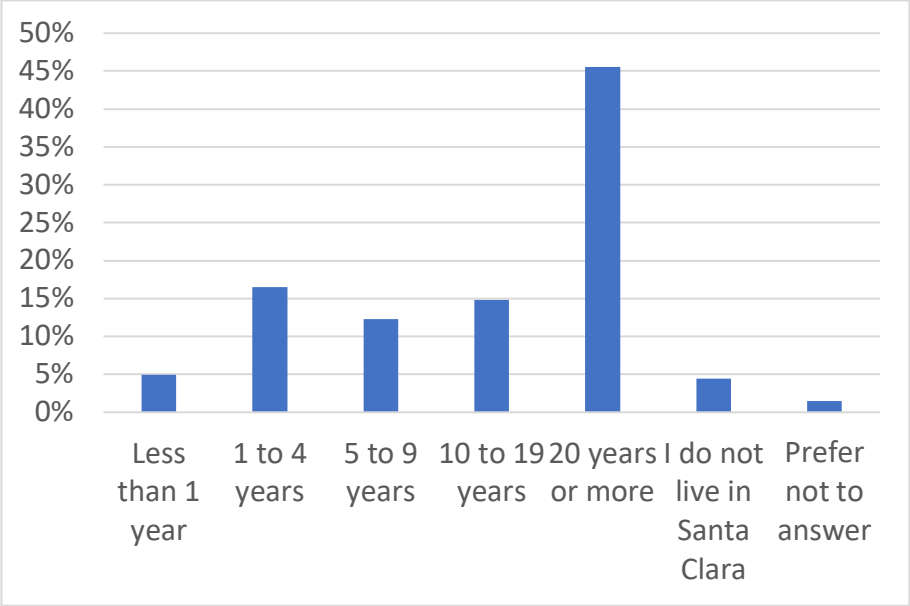


FIGURE 2: HOW LONG HAVE YOU LIVED IN THE CITY OF SANTA CLARA? (QUESTION 1; UNDER 18 – 44 YEARS OLD; N=471)

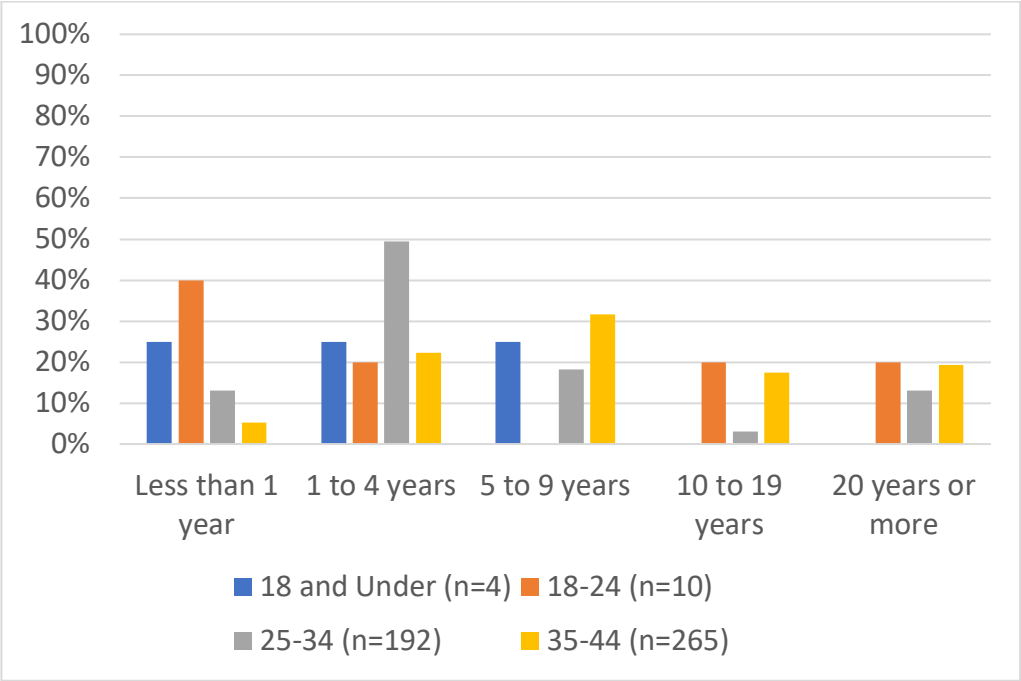

100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
Less than 1 year
1 to 4 years
5 to 9 years
10 to 19 years
20 years or more
18 and Under (n=4)
18-24 (n=10)
25-34 (n=192)
35-44 (n=265)

FIGURE 3: HOW LONG HAVE YOU LIVED IN THE CITY OF SANTA CLARA? (QUESTION 1; UNDER 45 YEARS OLD – 65 AND ABOVE; N=842)

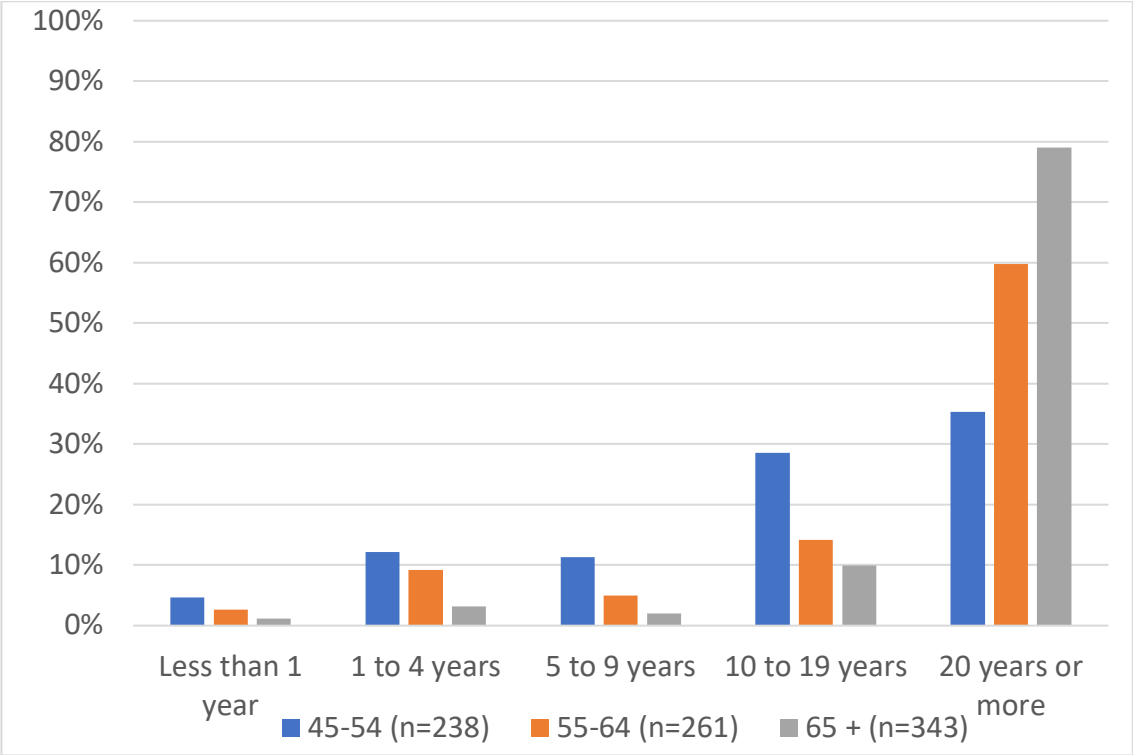


FIGURE 4: WHAT IS YOUR CURRENT HOUSING SITUATION? (QUESTION 2; N=1,651)

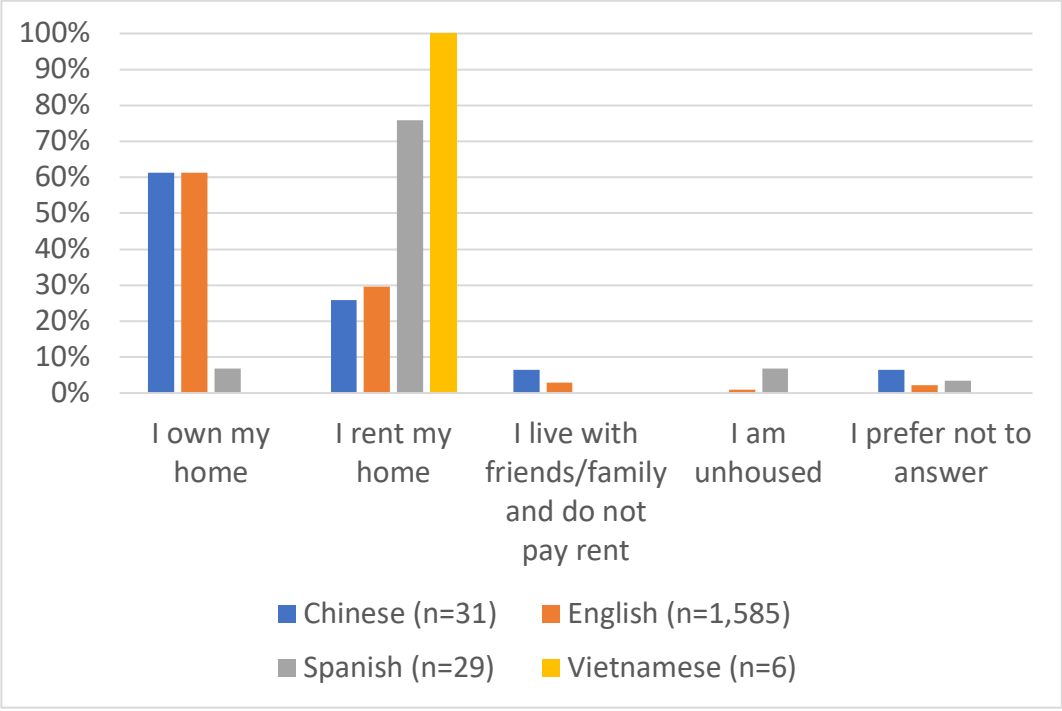


FIGURE 5: WHAT IS YOUR CURRENT HOUSING SITUATION BY AGE GROUPING? (QUESTION 2; UNDER 18 – 44 YEARS OLD; N=471)

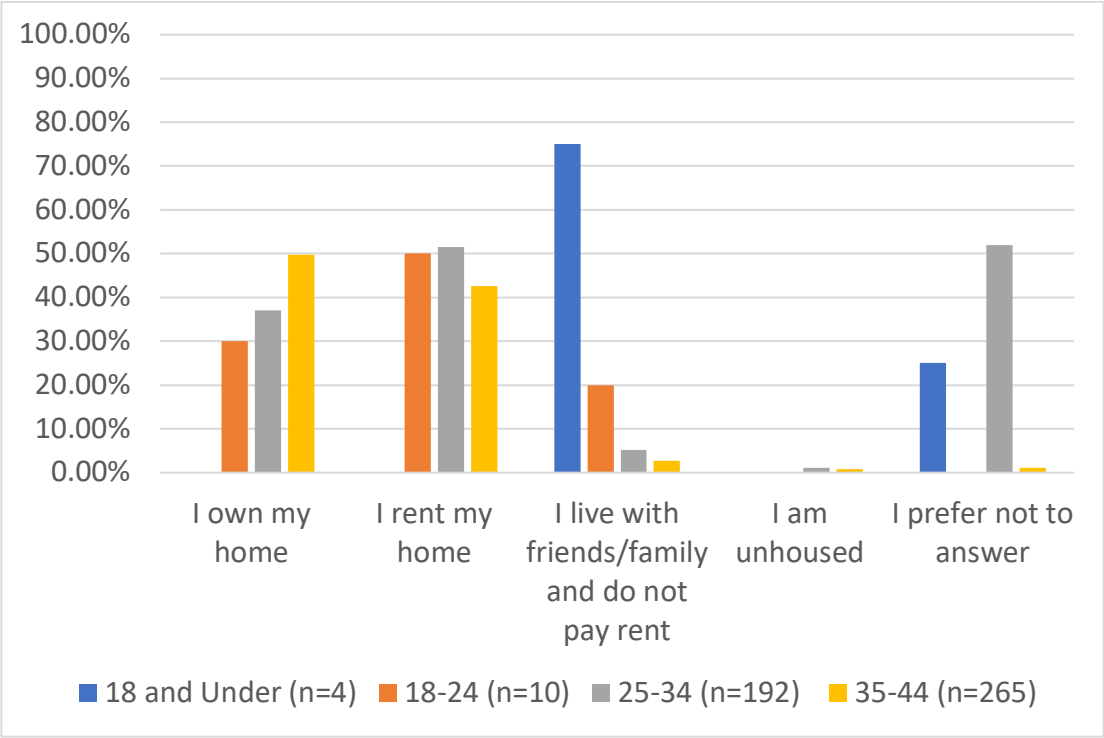


FIGURE 6: WHAT IS YOUR CURRENT HOUSING SITUATION BY AGE GROUPING? (QUESTION 2; UNDER 45 YEARS OLD – 65 AND ABOVE; N=1,651)

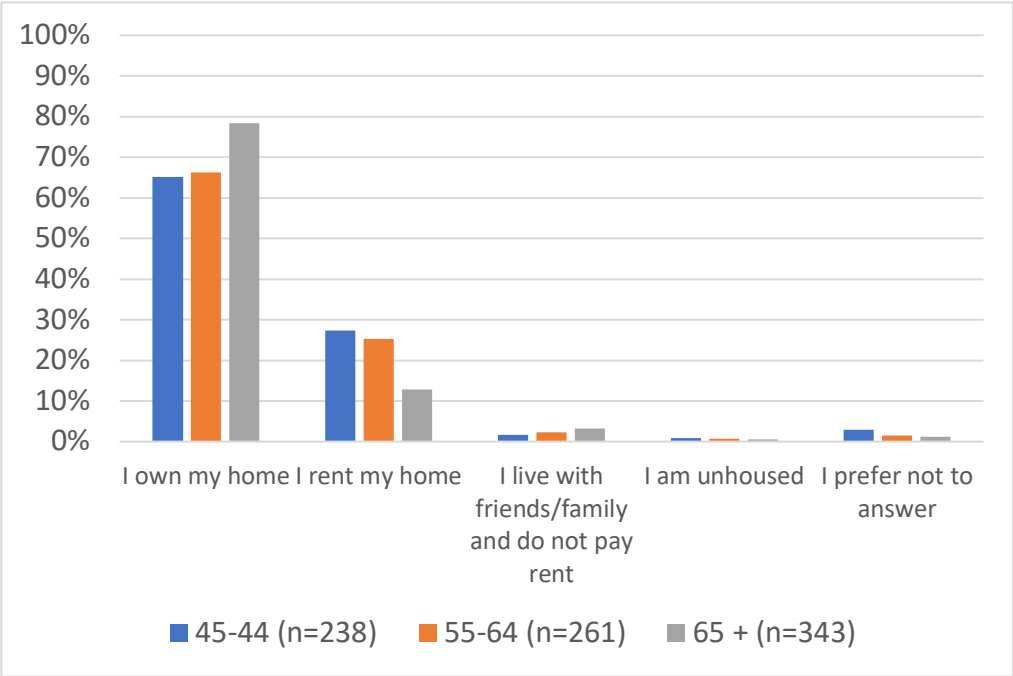
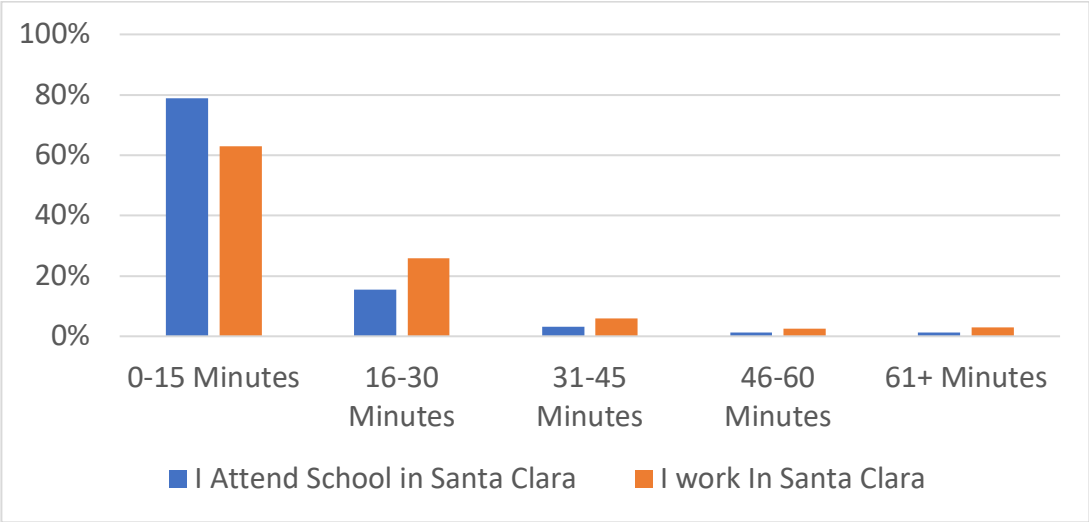
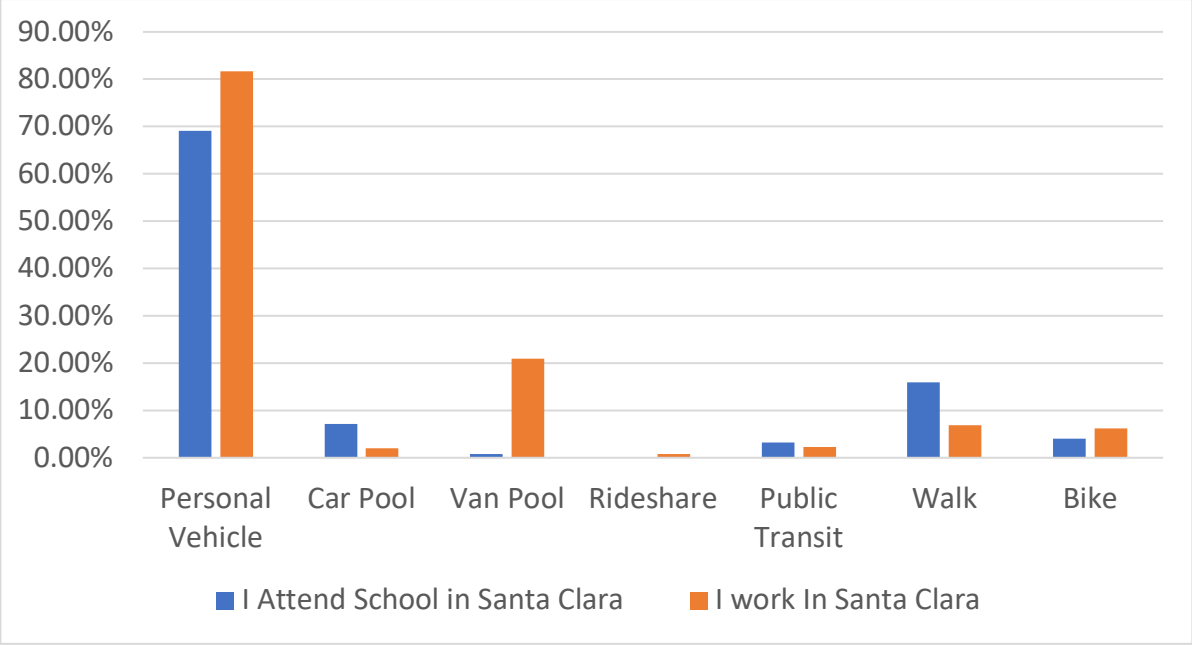


FIGURE 7: DO YOU WORK AND/OR ATTEND SCHOOL IN SANTA CLARA, AND HOW MUCH TIME DO YOU SPEND TRAVELING AND BY WHICH MODE OF TRANSIT? (QUESTION 3; N=722)





A

FIGURE 8: WHAT TYPE OF HOUSING DO YOU THINK SANTA CLARA NEEDS MORE OF (PICK YOUR TOP 3 – ENGLISH SURVEY RESULTS)? (QUESTION 4; N=1,474)

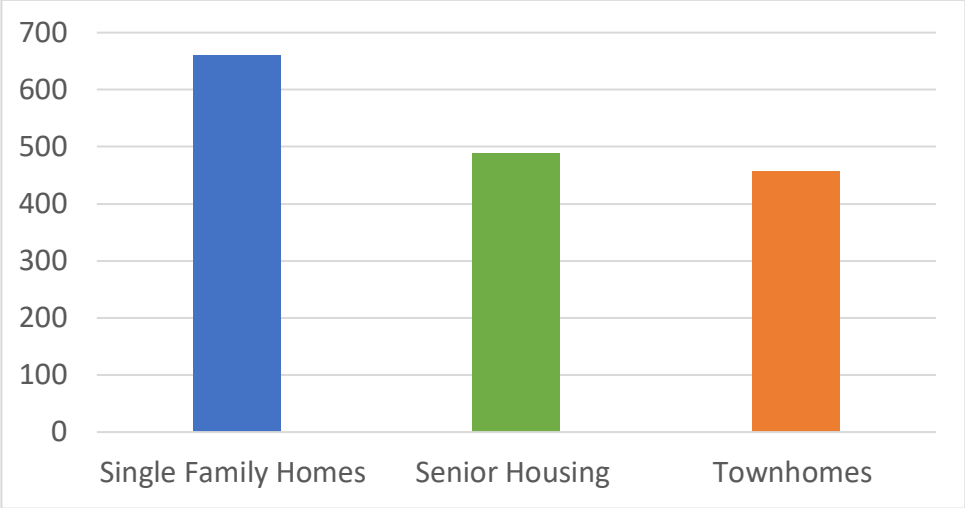
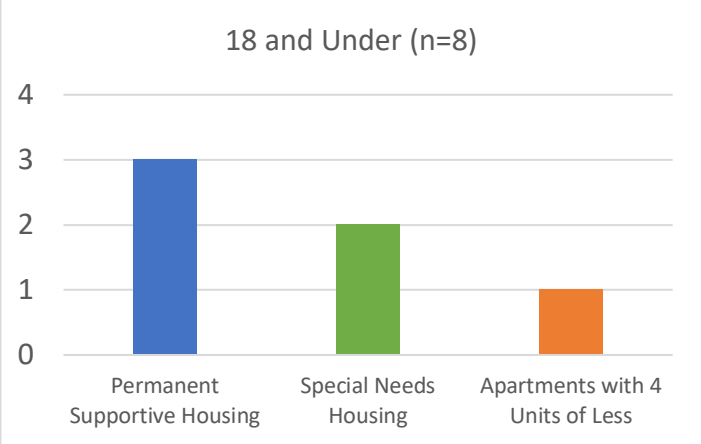
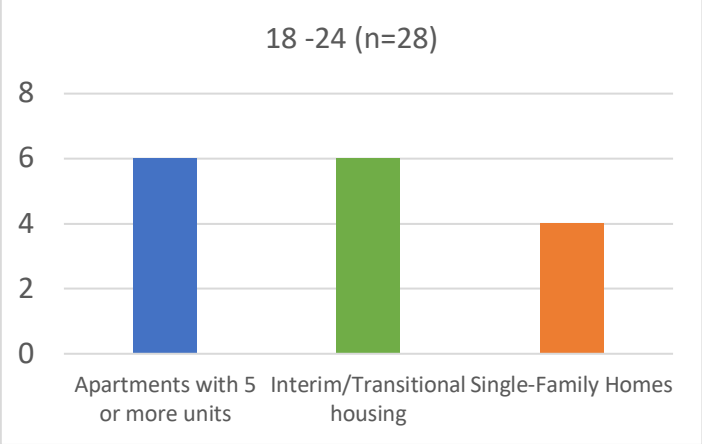
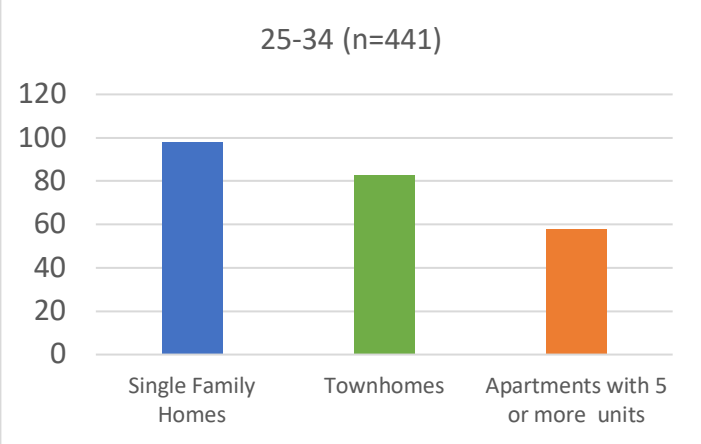
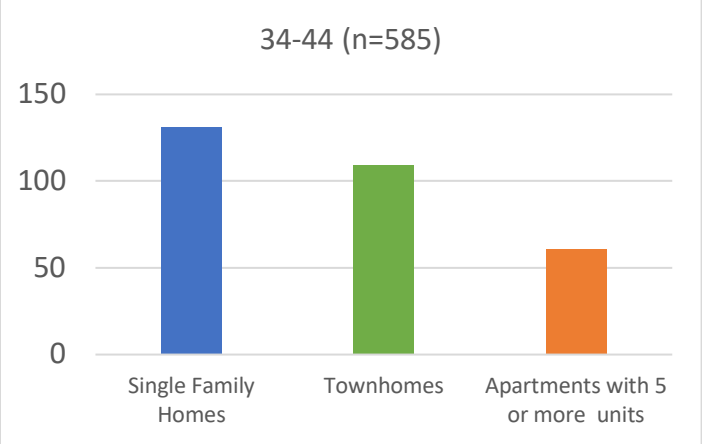


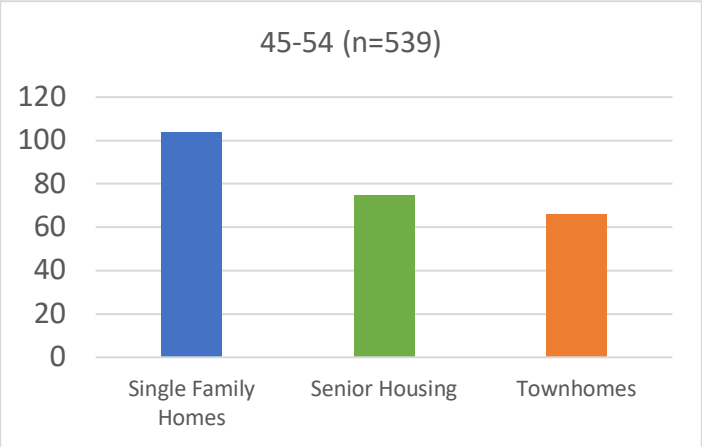
FIGURE 9: WHAT TYPE OF HOUSING DO YOU THINK SANTA CLARA NEEDS MORE OF (PICK YOUR TOP 3 – ENGLISH SURVEY RESULTS BY AGE GROUPINGS)? (QUESTION 4)

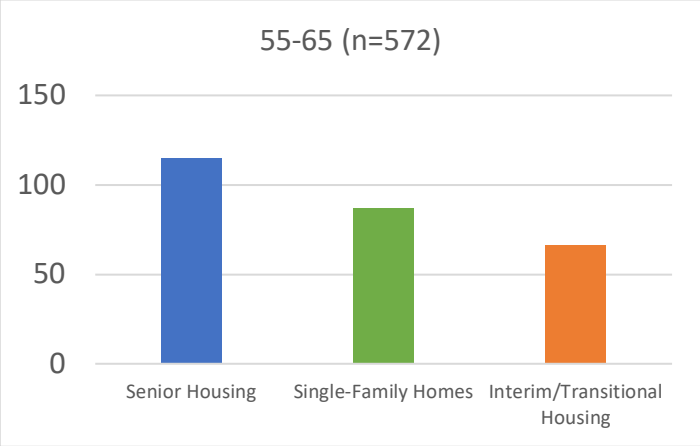









45-54 (n=539)
120
100
80
60
40
20
0
Single Family Homes
Senior Housing
Townhomes


55-65 (n=572)
150
100
50
0
Senior Housing
Single-Family Homes
Interim/Transitional Housing

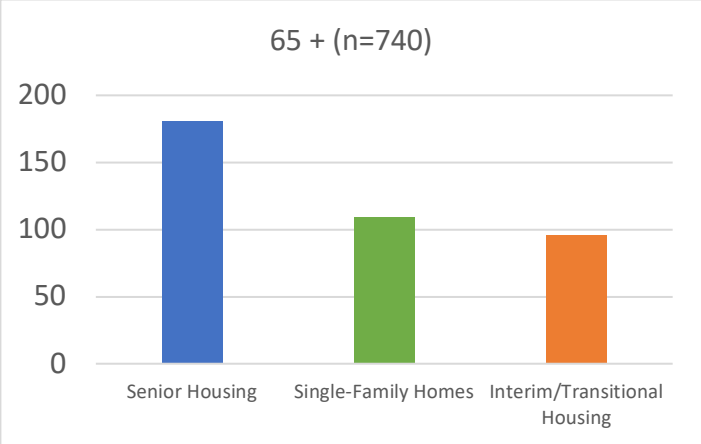

65 + (n=740)
200
150
100
50
0
Senior Housing
Single-Family Homes
Interim/Transitional Housing

FIGURE 10: WHAT TYPE OF HOUSING DO YOU THINK SANTA CLARA NEEDS MORE OF (PICK YOUR TOP 3 – ALL LANGUAGES SURVEY RESULTS)? (QUESTION 4; N=1,538)

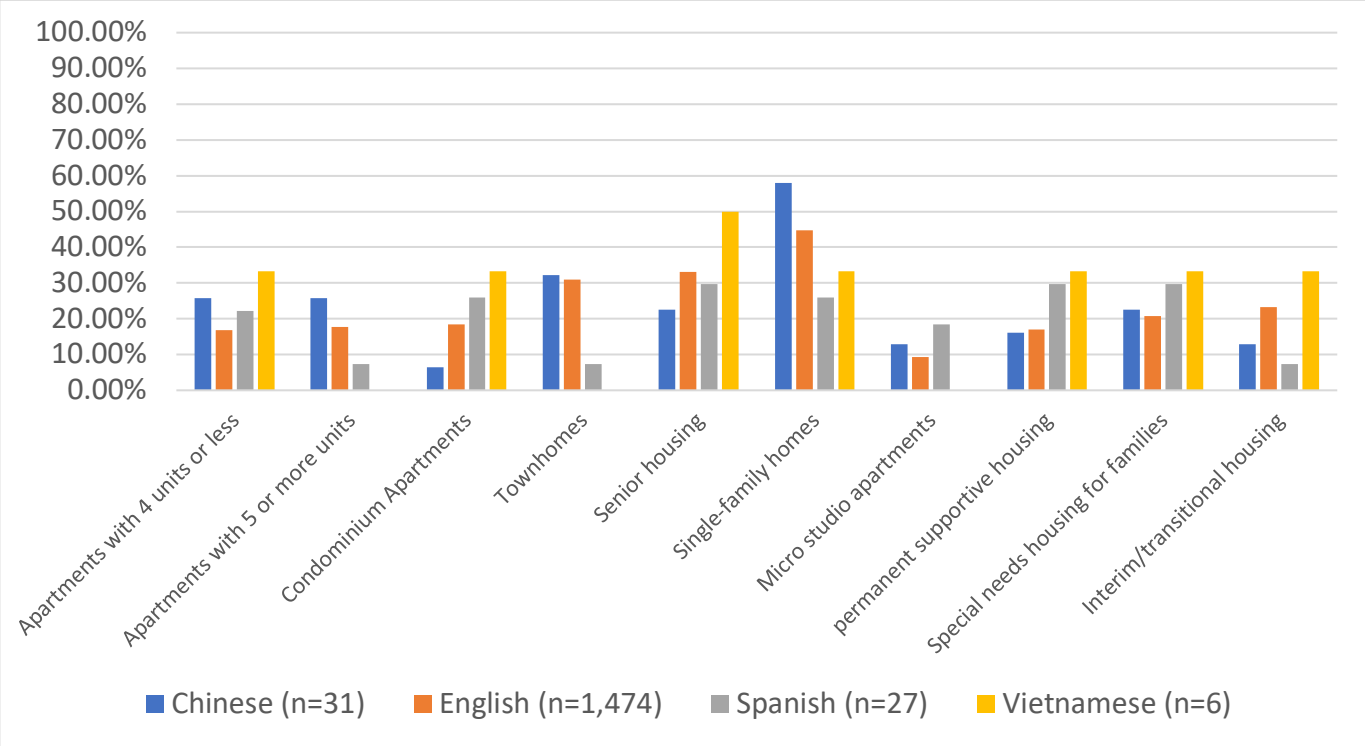


FIGURE 11: MORE HOUSING IS NEEDED FOR (ENGLISH SURVEY RESULTS): (RANK YOUR TOP 3) (QUESTION 5; N=1,452)

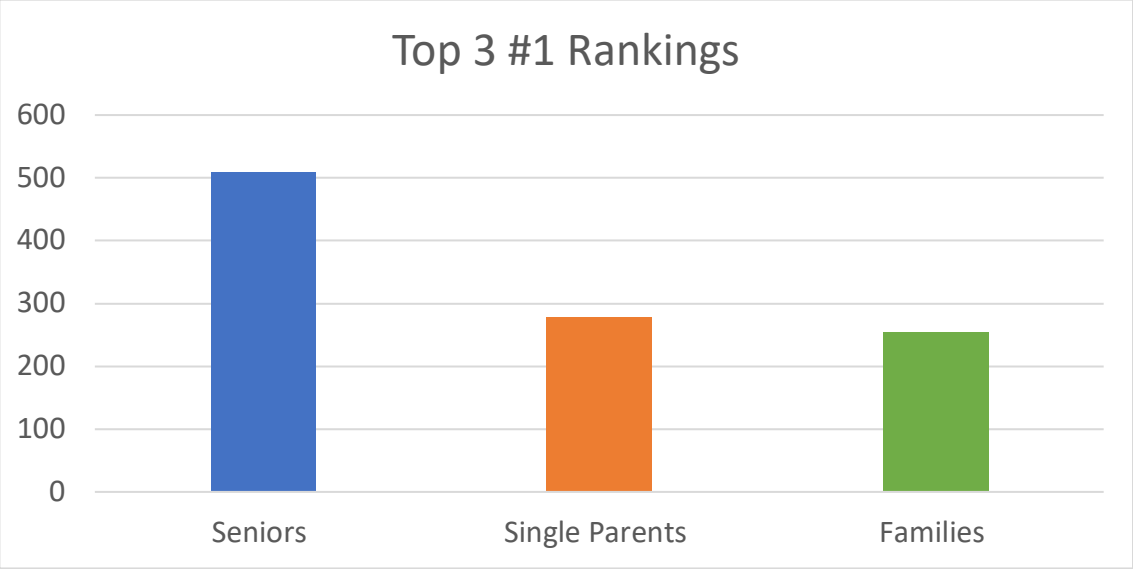


FIGURE 12: MORE HOUSING IS NEEDED FOR (SPANISH SURVEY RESULTS): (RANK YOUR TOP 3) (QUESTION 5; N=29)

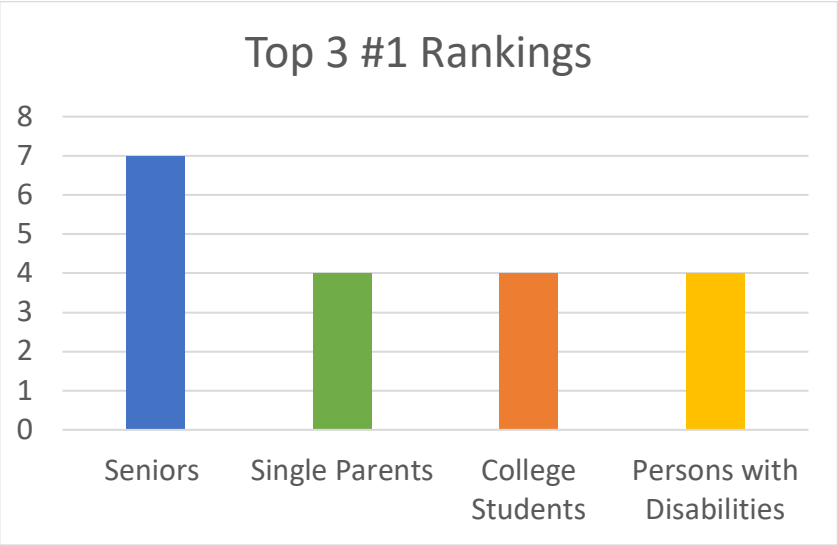


FIGURE 13: MORE HOUSING IS NEEDED FOR (CHINESE SURVEY RESULTS): (RANK YOUR TOP 3) (QUESTION 5; N=31)

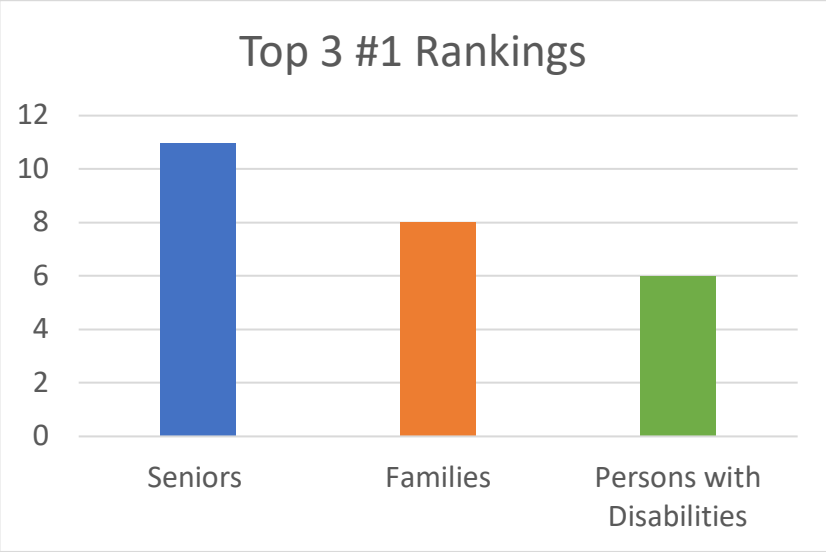


FIGURE 14: MORE HOUSING IS NEEDED FOR (VIETNAMESE SURVEY RESULTS): (RANK YOUR TOP 3) (QUESTION 5; N=6)

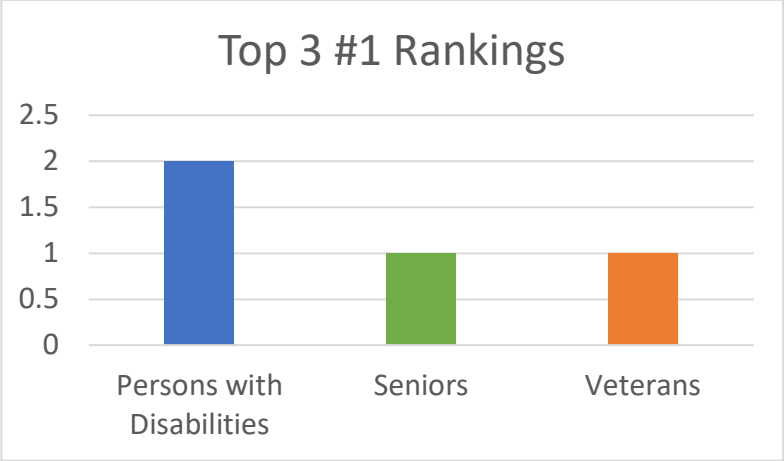


FIGURE 15: MORE HOUSING IS NEEDED FOR (ENGLISH SURVEY RESULTS): (RANK YOUR TOP 3) (QUESTION 5; BY AGE GROUPINGS 18 AND UNDER 44 YEARS OLD; N=784)

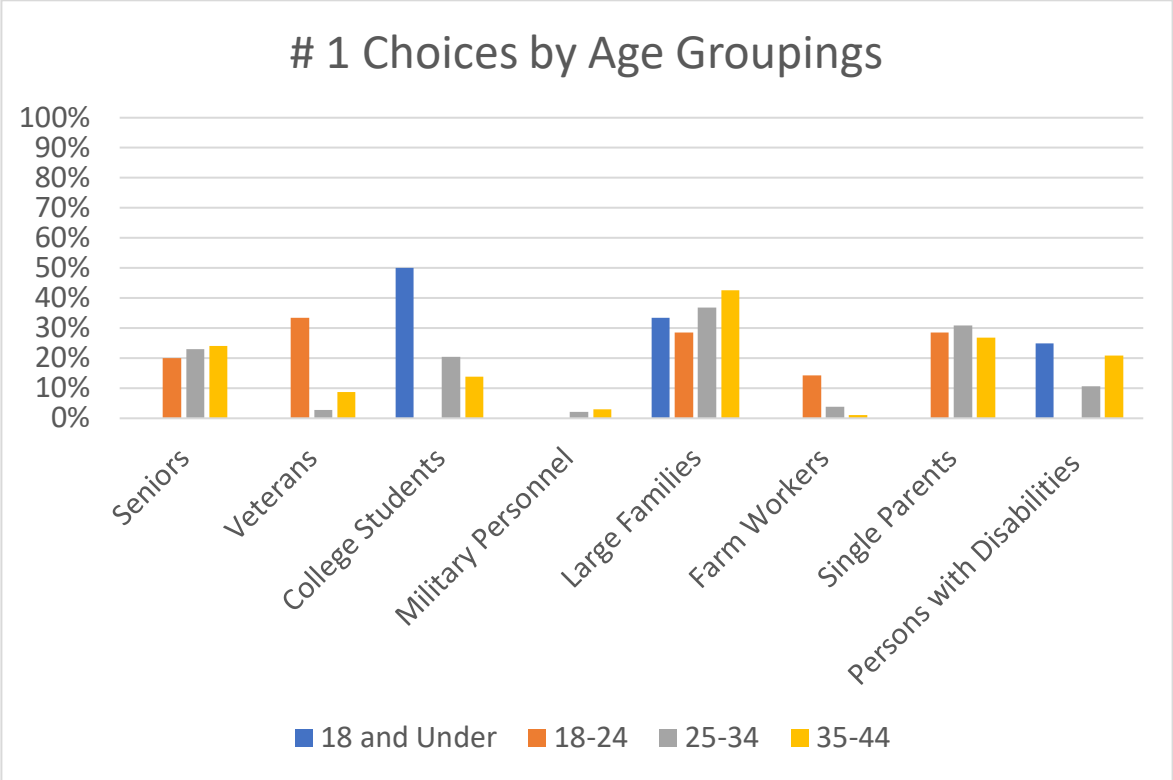


FIGURE 16: MORE HOUSING IS NEEDED FOR (ENGLISH SURVEY RESULTS): (RANK YOUR TOP 3) (QUESTION 5; BY AGE GROUPINGS 45 TO 65 AND ABOVE; N=784)

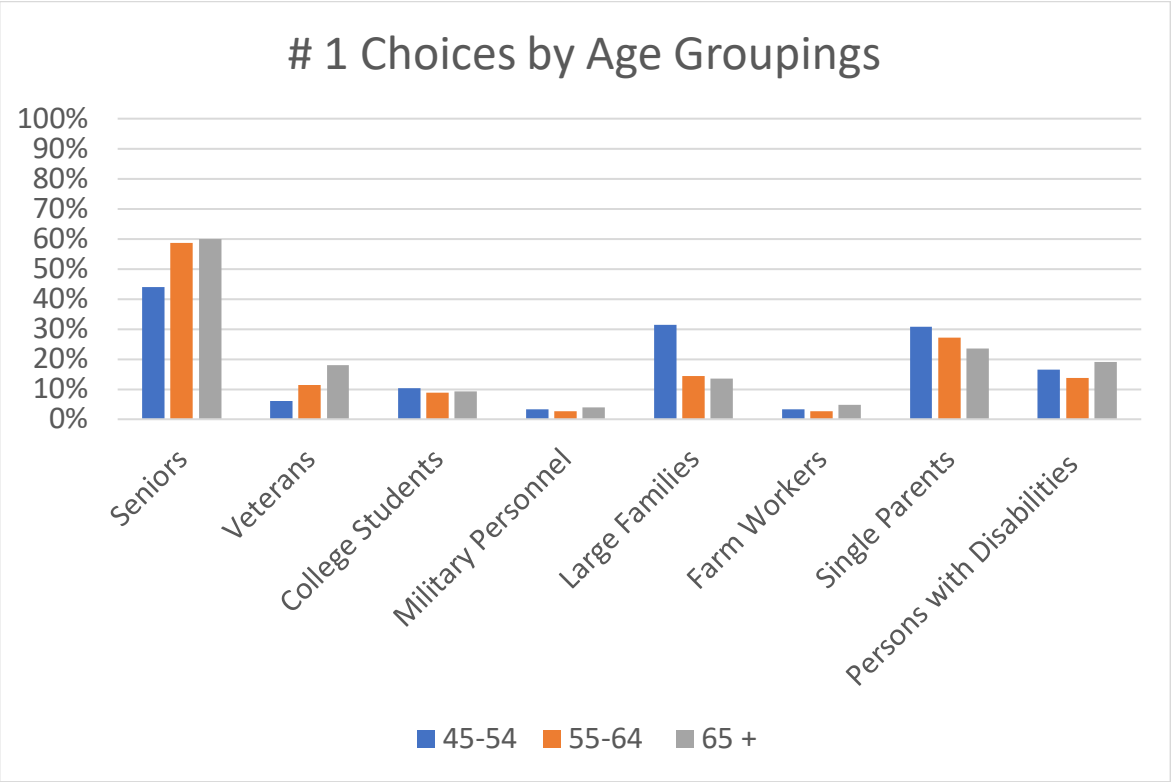


FIGURE 17: PLEASE TELL US HOW IMPORTANT THE FOLLOWING HOUSING ISSUES ARE TO YOU (0 IS UNIMPORTANT, 10 IS VERY IMPORTANT) (QUESTION 6-12)

Average Answers for questions 6-12

6. Ensure that children who grow up in Santa Clara can afford to live in Santa Clara: **8 (N=1,427)**

7. Provide opportunities for people who work in Santa Clara to live in Santa Clara: **8 (N=1,433)**

8. Provide more options for older residents to downsize and stay in the community: **7 (N=1,410)**

9. Streamline the process for new housing construction: **6 (N=1,407)**

10. Provide shelters and transitional housing for homeless families and individuals, along with services that help move people into permanent housing: **6 (N=1,415)**

11. Support programs to help homeowners at risk of mortgage default to keep their homes: **6 (N=1,401)**

12. Establish housing near public transit: **7 (N=1,416)**

FIGURE 18: PLEASE TELL US HOW IMPORTANT THE FOLLOWING PLANNING ISSUES ARE TO YOU (0 IS UNIMPORTANT, 10 IS VERY IMPORTANT) (QUESTION 13-15)

Average Answers for questions 13-17

13. Environmental risks (e.g., wetlands, air quality, flood, etc.): **8 (N=1,287)**

14. Potential traffic and congestion: **8 (N=1,393)**

15. Preserving community character: **7 (N=1,386)**

FIGURE 19: ANY OTHER COMMENTS OR ISSUES RELATED TO PLANNING FOR HOUSING IN THE CITY OF SANTA CLARA? (QUESTION 16; N=833)



FIGURE 20: ANY OTHER COMMENTS OR ISSUES RELATED TO PLANNING FOR HOUSING IN THE CITY OF SANTA CLARA? (QUESTION 16; SPANISH SURVEY; N=22)



FIGURE 21: ARE THERE ANY NEIGHBORHOODS IN SANTA CLARA THAT ARE LACKING GOOD ACCESS TO AMENITIES LIKE PARKS, LIBRARIES, GROCERY STORES, SCHOOLS, BIKE LANES, ETC.? (QUESTION 17; N=645)



FIGURE 22: ARE THERE ANY NEIGHBORHOODS IN SANTA CLARA THAT ARE LACKING GOOD ACCESS TO AMENITIES LIKE PARKS, LIBRARIES, GROCERY STORES, SCHOOLS, BIKE LANES, ETC.? (QUESTION 17; CHINESE SURVEY; N=10)



FIGURE 23: HOW OLD ARE YOU? (QUESTION 18; N=1,390)

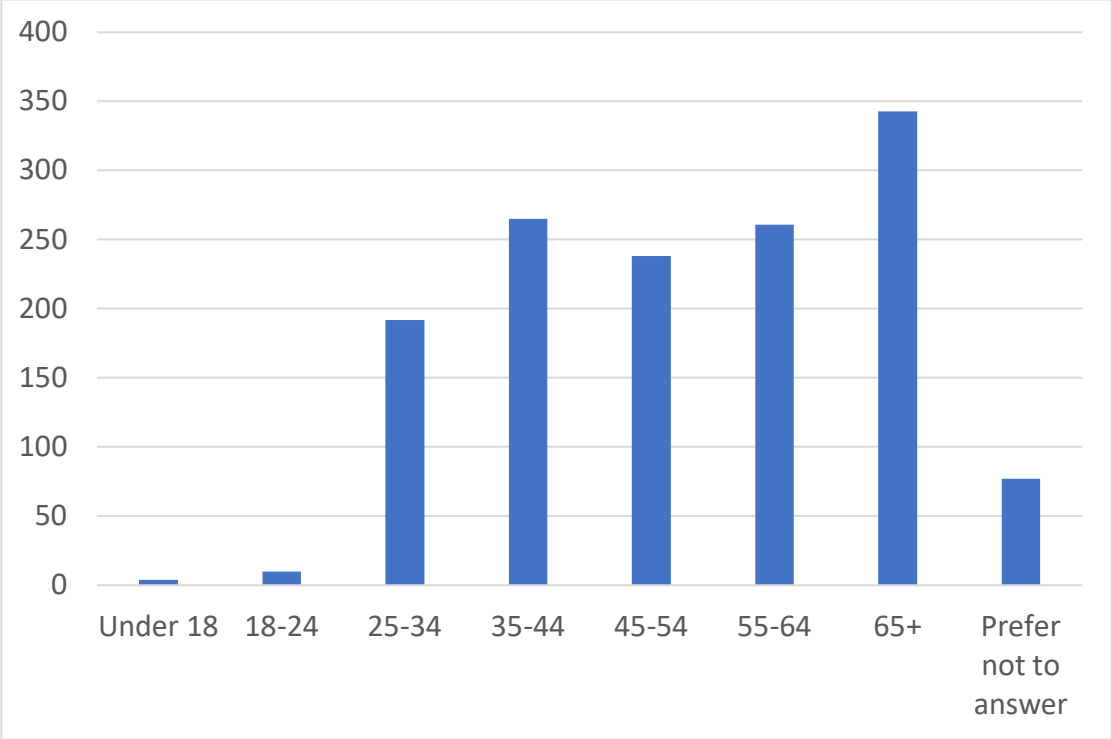


FIGURE 24: WHAT IS YOUR GENDER? (QUESTION 19; N=1,390)

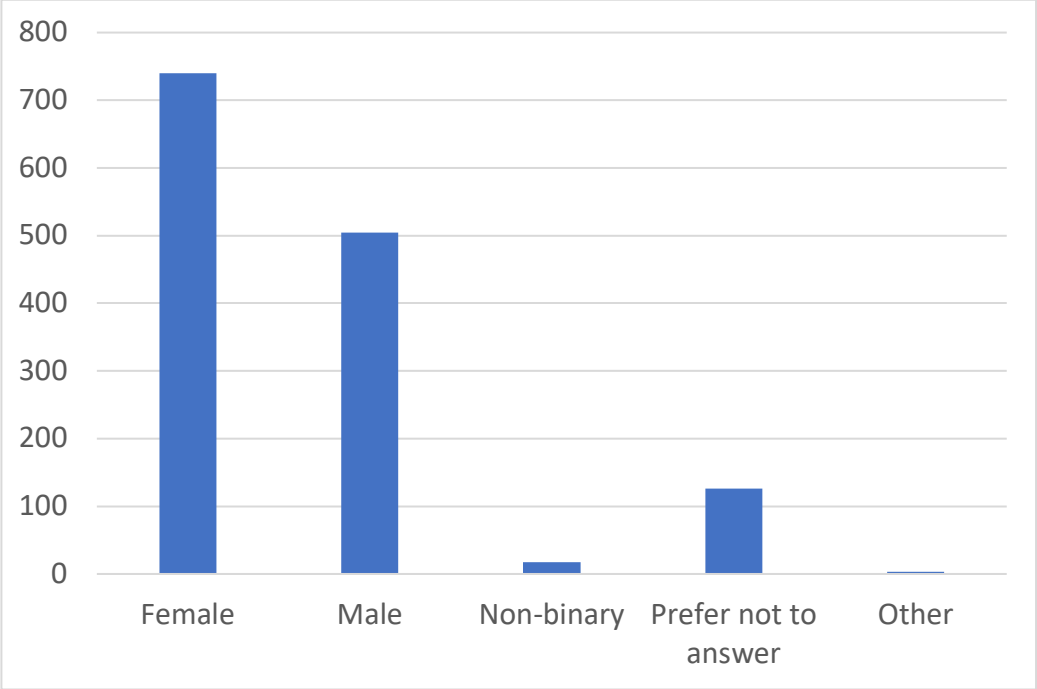


FIGURE 25: HOW DO YOU IDENTIFY YOUR RACE AND ETHNICITY? (QUESTION 20; N=1,390)

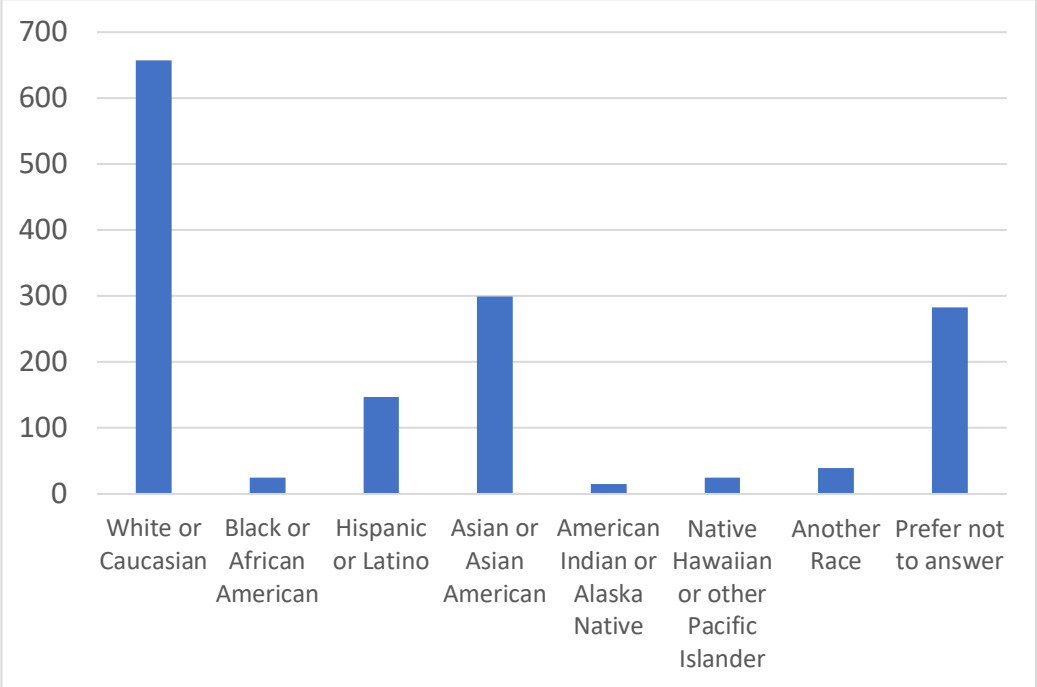
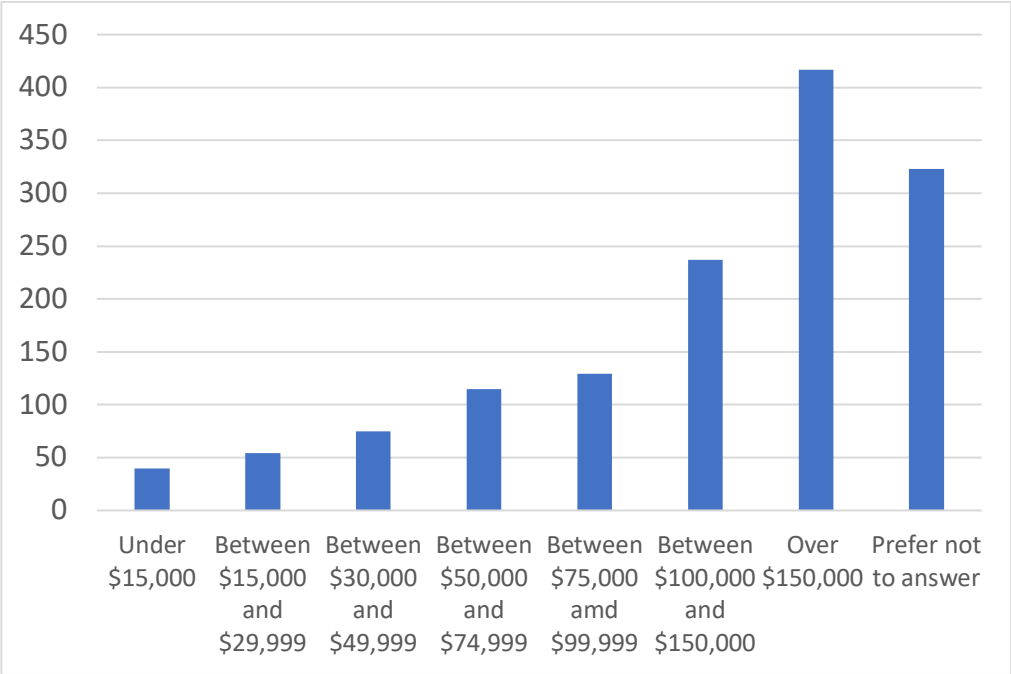


FIGURE 26: WHAT BEST DESCRIBES YOUR ANNUAL HOUSEHOLD INCOME (QUESTION 21; N=1,390)



Appendix A-4 Regional Santa Clara County AFFH Related Outreach

In 2019 Santa Clara County and Cities formed a consortium and hired a consultant to develop a regional Assessment of Fair Housing to meet both HUD and HCD requirements. The consortium hired the Lawyer's Committee for Civil Rights to conduct broad outreach, analysis, and to draft plans. The following is a summary of the interviews and meetings that were held throughout Santa Clara County as part of this early process. These meetings provided important regional context for the AFFH analysis in the Housing Element. The table below lists the meetings by category and the dates on which the meetings were held.

FIGURE 1: REGIONAL SANTA CLARA COUNTY AFFH RELATED OUTREACH (FUNDED IN PART BY CITY OF SANTA CLARA)

Regional Assessment of Fair Housing Meetings	
Meetings	**Date**
Public Community Meetings	
San José Evening Community Meeting	November 13, 2019
City of Santa Clara Community Meeting	November 14, 2019
San José Daytime Community Meeting	November 16, 2019

Urban County Community Meeting	December 11, 2019
Cupertino Meeting (group with other cities/areas)	December 19, 2019
Central County	January 14, 2020
South County	January 15, 2020
Focus Groups	
Formerly Incarcerated Individuals	December 12, 2019
Homeless Individuals and Families	December 12, 2019
Non-Profit Affordable Housing Developers	December 13, 2019
Women	December 13, 2019
Seniors	January 13, 2020
Central County	January 13, 2020
Health Trust for HIV/AIDS	January 14, 2020
Vietnamese Community	January 15, 2020
South County	January 15, 2020
Filipino Community	January 26, 2020
Schools/Educators	January 27, 2020
Seniors	January 29, 2020
Hispanic Community	January 29, 2020
Stakeholder Meetings	
Project Sentinel	October 1, 2019
San José NAACP	October 1, 2019
Asian Law Alliance	October 2, 2019
Law Foundation of Silicon Valley	October 2, 2019
Latinos United for a New America	October 21, 2019
California Apartment Association	October 21, 2019
The Silicon Valley Organization	October 21, 2019
Catalyze SV	October 21, 2019
Santa Clara County Housing Authority	October 21, 2019
International Children Assistance Network	October 21, 2019
Bay Area Legal Aid	October 22, 2019
Housing Trust Silicon Valley	October 22, 2019
Gilroy Compassion Center	October 22, 2019
City of Gilroy	October 22, 2019
Senior Adults Legal Assistance	October 22, 2019
Day Worker Center of Mountain View	October 22, 2019
Santa Clara County Association of Realtors	October 23, 2019
City of Santa Clara	October 23, 2019
City of Sunnyvale	October 23, 2019

Silicon Valley at Home	October 23, 2019
Bay Area Homeowners Network	October 23, 2019
Sunnyvale Community Services	November 12, 2019
SOMOS Mayfair	November 14, 2019
Amigos de Guadalupe	November 15, 2019
West Valley Community Services	November 15, 2019
Habitat for Humanity	December 10, 2019
Working Partnerships USA	December 11, 2019

Because of the breadth of these efforts and the diverse views of the individuals and organizations consulted, it is difficult to distill the information that these meetings yielded down to a few key themes. This summary attempts to, first, identify the range of topics that the meetings addressed and, second, to identify *either* consensus around those topics *or* the primary alternative views expressed.

Key topics addressed in the community engagement process included:

- Unlawful housing discrimination, including but not limited to racial discrimination, failures to provide reasonable accommodations, source of income discrimination, patterns and trends in housing discrimination, and barriers to effective enforcement.
- Demographic and housing data, including but not limited to how community members interpret data provided by the U.S. Department of Housing and Urban Development (HUD) and sources of local data.
- Zoning and land use laws, including but not limited to their impact on affordable housing development and how they interact with community opposition to affordable housing in certain areas.
- Funding and regulatory programs to create affordable housing, including but not limited to how effective they are at producing units, the income levels they reach, and the bedroom distribution of units produced.
- Supportive services programs for persons with disabilities and unhoused residents, including but not limited to how those programs are coordinated with housing programs.
- The connection between access to opportunity and patterns of segregation, including but not limited to with respect to education, employment, transportation, and environmental health.
- Tenant protections and access to legal services, including but not limited to rent stabilization, just cause eviction protections, and funding for tenant representation in eviction cases.

Housing Discrimination

Consistent with national and statewide trends, participants in the community engagement process reported that disability status is the most common alleged basis of discrimination in

complaints submitted to service providers, the California Department of Fair Employment and Housing and HUD. Among disability discrimination complaints, complaints regarding alleged denials of reasonable accommodation requests are the most common. The fact that disability status is the most frequently complained of type of discrimination does not necessarily mean that it is the most common type of discrimination occurring in the community. Because of the nature of the reasonable accommodation process, it may be more apparent to individuals with disabilities that they have been subjected to discrimination. By contrast, fair housing testing may be necessary to uncover national origin and race discrimination, in particular. Testing conducted by stakeholders confirmed that these types of discrimination remain common. Complaints of source of income discrimination also remain common despite the State's relatively recently enacted prohibition on such discrimination against household with Housing Choice Vouchers suggesting either or both inadequate awareness of the new law and/or inadequate enforcement of it.

Demographic and Housing Data

There was broad consensus that housing costs in Santa Clara County are extremely high and have rapidly become more expensive over time. These changes have not affected all communities equally and Hispanic or Latino, Black, and Vietnamese populations, which tend to have lower income levels, being particularly vulnerable to displacement. In light of income disparities among Asian American and Pacific Islander ancestry groups, participants in the community engagement process emphasized the importance of disaggregated data, which tends to show lower income levels among Vietnamese households but also relatively high rates of homeownership.

Zoning and Land Use

Concern about the extent to which zoning and land use laws play a role in fair housing issues varies significantly depending on one's location within Santa Clara County. Additionally, because zoning and land use laws often have consequences across city boundaries, the greatest concerns that community members and stakeholders articulated tended to pertain to different jurisdictions than those where participants lived, provided services, or engaged in advocacy. In particular, many involved in the community engagement process noted concerns about exclusionary zoning in the West Valley. Developer stakeholders, both of affordable and of market rate housing, also noted that long approval timelines were often as significant of a barrier to their efforts as were underlying regulations. They noted understaffing of planning departments as a principal driver of those delays.

Affordable Housing Programs

There was generally consensus around the need to provide more financial support for affordable housing across jurisdictions in Santa Clara County though there were some differences of opinion about how, if at all, to use regulatory tools like inclusionary housing to produce affordable housing. The details of input about affordable housing funding programs varied in relation to the different landscapes of existing programs in each municipality. Some stakeholders noted the high bar to passage for bond issues, including affordable housing bond issues, reflecting that, while the passage of Measure A was a big step forward for Santa Clara County, a similar bond issue in the City of San José had failed despite a large majority of support. Inclusionary housing was a frequent topic of discussion but not a point on which there was consensus. Most participants who discussed inclusionary housing voiced support for the adoption of requirements in more jurisdictions, deeper affordability targeting, and higher set aside requirements. Some participants opposed these types of changes on the basis of stated concerns about deterring new development.

Supportive Services

Participants in the community engagement process noted geographic unevenness in the availability of supportive services for persons with disabilities and unhoused populations, with communities in South County having less access than in North County. There was also criticism of the overall level of services that are available and concern that there were more adequate services available for chronically unhoused individuals with serious mental illness and/or substance abuse disorders but that other vulnerable populations, including disproportionately Hispanic or Latino unhoused families, domestic violence survivors, and medically fragile individuals, have less access to services. For formerly unhoused individuals living in permanent supportive housing, some expressed concern about whether persons with disabilities have true provider choice.

Access to Opportunity

Many stakeholders and residents expressed concern about public transportation in Santa Clara County. Issues raised include the overall level of service, the lack of service in some areas with high performing school in the West Valley, the lack of service in South County, and high fares on CalTrain. Bus riders mentioned long headways on some bus routes as a problem. Participants reflected on the expansion of BART service into Santa Clara County as both an opportunity and an occurrence that could lead to more displacement. With regard to environmental health, the most significant concerns articulated in the community engagement process related to issues in East and North San José. The connection between patterns of segregation and access to proficient

schools was clear in the data analysis conducted for the Assessment of Fair Housing but was not heavily emphasized by participants in the community engagement process.

Tenant Protections

Tenant protections were a frequent topic of discussion albeit one that sharply divided opinion among participants in the community engagement process. Many participants urged robust tenant protections including rent stabilization with as few exemptions as are allowed by state law, just cause eviction protections, constraints on Ellis Act conversions, and requirements that landlords pay relocation expenses for displaced tenants. Other participants, particularly trade associations representing landlords, strongly opposed most or all of these policies. Small "mom and pop" landlords were particularly likely to express opposition to just cause eviction protections and stated more strenuous objections to that policy than they did to rent stabilization. Legal services providers noted that they did not have the resources or capacity to meet the total need for tenant representation in eviction cases absent additional funding. It is important to note that this input was gathered prior to the COVID-19 pandemic, and there was no opportunity to get input on the various government interventions to prevent evictions during the pandemic.

Appendix A-5 Housing Element Specific Outreach

FIGURE 1: HOUSING ELEMENT SPECIFIC OUTREACH

	Housing Element Specific Outreach		
	Meeting/Activity	**Date**	**Meeting Type**
1	Stakeholders Meeting re: Affordable Housing Ordinance Potential Amendments	March 12, 2021	Zoom
2	City Council Study Session	April 6, 2021	Zoom
3	Let's Talk Housing Community Meeting	August 30, 2021	Zoom 25 attendees from Santa Clara
4	Planning Commission Study Session	September 22, 2021	

5	City Council Study Session on Homelessness	November 9, 2021	
6	Joint City Council/Planning Commission Study Session 1	April 19, 2022	
7	Homelessness Taskforce Meeting #1	April 28, 2022	
8	Stakeholder Listening Session: Development Constraints Panel	May 5, 2022	Zoom
9	Community Survey (English, Spanish, Chinese, Vietnamese)	May - July 8, 2022	1,651 responses
10	Health and Wellness Fair	May 20, 2022	• 400 attendees, 50-60 people stopped by booth
11	Homelessness Taskforce Meeting #2	May 26, 2022	Zoom
12	June 2022 City Hall News (monthly e-newsletter)	June 2022	
13	Library Pop-Up Meetings (Central and Northside)	June 14th and 17th, 2022	In Person
14	Inside Santa Clara (summer 2022 edition)	June 18-22, 2022	Mailed to over 58,000 residents and businesses
15	Homelessness Taskforce Meeting #3	June 23, 2022	
16	Joint City Council/Planning Commission Study Session 2	July 12, 2022	
17	Housing Choices – Interview with Kalisha Webster	July 22, 2022	
18	Homelessness Taskforce Meeting #4	July 28, 2022	
19	Community Meeting	August 1, 2022	Zoom
20	Community Meeting Forum on Homelessness	August 9, 2022	Zoom
21	Life Services Alternatives (LSA) – Residential Care Home visit and interview with Dana Hooper and residents	August 12, 2022	In Person
22	Meeting with regional Equity Advisory Group	August 23, 2022	Zoom

23	Homelessness Taskforce Meeting #5	August 25, 2022	
24	40th Anniversary Art & Wine Festival	September 17-18, 2022	In Person
25	Meeting with Riverwood Grove residents (family housing)	September 19, 2022	In Person
26	Meeting with Bill Wilson Peacock Commons residents (Transition Age Youth)	September 20, 2022	In Person
27	Meeting with Liberty Tower residents (Seniors)	September 22, 2022	In Person
28	Homelessness Taskforce Meeting #6	October 27, 2022	
29	Housing Stakeholders Workshop	November 17, 2022	Zoom

Summaries from Select Meetings/Activities

1. March 12, 2021. Stakeholders meeting (Zoom). Approximately 30 individuals representing numerous development companies and related interests participated in a discussion regarding potential amendments to City's Affordable Housing Ordinance. Economic & Planning Systems, Inc. (EPS), the City's consultant, presented at the beginning of the meeting and shared the housing prototypes being analyzed for feasibility with the current Affordable Housing Ordinance and potential changes that would increase the number or depth of affordability the City could consider. A summary of stakeholder comments is available on the Housing Element Update page.

3. August 30, 2021. Let's Talk Housing Community Meeting (Zoom). A series of countywide meetings about the Housing Element update were held from August to September 2021. Each meeting offered Spanish-language interpretation and provided community members with an introduction the Housing Element update, why it matters, information on the Let's Talk Housing outreach effort and countywide trends. Breakout room discussions with individual cities and towns followed. In total 832 registered for the series. Of those who registered for the series, the majority identified as White and over half were 50 years or older. Over sixty percent lived over 21 years within the county, and over half were homeowners. Santa Clara was part of the August 30th, 2021 introductory meeting, along with Milpitas, Mountain View, and Sunnyvale. This meeting offered Vietnamese interpretation in addition to Spanish, courtesy of the City of Milpitas, and outreach for the meeting was conducted in the three languages. Twenty-five people who registered for the August 30th meeting identified as joining from Santa Clara. Of the Santa Clara participants, all indicated being homeowners and living in single family homes. In the breakout session, participants expressed that they valued living in Santa Clara due to its tight knit community, its rich history, ample job opportunities, and its mix of older and newer neighborhoods. However, participants pointed out older housing is becoming increasingly unaffordable and the general lack of moderate and

affordable housing. Older adults, especially those who are moderate or low income, struggle to find housing and many adult children can't live close to their aging parents. Among ideas to address these needs were: transit-oriented development, increasing allowable densities, and developing an affordable housing program for seniors. Among programs or policies that are already working well, participants shared that specific plans have been an effective tool for development and the El Camino Real Specific Plan in particular is a good example of extensive and comprehensive community outreach.

8. May 5, 2022. Stakeholder Listening Session: Development Constraints (Zoom). The presentation and summary from this meeting is available on the Santa Clara County Planning Collaborative page and on the Housing Element Update page.

14. June 18-22, 2022. Inside Santa Clara (summer 2022 edition). Full page article on the Housing Element Update. Printed newsletter sent to over 58,000 residents and businesses.

19. August 1, 2022. Community Meeting (Zoom). Community meeting with a presentation on the Housing Plan of the draft Housing Element Update; comments were made regarding tenant protections, housing for persons with disabilities, and increased housing type and tenure. There twelve (12) members of the community that attended representing individuals and advocacy organizations.

22. August 23, 2022. Regional Equity Advisory Group (EAG) Meeting (Zoom). Provided City with general feedback on how to improve engagement with stakeholders and community members. Suggested more direct outreach and importance of going to specific locations to reach targeted populations. Specific comments about locating housing in high/highest opportunity areas of the City and that ELI households experience the highest rates of housing cost burden, making them at the highest risk of homelessness or displacement.

24. September 17-18, 2022. 40th Annual Art & Wine Festival (In-person). 152 attendees participated in a dot exercise to identify what they felt were the biggest challenges/greatest needs facing the City of Santa Clara. Participants were provided different colored dots if they identified as a City of Santa Clara homeowner (111), City of Santa Clara renter (24), if they work (but don't live) in the City of Santa Clara (4), or if they don't live or work in the City of Santa Clara (13). From a list of 13 biggest challenges/greatest needs, the most votes were placed on 1. Addressing homelessness: programs, temporary housing/permanent supportive housing; 2. Housing that is affordable to low/minimum was earners (e.g., service/retail workers); 3. Providing more homeownership opportunities; and 4. Stabilizing rents (limit large rent increases and large deposit requirements).

Although Santa Clara homeowners and renters identified the same top four biggest challenges/greatest needs, the order was different. For homeowners addressing homelessness received the most votes and stabilizing rents received the fourth most votes. For renters stabilizing rents received the most votes and addressing homelessness received the fourth most votes.

Homeowners: 1. Addressing homelessness; 2. Housing that is affordable to low/minimum wage earners; 3. Providing more homeownership opportunities; 4. Stabilizing rents

Renters: 1. Stabilizing rents; 2. Housing that is affordable to low/minimum wage earners; 3. Providing more homeownership opportunities; 4. Addressing homelessness.

24, 25, 26. September 19, 2022. Riverwood Grove (family housing) Residents Meeting (In-person with 16 adults, 5 children); September 20, 2022. Bill Wilson Peacock Commons (transition age youth) Residents Meeting (In-person with 10 adults, 5 children); September 22, 2022. Liberty Tower (senior housing) Residents Meeting (In-person with 8 adults, 2 staff). Residents of the three housing developments were asked a series of questions, including about their personal experiences/challenges finding and living in affordable/supportive housing, and what they would like to see in terms of priorities for making their housing experience better. In addition to noting specific resources needs and concerns about traffic and safety, residents consistently noted the challenges of barriers to entry (affordability and wait/availability of units).

27. November 17, 2022. Stakeholders Workshop (Zoom). Zoom meeting that reviewed the Housing Element development process using a Mural Board. The meeting was primarily attended by housing and human service providers and advocacy organizations. Attendees mentioned the need for more emergency rental assistance, that state relocation assistance is inadequate, that ELI seniors in income restricted housing are increasingly rent burdened and at risk of homelessness, that seniors need in-person housing navigation assistance that homelessness prevention is less costly than crisis response, that city and county government should work on providing holistic housing services, the need for more social workers and case managers to help clients navigate programs, the need to financially support service providers so they can retain staff, the need to bring air conditioning and filters into affordable housing in response to heat and wildfire smoke climate change, and the need to proactively reach out to Latino/a, Vietnamese, and Filipino/a populations who are disproportionately in need of affordable housing.

Appendix A-6 Public Review Draft Comments

The City of Santa Clara asked for the public's comments on the Housing Element Update. The document to post public comments can be found here: https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=87#page=18. Below is a summary of the received comments.

FIGURE 1: HOUSING ELEMENT DRAFT PUBLIC COMMENTS

Date	Name	Comment	Comment Page	Sentiment	Comment link	Response
7/1/2022	Katherine Lanning	I love Santa Clara and would love to volunteer my time helping others in this beautiful city	18	Positive	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=87#page=18	
7/30/2022	Anne Paulson	The Housing Element isn't the place where the city talks about "exploring changes." The Housing Element is where the city talks about the result of the explorations that have already happened, and explains what the changes are and when exactly they will be accomplished. What changes will you make, and when will they be made? These exceedingly weak explorations do nothing to achieve B-1 (look for sites for affordable housing), B-2 (encourage high density housing),or B-3 (look for funding for affordable housing). They don't do anything for the C goals either, which are about housing for people with special circumstances (disability, female-headed, large family).	22	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=98#page=22	
7/30/2022	Anne Paulson	My suggestion is that you write objectives that would actually achieve your goals, and give time deadlines for them.	22	Negative	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=99#page=22	

7/12/2022	Jennifer	Where is Action #4? I see responsible agency and objectives, but no Action listed or Funding Source.	24	Negative	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=90#page=24
7/30/2022	Anne Paulson	How will you improve the maintenance of student housing, and when?	26	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=100#page=26
7/30/2022	Anne Paulson	When?	26	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=101#page=26
7/30/2022	Anne Paulson	When?	26	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=102#page=26
7/29/2022	Nick Leung	Yes, I would really like to see more upzoning/high density development while being conscious of existing transportation, or improving/adding more transportation to support new developments such that they reduce reliance on cars.	27	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=91#page=27
7/30/2022	Anne Paulson	How?	28	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=103#page=28
7/30/2022	Anne Paulson	How?	28	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=104#page=28

7/30/2022	Anne Paulson	What is the action here? I don't see any action.	33	Negative	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=105#page=33
7/29/2022	Nick Leung	If El Camino becomes densified, I'd like to see dedicated BRT.	77	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=92#page=77
7/29/2022	Nick Leung	We should lower the requirements for parking. Parking is poor land use (especially surface parking) which encourages more cars, which is bad for traffic and many reasons. In this area, so much land is already dedicated to cars (4+4 lane expressways, highways, garages, driveways, parking, etc.). We can increase the transportation connectivity and serve lower income residents better by lessening the emphasis on car-driven development.	117	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=93#page=117
7/30/2022	Anne Paulson	How can you say with a straight face that development standards aren't a constraint on building, when you require two parking spaces for a studio apartment? You're requiring more space for the cars than for the people.	118	Negative	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=96#page=118
7/30/2022	Anne Paulson	An SRO is not employee housing; it's rooms with or without kitchens that are rented separately. Why is the title SRO Housing, when the text doesn't talk about SRO housing? The Housing Element	120	Negative	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=97#page=120

		needs to explain how Santa Clara allows Single Room Occupancy housing.			
7/29/2022	Nick Leung	I think this is unfortunate, but it's obvious that this community opposition to densification has created disastrous effects for housing affordability for everyone. We can fight a lot of this community resistance with transit oriented and mixed use development, though I expect the community will find other ways to oppose it. We should still try. (Page 13.5-23) The Housing Element says that it will do a fee analysis of the four prototypical buildings. And then, it just doesn't. I'd like to know how much the 100 unit building would pay in fees, and I assumed that's what the analysis was going to give me, but it doesn't. Elsewhere in the document (p 13.5-13) it says that a large multifamily project pays $2156 per unit, but that doesn't look accurate, with all those big permit fees.	132	Negative	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=94#page=132
7/30/2022	Anne Paulson	The document needs to tell us what the fees are for these typical buildings.	134	Negative	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=95#page=134

7/30/2022	Anne Paulson	Sares Regis, 800 units???? Sares Regis is a building company, not an address or an identifier for a project. What project is this?	145	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=106#page=145
7/31/2022	Anne Paulson	Typo	149	Positive	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=107#page=149
7/31/2022	Anne Paulson	This has to be 34 REMAINING parcels. Otherwise the numbers don't add up: half the parcels are already built, 11 are approved or proposed, the remaining 17 are listed for below market housing in the table below.	158	Negative	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=108#page=158
7/31/2022	Anne Paulson	"Full buildout of the area will likely occur by 2038." So the capacity listed in 13.6-7 should be discounted by 50%, since since buildout will occur throughout the Sixth and Seventh RHNA cycles.	158	Neutral	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=109#page=158
7/1/2022	Katherine Lanning	I have great experience in developing business and marketing	173	Positive	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=89#page=173
7/1/2022	Katherine Lanning	I would love to volunteer my time to make this city a beautiful one with parks, museums and individual gardens	189	Positive	https://santaclaraca.konveio.com/city-santa-clara-housing-element-update?cid=88#page=189

8/16/2022	Dana Hooper	Thanks for taking the time to visit the LSA Cypress home. Cypress is a licensed residential care home. As I mentioned I had a chance to review chapter 13.2 Housing Plan and have some comments I'd like to share. My general comment is that otherwise eligible individuals should not be excluded because they choose to or are already living in a licensed residential care home. These individuals need the support just as much as there counterpart. Here are some additional comments to specific section in the Housing Plan. Action 1: The 4th objective – Support low-income housing alternatives such as housing for persons with disabilities should be expanded specifically to include licensed residential care homes. Action 3: Affordable Housing Incentives and Facilitation. The construction of affordable housing should also include residential care homes as a type of facility and funding to at least the same level per person as multiunit projects. Action 4: Maintenance of Housing Stock should include residential care homes in the definition of who is qualified to receive maintenance.	n/a	n/a

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Appendix A-7 Formal Comment Letters

FIGURE 1: HOUSING ELEMENT DRAFT – PUBLIC FORMAL LETTER COMMENTS

Date	Organization	From	Comment(s)
7/27/2022	TransForm	Kendra Ma, Housing Policy Analyst	1. Santa Clara needs to expand on its successful programs and initiate new ones, including: 1) Planning for growth in walkable areas near transit, 2) Reducing the amount of parking mandated for housing and providing incentives and programs to drive less (Transportation Demand Management), 3) Developing sufficient programs to meet affordable home targets of RHNA 2. Action 9 - revising zoning standards and potentially reducing/eliminating parking: lacks commitment to specific changes, such as what parking strategies the city will pursue. TransForm's recommendations: a) Fund a dedicated study of parking reforms b) Require unbundled parking for developments in "Transit Neighborhoods" c) Expand the Transportation Demand Management program 3. TransForm applauds policy C-1: cost-effective complement to strategies focused on housing production
7/1/2022	SV@Home	Matthew Reed, Policy Director	1. Concern over the lack of understanding and attention to the broader Housing Element requirements under Affirmatively Further Fair Housing (AFFH) in this Housing Element Update process. Santa Clara should consider the work and policy efforts conducted in Palo Alto to build upon and further the community's anti-displacement goals by addressing housing instability. See letter for specific recommendations.
7/15/2022	Housing Choices		-The City of Santa Clara needs to adopt more programs and policies related to affordable housing with coordinated services for persons living with developmental disabilities, examples include: a) Integration in typical affordable housing b) Coordination of housing with onsite supportive services c) A mix of unit sizes d) Location near public transit c) Deeply affordable housing -Population of adults living with developmental disabilities continues to increase in Santa Clara while beds available in licensed facilities are decreasing -Policy/Programming recommendations include: 1. Produce more extremely low-income housing 2. Establish and monitor a quantitative goal 3. Target city-owned land to dedicate to affordable housing 4. Local density bonus 5. Extremely low-income ADUs 6. Reduce parking requirements 7. Affirmative marketing of physically accessible units

8/8/2022	SV@Home	Matthew Reed, Policy Director	-The City of Santa Clara's Draft 6th Cycle Housing Element falls short of the statutory requirement at multiple levels, from its failure to elicit and reflect community input, to its deficient analysis of needs, to its absence of concrete programs with implementation details and timelines -The sites inventory falls significantly short of the AFFH requirements for this process -6th Cycle Housing Element Update is a unique process to fully assess the breadth of housing needs in Santa Clara and identify new tools to address housing constraints and needs -Opportunity to engage with the full community across incomes -SV@Home does not find that the Draft Housing Element Update shows evidence of the significant public engagement and community participation required to be compliant with guidance provided by the state -Lack of sufficient outreach and notification to public/community -The Housing Element does not a) provide a summary of public comments and b) explain how the comments were considered and incorporated, including comments that were not incorporated. -The Housing Needs Assessment does not incorporate local knowledge or analysis. -SV@Home recommends that the City of Santa Clara conduct additional outreach and analysis of the housing needs data in the draft with the goal of better understanding the housing needs of the city as they are experienced by residents of the city -SV@Home recommends that the assessment of the 5th Cycle Policies and Programs be incorporated into the more comprehensive assessment of housing needs, including concrete opportunities for public engagement around the lessons learned from these prior efforts. -Lack of connection between needs and solutions in the draft -SV@Home believes the lack of detail in the policies and programs included in the draft will not prove to be compliant. -SV@Home believes there is a general failure to substantively address housing instability and displacement experienced by protected classes under AFFH in Santa Clara. -SV@Home recommends that the City of Santa Clara confirm and remove any sites from the inventory that received building permits prior to June 30, 2022, whether listed as "Under Construction" or "Approved".
8/16/2022	Life Services Alternatives	Dana Hooper, Executive Director	General Comment: Otherwise eligible individuals should not be excluded because they choose to or are already living in a licensed residential care home. These individuals need the support just as much as there counterpart. Action 1: The 4th objective – Support low-income housing alternatives such as housing for persons with disabilities should be expanded specifically to include licensed residential care homes. Action 3: Affordable Housing Incentives and Facilitation. The construction of affordable housing should also include residential care homes as a type of facility and funding to at least the same level per person as multiunit projects. Action 4: Maintenance of Housing Stock should include residential care homes in the definition of who is qualified to receive maintenance.

8/1/2022	Anne Paulson	-The Local Processing Explanation Is Confusing and Lacks Necessary Information -Recommendations: • For each typical type of building (ADU, single family house, 10 unit multifamily, 100 unit multifamily, big project that requires rezoning), list each step the applicant must go through, in order, with the time it takes, the number of public meetings it requires, the approval body or bodies, and how much it costs • Make the fees table comprehensible '-Lack of clarity in the Local Processing Explanation Is Confusing and Lacks Necessary Information -Recommendations: • Be more specific about the stage of approval each project is in. • Discount pipeline project and site inventory capacity for the probability that the project doesn't get built' -What the Housing Element needs to do is explain how this capacity is going to be used to build the RHNA in the next eight years. The document needs to be far more clear and explicit about the entire process—the steps, how long the process takes, how much the fees are, what the project mortality is—and where each listed project is along the way - Santa Clara is nowhere close to building below market units at a rate that would satisfy its Sixth Cycle below market RHNA. So it would make sense for the Housing Element to include programs, with deadlines and milestones, to build more affordable housing. - The City Needs to Commit to Actual Measurable Actions and Deadlines -To further encourage all-affordable projects, the city should also • make all-affordable housing projects buildable by right, with ministerial approval • remove parking minimums for all-affordable projects • reduce fees for all-affordable projects If the city cannot take these actions now for whatever reason, it should identify the reason and commit to taking the action by a certain date within the planning period.

FIGURE 2: FORMAL COMMENT LETTER: TRANSFORM

TransForm
Our communities. Our transportation. Our future.

July 27, 2022

John Davidson, Principal Planner
1500 Waterburton Avenue
Santa Clara, CA 95050

Re: Santa Clara needs transformative parking measures to eliminate development constraints

Dear Mr. Davidson and City Councilmembers,

TransForm is a regional non-profit focused on creating connected and healthy communities that can meet climate goals, reduce traffic, and include housing affordable for everyone.

We applaud Santa Clara's work to date on the Draft Housing Element. However, to meet housing, transportation, and climate goals, Santa Clara needs to expand on its successful programs and initiate some new ones.

In particular, there will need to be an effective mix of:

- Planning for growth in walkable areas near transit
- Reducing the amount of parking mandated for housing and providing incentives and programs to drive less (Transportation Demand Management or TDM)
- Developing sufficient programs to meet affordable home targets of RHNA

We appreciate the consideration of parking as a massive constraint on development in Santa Clara in the Housing Element, especially related to meeting RHNA requirements. Santa Clara currently requires 1 or more spaces per unit in almost all zoning districts, and without any commitment to further reducing required parking, we see a disconnect between understanding parking as a constraint and taking additional action.

We are grateful for Santa Clara's inclusion of Action 9 which aims to revise zoning standards and potentially reduce/eliminate parking minimums. However we worry this action lacks a commitment to specific changes, such as what parking strategies the city may pursue. The need to eliminate or greatly reduce parking minimums is more important than ever. **Each new parking space costs $30,000-$80,000.**[1] With inflation driving up construction costs since these

[1] https://www.shoupdogg.com/wp-content/uploads/sites/10/2016/05/Cutting-the-Cost-of-Parking-Requirements.pdf

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estimates, two spaces may now cost up to $200,000. Beyond construction costs, parking takes up essential space that could provide more homes, services, or community amenities.

TransForm recommends that Santa Clara consider the following policies in the Housing Element:

1. Funding a dedicated study of parking reforms, particularly how smart parking policies could positively impact housing, transportation, and other goals.
2. Requiring unbundled parking for certain developments in "Transit Neighborhoods" across various zones; this is easier for building managers to implement now with new parking tech tools like Parkade.
3. Expanding the Transportation Demand Management program by requiring provision of transit pass memberships for each resident.

To show the tremendous transportation and climate benefits of these policies, as well as some of the financial savings for residents and reduced costs for development, we have used our GreenTRIP Connect tool to create scenarios for a potential future development site at 2203-2215 Tasman Drive. This site is identified in Santa Clara's draft Housing Element Site Inventory as a "Transit Neighborhood" and part of the Tasman East Specific Plan. The California Office of Planning and Research recommends GreenTRIP Connect as a tool to use while developing General Plans and is especially useful during the development of Housing Elements (the tool is free to use and supports better planning at the site and city-wide level).

At 2203 - 2215 Tasman Drive, GreenTRIP Connect projects the following benefits from implementing smart parking, transportation, and affordability strategies:

1. Implementing unbundling and providing transit passes at this site led to a 29% decrease in parking and resident transportation savings of $4,464 per year.
2. With right-sized parking, incorporating the benefits of good location, unbundled parking and free transit passes, the development would cost $2,509,500 less to build relative to current parking standards.
3. When combined with 100% affordable housing, these strategies resulted in an incredible 52% reduction in driving and greenhouse gas emissions for the site, compared to the city average.
4. If an affordable development with smart parking strategies were built on this site each household would drive 5,373 less miles per year, creating a greener and safer community.

By eliminating the high costs of parking, homes can be offered at more affordable prices, reducing the number of community members that face extreme housing cost burdens, getting priced out of their community, and/or becoming unsheltered. Residents, new and old alike, will greatly benefit from the reduction in vehicle traffic and associated air pollution (see the scenarios here).

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In addition to parking and transportation strategies, we applaud some of the proposed strategies to support more affordable homes, since these would have such tremendous benefits as noted in the GreenTRIP scenario. One of the most important is Policy C-1 which prioritizes collaborating with services agencies and housing developers to use grants towards more special needs and affordable housing. These programs are a cost-effective complement to strategies focused on housing production.

The GreenTRIP scenarios and the chart on the final page of our Scenario document also show the imperative of programs to accelerate development of affordable homes, like Policy C-1. Not only do these households use transit more and drive much less than average, but success in this area can help provide homes for unsheltered individuals and families. A commitment to these programs will show that Santa Clara is committed to planning for all levels of the 6,506 RHNA BMR units anticipated in this cycle.

Please let me know if you have any questions. TransForm hopes this information explains why Santa Clara should make parking reform a priority in the Housing Element update.

Sincerely,
Kendra Ma
Housing Policy Analyst
kendrama@transformca.org

FIGURE 3: FORMAL COMMENT LETTER: SILICON VALLEY AT HOME

sv@home

Board of Directors

Kevin Zwick, Chair
United Way Bay Area

Gina Dalma, *Vice Chair*
Silicon Valley Community Foundation

Candice Gonzalez, *Secretary*
Sand Hill Property Company

Andrea Osgood, *Treasurer*
Eden Housing

Shiloh Ballard
Silicon Valley Bicycle Coalition

Bob Brownstein
Working Partnerships USA

Amie Fishman
Non-Profit Housing Association of Northern CA

Ron Gonzales
Hispanic Foundation of Silicon Valley

Javier Gonzalez
Google

Poncho Guevara
Sacred Heart Community Service

Janice Jensen
Habitat for Humanity East Bay/Silicon Valley

Janikke Klem

Jan Lindenthal
MidPen Housing

Jennifer Loving
Destination: Home

Mary Murtagh
EAH Housing

Chris Neale
The Core Companies

Kelly Snider
Kelly Snider Consulting

Jennifer Van Every
The Van Every Group

STAFF
Leslye Corsiglia
Executive Director

July 1, 2022

Submitted via email

Mayor Gillmor and Councilmembers
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Dear Mayor Gillmor, Vice Mayor Jain, and Councilmembers Watanabe, Chahal, Hardy, Park and Becker:

RE: Housing Element – Anti-displacement policies to Affirmatively Further Fair Housing

For much of the Housing Element Update process, the focus has been on the scale of the Regional Housing Needs Allocation (RHNA) and the planning process of identifying potential housing opportunity sites to meet these requirements. What we have observed through this process is that there is relatively less understanding and attention to the broader Housing Element requirements under Affirmatively Further Fair Housing (AFFH).

Through state law, AFFH not only requires that the city plan and implement policies that give low-income families the opportunity to live in high resource and affluent areas, but also to adopt policies that address disproportionate housing needs, including displacement risks, of protected classes. In every jurisdiction in the County lower-income renters - disproportionately working families of color, and people on fixed incomes including seniors and people with disabilities - struggle with housing instability due to extreme rent burden and/or overcrowding. In nearly all jurisdictions the impact of displacement can be tracked through changing demographics over time.

The California Department of Housing and Community Development (HCD) issued guidelines and examples of policies to Affirmatively Further Fair Housing. We know that many jurisdictions throughout the County have been looking at policy options to respond to these requirements. Over the last 36 months the City of Palo Alto, in partnership with SV@Home, explored and adopted a number of creative policies designed to protect renters and stabilize families and communities. While the research and policy making process in Palo Alto was pretty extensive, we believe that the Assessment of Fair Housing, and the targeted outreach through the needs assessment, and program/policy development process, likely provide evidence that tenant protections policies are needed, where few policies existed before.

When the policy process began in Palo Alto, the City already had a right to a one-year lease and voluntary landlord/tenant mediation programs. These programs were valuable in some cases, but research and community engagement found that their reach was very limited and the effective enforcement was difficult to assess. However, a number of policies that alone address only a small piece of the need, were actually determined to be complimentary, and together were more likely to have real impact.

350 W. Julian Street, Building 5, San José, CA 95110
408.780.8411 • www.svathome.org • info@siliconvalleyathome.org

July 1, 2022
RE: **Housing Element – Anti-displacement policies to Affirmatively Further Fair Housing**

Based on the work in Palo Alto, and a number of other cities, below are a number of policies that the City of Santa Clara should consider, or build upon, to further the community's anti-displacement goals by addressing housing instability.

1) Rental Survey Program
   Rental survey systems collect basic information on rental housing – changes to tenancies, changes to rents - to empower cities to better understand the challenges faced by renters, and the effectiveness of state and local renter protections.

2) Tenant Relocation Assistance
   When tenants are displaced due to redevelopment of an existing rental property, or the conversion of that property to another use, this policy would require the property owner to provide assistance to the tenant to help them relocate to another home.

3) Eviction Reduction Program
   This expands on existing state law (AB 1482: The Tenant Protection Act of 2019), which limits the reasons a landlord can evict a tenant, to additional types of rental properties otherwise not covered by the state. Local jurisdictions can determine which loopholes they would like to close. Currently, state law exempts:
   a) Single family homes not owned by a corporation
   b) Rental property built within the past 15 years, including accessory dwelling units.
   c) Any duplex where the owner occupied the unit before the other unit's tenancy and continues to occupy the unit.
   d) Housing restricted by a deed, regulatory restrictions, or other recorded document limiting the affordability to low or moderate income households.
   e) Mobile homes.
   f) Rental property subject to local ordinances that restrict rent increases to less than 5% plus CPI.
   g) Single family homes where the owner occupies and rents at least 2 bedrooms or units (ADUs and JADUs).
   h) Owner occupied rental properties where the tenant shares bathroom or kitchen facilities with the owner.
   i) Hotels
   j) Rental property provided by non-profit hospitals, organizations such as churches, extended care for the elderly, adult care facilities etc.

4) Anti Rent-Gouging Policy
   This policy also expands on existing state law (AB 1482: The Tenant Protection Act of 2019), which limits annual rent increases to 5% plus the Consumer Price Index (CPI), by including additional units exempted by state law. Each city can determine which loopholes they would like to close. They can also adopt lower thresholds for maximum increases like San Jose (5%) and Mountain View (CPI). Currently, state law exempts:
   a) Single Family homes not owned by a corporation
   b) Rental property built within the past 15 years, including accessory dwelling units.
   c) Any duplex where the owner occupied the unit before the other unit's tenancy and continues to occupy the unit.
   d) Housing restricted by a deed, regulatory restrictions, or other recorded document limiting the affordability to low or moderate income households.
   e) Mobile homes.
   f) Hotels

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5) Security Deposit Limit
This policy would limit the amount that can be charged for security deposits to 1.5 times the monthly rent, and help reduce the financial obstacles to entry for low-income households.

6) Fair Chance Ordinance
This ordinance would limit landlords' ability to ask applicants about their history of interaction with the criminal justice system, which disproportionately impacts Black and brown households. The policy would not make it illegal for landlords to run background checks on tenants, but would make it illegal to include these questions on the initial rental application.

7) Right to Counsel
This program would provide tenants with legal assistance in eviction cases. Tenants experiencing housing instability will be better able to enjoy the rights they have, feel more empowered to exercise those rights, and be more likely to stay housed more often.

8) Tenant/Community Opportunity to Purchase (TOPA/COPA)
The local jurisdiction could provide tenants and/or community-based organizations notice of intended sale of rented property, and provide a specific time period during which the tenants and/or organization have the opportunity to purchase the property. Tenants at risk of being displaced through the sale of a building would be provided with another option to potentially stay in their home. A version of this policy is actively being explored and studied in the City of San Jose.

9) Proactive Rental Inspection
This establishes a program for code enforcement officers to routinely inspect the rental housing inventory. Through these programs tenants are more likely to be protected from living in substandard housing, and local jurisdictions may catch habitability issues before they become so large that they require "red tag" evictions.

10) Tenant Resource Center
As a response to the pandemic, the cities of San Jose and Mountain View created Eviction Help Centers where tenants and landlords could receive information on local laws, assistance to apply for rent relief and legal aid. These cities are now looking at making the centers a permanent tenant/housing resource center post-pandemic.

11) City-wide Affordable Rent Portals
A portal for submitting a common application for affordable housing would save the tremendous amount of time and energy it currently takes to submit the same information on separate applications for each affordable property. A clearinghouse of affordable housing opportunities would also allow the city or county to affirmatively market to vulnerable and hard to reach populations. Current examples of these portals include San Jose Doorways and Dalia in San Francisco.

12) Increase Multi-lingual engagement with city services and housing opportunities
Language barriers can keep many communities from accessing the housing opportunities and services they need. Taking steps to increase the city's capacity to engage under multiple languages can improve those outcomes.

13) Net-loss policy
SB 330 (The Housing Crisis Act of 2019) requires that protected units are replaced one-for-one in cases of the redevelopment of a rental property. These provisions are currently mandated by state law, but local jurisdictions

can adopt permanent no-net-loss ordinances. This policy would protect critical sources of housing affordable to lower-income families, and incentivize higher-density infill redevelopment when paired with land use policies to support the feasibility of this redevelopment.

These policies have been developed with consideration of some of the major barriers to housing stability, and causes of displacement, which have been identified through an extensive research and engagement process in Palo Alto, and a few other jurisdictions in the county. Through the housing element, these anti-displacement policies should be considered a comprehensive package of responses to address the complexity of the challenges faced by renters in Santa Clara. For further information and if you have any questions, please feel free to reach out to our Preservation and Protection Associate, Emily Ann Ramos at emily@siliconvalleyathome.org.

Thank you for considering anti-displacement and tenant protections solutions to affirmatively further fair housing.

Sincerely,



Mathew Reed
Policy Director

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FIGURE 4: FORMAL COMMENT LETTER: HOUSING CHOICES

Housing Choices

DEVELOPMENTAL DISABILITIES COMMENTS FOR

CITY OF SANTA CLARA HOUSING ELEMENT

Introduction to Developmental Disabilities

California state law defines developmental disabilities as a disabling condition that emerged before age 18, is expected to be lifelong, and is a substantial disability attributable to major impairment of cognitive and/or social functioning. A substantial disability is defined as "significant functional limitations…in three or more of the following areas of major life activity, as appropriate to the person's age: Receptive and expressive language; Learning; Self-care; Mobility; Self-direction; Capacity for independent living; and/or Economic self-sufficiency". Developmental disabilities include intellectual disability, autism, Down syndrome, epilepsy, cerebral palsy, and other disabling conditions similar in their functional impact to an intellectual disability. A developmental disability by definition does not include conditions that are solely physical, psychiatric or learning disabilities (Section 4512 of the Welfare and Institutions Code and Section 54000-54002 of the Code of Regulations). Under California's Lanterman Developmental Disabilities Services Act and the U.S. Supreme Court's 1999 decision in *Olmstead v. L.C.,* people with developmental disabilities are entitled to receive community-based services that allow them to live in the least restrictive community setting of their choosing. In California these services are accessed through the state's 21 Regional Centers and funded by the Department of Developmental Disabilities. This shift to de-institutionalization has led to the closure of the most restrictive segregated settings and to the requirement, under SB 812, that local jurisdictions in their Housing Elements assess and plan specifically for the housing needs of people with developmental disabilities who receive supportive services from the Regional Center in order to live in their home community.

Demographic and Other Trends Affecting the Housing Needs of People with Developmental Disabilities

Higher Proportion of Adults with Developmental Disabilities in the City of Santa Clara. The City of Santa Clara is home to 612 people with developmental disabilities (Table __). Because the previous Housing Element 2014-2023 reported the population by zip codes there is overlap with surrounding jurisdictions which makes it difficult to estimate the change in population in the City of Santa Clara alone, however throughout Santa Clara County there has been a 14% increase in the population with

developmental disabilities between 2015-2021, much faster than the general population. The table below shows that the City of Santa Clara requires more housing options for adults with developmental disabilities than other parts of the County because a greater proportion of City of Santa Clara's residents with developmental disabilities are adults (67%) as compared to the County's total population (63%).

Table ___ City of Santa Clara and Santa Clara County Population with Developmental Disabilities

Age	City of Santa Clara	City of Santa Clara % of total	Santa Clara County	Santa Clara County % of total
Under age 18	204	33%	4016	37%
18 and older	408	67%	6737	63%
Total	612	100%	10753	100%

Note: The City of Santa Clara population with developmental disabilities was provided by San Andreas Regional Center as of November 2021. The Santa Clara County population with developmental disabilities is based on county-level data published by the Department of Developmental Services as of June 2021.

Living Arrangements of City of Santa Clara Adults with Developmental Disabilities. Assessing the housing needs of adults with developmental disabilities is of particular importance because as they age the adults will require a residential option outside the family home, whereas the family home is the preferred living option for children with developmental disabilities. As of June 2021, San Andreas Regional Center (SARC) reported that the family home is the most prevalent living arrangement for the City of Santa Clara's adults with developmental disabilities, with 66% of adults continuing to live in the family home. Only 16% of City of Santa Clara adults with developmental disabilities have successfully transitioned to living in their own apartment, more than half of whom live at inclusive properties Estancia Apartments and Rivertown Apartments where a total of 38 units are set-aside for people with developmental disabilities who receive on-site supportive services to help them remain stably housed. As of 2021, 17% of City of Santa Clara adults were reported to be living in licensed care facilities, however, as discussed below, opportunities for adults to live in a licensed care facility are declining throughout the County. This decline is fueling the need for the City of Santa Clara to increase opportunities for adults with developmental disabilities to live in affordable housing with supportive services in order to decrease risk of homelessness or displacement when a parent or family member is no longer able to provide housing.

Decline in Licensed Care Facilities in Santa Clara County. The Department of Developmental Services reports that between September 2015 and June 2021, 5% fewer people with developmental disabilities were able to be housed in licensed care facilities (including Community Care Facilities, Intermediate Care Facilities, and Skilled Nursing Facilities) in Santa Clara County, even as the adult population in need of residential options outside the family home grew. This trend increases the need for affordable housing options coordinated with supportive services funded by the San Andreas Regional Center. The County's reduced supply of licensed care facilities increases the likelihood that City of Santa Clara adults with

developmental disabilities will be forced out of the county when their parents are no longer able to house them--unless there is a significant improvement in access to affordable housing.

Table ___ Living Arrangements of Adults with Developmental Disabilities in City of Santa Clara compared to Santa Clara County

Adult Living Arrangements	City of Santa Clara	City of Santa Clara Percent of Total	Santa Clara County	County Percent of Total
In the family home	269	66%	4,362	65%
Own apartment with supportive services	66	16%	756	11%
Licensed Facilities	69	17%	1,525	23%
Other (including homeless)	4	1%	94	1%
Total Adults	**408**	100%	**6,737**	100%

Note: The City of Santa Clara population with developmental disabilities was provided by San Andreas Regional Center as of November 2021. The Santa Clara County population with developmental disabilities is based on county-level data published by the Department of Developmental Services as of June 2021.

Longer Life Spans. Between September 2015 and June 2021, the Department of Developmental Services reports that the number of Santa Clara County residents with developmental disabilities age 62 and older grew by 35% (Table __). This increase is generally attributable to well-documented gains in life span, rather than to migration of seniors with developmental disabilities into Santa Clara County. Longer life spans mean that more adults with developmental disabilities will outlive their parents and family members who are by far the single largest source of housing for people with developmental disabilities in the City of Santa Clara. Because older adults currently occupying a licensed facility in Santa Clara County are living longer, this reduced rate of occupant turnover, coupled with closing facilities, will make it more difficult for middle-aged and senior adults who have been living with aging parents in the City of Santa Clara to transition to licensed care when their parents pass away.

Displacement. Notwithstanding 20% growth in Santa Clara County's total population of adults with developmental disabilities, the Department of Developmental Services has documented a 15% decline in the age group 42 to 51 in Santa Clara County between September 2015 and June 2021 (Table ___). In light of gains in life expectancy, this loss can reasonably be attributed to displacement from the county because of the lack of residential living options (either licensed facilities or affordable housing) when an elderly family caregiver passes away or becomes unable to house and care for the adult. Displacement takes a particular toll on adults with developmental disabilities who depend on familiarity with transit routes and shopping and services, as well as support from community-based services and informal networks built up over years of living in Santa Clara.

Increase of Autism Diagnosis Reflected in Increase in Adults in their 20s and 30s. Growth in the Santa Clara County adult population with developmental disabilities correlates with a well-documented annual

increase in the diagnosis of autism that began in the mid-1980s and did not level out until after 2015. The cumulative impact of this trend is already seen in the growth of the Santa Clara County population age 18 to 41 with developmental disabilities and will continue into the future. This trend has significant implications for housing needs among City of Santa Clara adults with developmental disabilities during the period of the 2023-2031 Housing Element, as the population can be expected to continue to grow at a faster rate than the general population.

Table __ Changes in Age Distribution of Adult Population in Santa Clara County

Age	2015 Number	2021 Number	% Change
18 to 31	2,767	3,515	27%
32 to 41	891	1,212	36%
42 to 51	833	705	-15%
52 to 61	702	744	6%
62 plus	416	561	35%
Total adults	5,609	6,737	20%

Source: Department of Developmental Services Quarterly Report by County.

Higher Rates of Physical Disabilities. People with developmental disabilities are more likely than the general population to have an accompanying physical disability. Almost 20% of Santa Clara County residents with developmental disabilities have limited mobility, and 15% have a vision or hearing impairment. The need for an accessible unit coupled with the need for coordinated supportive services compounds the housing barriers faced by those with both cognitive and physical disabilities.

Ineligibility for Many Affordable Rental Units. Some adults with developmental disabilities depend on monthly income of around $1,000 from the Supplemental Security Income (SSI) program, pricing them out of many of the limited number of affordable housing units in the City of Santa Clara. Those with employment tend to work part-time in the lowest paid jobs and also struggle to income-qualify for many of the affordable housing units now available for rent in the City of Santa Clara.

Transit-Dependent. Most adults with developmental disabilities do not drive or own a car and many rely on public transit as a means to integration in the larger community.

Best Practices for Inclusion of People with Developmental Disabilities in Typical Affordable Housing

The City of Santa Clara can meet the housing needs of people with developmental disabilities by adopting policies and programs to continue promoting their inclusion with coordinated services in typical affordable housing. The following considerations should guide the City of Santa Clara in this pursuit:

- **Integration in typical affordable housing** is a priority in order to affirmatively further fair housing for a group that has historically experienced no alternatives to segregated living and also to counter the displacement of adults with developmental disabilities out of the City of Santa Clara.
- **Coordination of housing with onsite supportive services** funded by the San Andreas Regional Center should be encouraged. These fully funded coordinated services provide a supported pathway for people with developmental disabilities to apply for and retain an affordable apartment and are often as essential to a person with a developmental disability as a physically modified unit is to a person with a mobility, vision, or hearing impairment.
- **A mix of unit sizes** at inclusive housing properties would address the needs of those who require live-in aides, want to live with roommates or partners, or have children.
- **Location near public transit** would accommodate the transit-dependency of most adults with developmental disabilities.
- **Deeply affordable housing is needed by people with developmental disabilities.** Per HCD guidance, the City should plan for at least 1,484 Extremely Low Income (ELI) units, or 50% of its Very Low Income RNHA allocation. ELI units are particularly important to people with developmental disabilities, and some of the City's planned production of ELI units should be subject to a preference for people with developmental disabilities.

Policy and Program Recommendations

The City of Santa Clara has a responsibility not simply to assess the housing needs of people with developmental disabilities but also to create and implement policy, zoning, program and other changes that make it more feasible for affordable housing developers to include people with developmental disabilities in their housing plans. Since its last Housing Element, the City of Santa Clara approved two new inclusive affordable housing projects, 2330 Monroe Street and The Meridian, which will create 26 new apartments subject to a preference for people with developmental disabilities who need coordinated onsite services funded by the San Andreas Regional Center. However, the city still has a long way to go in meeting the housing needs of adult residents with developmental disabilities. Over the course of the next Housing Element cycle the need for deeply affordable housing paired with coordinated supportive services will continue to increase as the population of adults with developmental disabilities continues to grow an outlive aging parents while beds available in licensed facilities continue to decline. In order to meet the increasing needs of the City's population of people with developmental disabilities, policies and programs that explicitly promote inclusion of people with developmental disabilities in affordable housing with coordinated services provided by the San Andreas Regional Center are required. Below are examples of programs and policies which can help to prevent homelessness or displacement of these vulnerable residents as well as to provide opportunities for people with developmental disabilities to live in the least restrictive setting of their choosing in line with the Olmstead Decision.

- **Affirmatively Further Fair Housing by Producing More Extremely Low-Income Housing.** Not only is disability the highest-ranked source of Fair Housing complaints in Santa Clara County, a

growing body of Santa Clara County data indicates that Black, Indigenous and other People of Color (BIPOC) with disabilities experience higher rates of severe rent burden than either BIPOC without disabilities or whites with disabilities. Such disparities in the experience of severe rent burden, housing instability and displacement from the City of Santa Clara are attributable to the shortage of housing priced to be affordable to Extremely Low Income (ELI) households with incomes below 30% of Area Median Income. Multiple barriers including high land and construction costs and limited funding make it difficult for developers to produce Extremely Low Income units that would help to reduce such disparities. Local zoning and other policies that lead to increased production of Extremely Low Income units, as well as city staff dedicated to implementing and overseeing those policies, will Affirmatively Further Fair Housing in the City of Santa Clara and decrease displacement and homelessness for the most at-risk residents, including people with developmental disabilities.

Sample Language: The City of Santa Clara's plans to Affirmatively Further Fair Housing for Black, Indigenous and other People of Color, particularly those with disabilities, shall include policies designed to increase the production of Extremely Low Income units, as well as adequate staff capacity to implement and monitor the impact of these policies.

- **Establish and monitor a quantitative goal.** Tracking the City's success in housing people with developmental disabilities is essential to determine whether policies and programs are having an effect in overcoming historic patterns of discrimination and exclusion of people with developmental disabilities from affordable housing. A goal of 100 new Extremely Low-Income housing units for City of Santa Clara residents with developmental disabilities over the period of the 2023-2031 Housing Element would represent meaningful progress towards the total unmet housing need of this special needs group.

  Sample Language: The City of Santa Clara shall monitor progress towards a quantitative goal of 100 new Extremely Low Income housing units that are subject to a preference for people with developmental disabilities needing the coordinated services provided by San Andreas Regional Center to live inclusively in affordable housing.

- **Target City-Owned Land, Land Dedicated to Affordable Housing under the Inclusionary Ordinance and City Housing Funds to Achieve City-Specific Priorities.** City-owned land, land dedicated to affordable housing in lieu of providing affordable units under the inclusionary ordinance, and city housing funds are often essential to the development of affordable housing that is financially feasible in the City of Santa Clara. In creating guidelines for the scoring of any competitive proposals for these scarce resources, the City should grant additional points to affordable housing projects that address the housing needs of the residents who are most difficult to house under existing state and federal housing finance programs--for example, by prioritizing proposals with a higher number of Extremely Low Income units or that make a percentage of units subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the San Andreas Regional Center.

Sample Language: In publishing requests for competitive proposals for any city-owned land, land dedicated to affordable housing under the city's inclusionary ordinance or city housing funds, the City of Santa Clara shall grant additional points to proposals that address the city's most difficult to achieve housing priorities, by, for example, providing a greater number of Extremely Low-Income units or committing to make a percentage of the units subject to a preference for people with special needs who will benefit from coordinated onsite services, such as people with developmental disabilities who receive services from the San Andreas Regional Center.

- **Local Density Bonus.** Like many state and federal housing finance programs, the state density bonus program incentivizes the production of housing at the Low and Very Low Income level. But in counties like Santa Clara County, with one of the highest Area Median Incomes in the state, these incentives have the effect of making much of the available affordable housing out of reach for residents on fixed incomes (including seniors and persons with disabilities) or who are working in low wage jobs and are thus unable to meet minimum income requirements to afford the rent assigned to the Very Low Income category. The City of Santa Clara should add additional local incentives to the state density bonus law to make it more responsive to the impact of Santa Clara County's high Area Median Income on the affordability of housing for City of Santa Clara residents who are Extremely Low Income, including special needs populations, for example, people with developmental disabilities.

  Sample Language: In addition to implementing the California density bonus statute, the City shall provide an additional local density bonus, incentives, and/or concessions for housing projects that include at least 5% of the units for people at the Extremely Low-Income affordability level, including special needs populations, for example, people with developmental disabilities.

- **Extremely Low-Income Accessory Dwelling Units.** As part of a larger plan to increase the supply of Accessory Dwelling Units (ADUs), the City should consider creating a financing and/or incentives program for homeowners who build ADUs and rent them for at least 15 years at Extremely Low Income rent levels or that are subject to a preference for identified categories of special needs people who would benefit from coordinated onsite services, including but not limited to people with developmental disabilities who benefit from services of the San Andreas Regional Center.

  Sample Language: Subject to funding availability, the City shall devise a program of financing and/or incentives for Accessory Dwelling Units subject to rent restrictions for at least 15 years at Extremely Low-Income rent levels and/or target special needs populations, such as people with disabilities who will benefit from coordinated services provided by the San Andreas Regional Center.

- **Reduce Parking Requirements for People with Developmental and Other Disabilities.** Because most adults with developmental disabilities do not drive or own a car, the City of Santa Clara should revise its ordinances to limit parking required for affordable units for people with developmental disabilities to .5 space for each affordable studio or 1 bedroom unit and 1 space for an affordable 2 bedroom unit or larger. A similar reduction is recommended for affordable, physically accessible units.

  Sample Language: The City of Santa Clara shall encourage the inclusion of people with developmental and other disabilities in affordable housing by recognizing their transit dependence and establishing lower parking ratios for units targeted to people with developmental and other disabilities than would otherwise be required for affordable housing.

- **Affirmative Marketing of Physically Accessible Units:** Developers are allowed to affirmatively market accessible units to disability-serving organizations in Santa Clara County (i.e., San Andreas Regional Center, Housing Choices Coalition for Person with Developmental Disabilities, Silicon Valley Independent Living Center and others) but rarely take this step. Affirmative marketing is particularly needed by people with developmental disabilities who, because of cognitive, communication and social impairment, often rely on housing navigation services funded by the San Andreas Regional Center to learn about and apply for affordable housing.

  Sample Language: As a condition of the disposition of any city-owned land, the award of city financing, any density bonus concessions, or land use exceptions or waivers for any affordable housing project, the City of Santa Clara shall require that the housing developer implement an affirmative marketing plan for state-mandated physically accessible units which, among other measures, provides disability-serving organizations adequate prior notice of the availability of the accessible units and a process for supporting people with qualifying disabilities to apply.

FIGURE 5: FORMAL COMMENT LETTER: SILICON VALLEY AT HOME

sv@home

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TRANSMITTED VIA EMAIL

August 8, 2022

John Davidson
Principle Planner
Community Development, Planning Division
City of Santa Clara
1500 Warburton Avenue

Re: City of Santa Clara 6th Cycle Draft Housing Element Update

John Davidson,

SV@Home is the voice for affordable housing in the Silicon Valley. A membership organization, SV@Home works with a broad coalition of strategic partners to address the urgent housing need by boosting production of homes at all income levels, preserving existing affordable homes, and protecting the families in them.

The City of Santa Clara has been a leader in recent years in its commitment to, and success in entitling and building much needed housing. In the current 5th RHNA Cycle the city is on track to permit over 300% of their above moderate obligation. While the City continues to fall short of 5th Cycle obligations for lower-income production, it has demonstrated strong support for 100% affordable projects, and has an active affordable housing pipeline. In addition, Santa Clara has been active in specific area planning, adding planned capacity for thousands of future homes. With the exception of the initial failure of the El Camino Real Specific Plan, the City is moving forward with major planning for the redevelopment of the downtown and the area surrounding the future BART station.

The 6th Cycle Housing Element Update process is a qualitatively, as well as a quantitatively, different undertaking. This is a unique opportunity to more fully assess the breadth of housing needs in Santa Clara and to identify new tools to address these needs and constraints on developing housing. This process is also an opportunity to engage deliberately with the full community across incomes – especially those representative of populations that have been historically excluded and are at risk of displacement – to share their housing needs. This unique opportunity is one that is required to adhere to the clear legal guidance as outlined by the California Department of Housing & Community Development (HCD) in multiple documents interpreting state law.

This is not a simple process, and we appreciate the effort that the City of Santa Clara staff, elected and appointed representatives, and members of the community have invested over the last 6-9 months. As you know, however, the expectations for this process are high, and jurisdictions throughout the state have struggled to generate compliant housing elements for this cycle.

During the review of the current draft, there is still time to receive public input and plan for steps to address concerns prior to the full review of the Housing Element Update by the

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state Department of Housing and Community Development. Towards that end, SV@Home is submitting the following comments.

Outreach, Community Input, and targeted Affirmatively Furthering Fair Housing (AFFH) outreach as the foundation of the Housing Element Update process

We do not find that the Draft Housing Element Update shows evidence of the significant public engagement and community participation required to be compliant with guidance provided by the state. The importance of this public engagement and community participation to the development of the Housing Element Update is central to development of each component of the document from the assessment of needs, to the development of policies and programs to address those needs, to the strategies employed to select housing opportunity sites to fulfill the RHNA.

Community Participation means a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes. To address these requirements, the housing element must describe meaningful, frequent, and ongoing public participation with key stakeholders. Under AB 686 (Affirmatively Furthering Fair Housing) this requires going beyond simply giving the public an opportunity to provide input and should be proactively and broadly conducted through a variety of methods to assure access and participation of those most impacted by the City's housing needs and least likely to have access to standard modes of community input.

The summary of community engagement efforts and community participation was not included in the Draft Update released for public comment. City Staff explained that an online community survey had closed after the draft was released and that stakeholder meetings were ongoing. During the joint Planning Commission and City Council study session held on July 12th, staff described outreach efforts targeted at increasing participation in the online survey but very little about the process or substance of any additional engagement and solicitation of input. Without the detailed description of this effort it is difficult to assess, but it is clear that the most robust community participation instrument, the online survey, was employed after the draft needs assessment, proposed policies and programs, and sites inventory had been completed.

SV@Home, which had established itself as an interested stakeholder in 2021, and participated in a community meeting and provided comment at an earlier council study session, was notified of the online survey through email on June 20th. I, as a resident of Santa Clara who had expressed an interest in receiving Housing Element Update process updates, received a link to the survey on June 27th. SV@Home was not notified that the draft had been released on July 1. Nor were we notified that a joint Planning Commission and City Council study session would take place on July 12th. We received no notification of earlier study sessions either.

While the participation in the online survey appears to have been significant, it comes too late to inform the draft and is predictably skewed towards older, wealthier, whiter, homeowners. These limits of the survey instrument were discussed at some length during the study session, as was the more specific need to understand the specific needs and priorities of lower-income renters and LatinX respondents. Lower-income, Black and LatinX, renters have been shown to have been disproportionately impacted by the multiple dimensions of the housing crisis. Their perspectives must be disaggregated in community input to reasonably understand their needs. Everybody's input is important, but this falls short of the targeted - early and often - engagement required under AFFH.

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As a result, the Housing Element does not a) provide a summary of public comments and b) explain how the comments were considered and incorporated, including comments that were not incorporated.

Housing Needs Assessment and Evaluation of Past Housing Element Performance

The Housing Needs Assessment does not incorporate local knowledge or analysis. The Housing Needs Assessment is almost entirely taken from the data packet of demographic information provided by the Association of Bay Area Governments. Given the limited outreach and public engagement prior to the release of the Draft Housing Element Update, it has been impossible for the public, or appointed and elected officials, to understand the assessment of needs presented in a way that allows them to comment on or expand the city's understanding of local housing needs. As a result, there is no evidence of any analysis of need, beyond the rudimentary assessment provided by the Association of Bay Area Governments (ABAG), incorporated into the Housing Needs Assessment. ABAG's materials state that the final step for completing the Housing Needs Assessment when using the provided data packets is to "Make meaning and find insights: Add the analysis that contextualizes this data for your jurisdiction and connects housing needs to policies and programs."

SV@Home recommends that the City of Santa Clara conduct additional outreach and analysis of the housing needs data in the draft with the goal of better understanding the housing needs of the city as they are experienced by residents of the city. We would draw particular attention to the AFFH requirement to assess the differences in experiences by race/ethnicity and across neighborhoods within the city. We find little effort to connect the data points showing that LatinX residents, and other members of protected classes, face greater incidents of housing instability and overlapping housing needs.

Lack of engagement on the assessment of the 5th Cycle Housing Element Update. The City failed to solicit and integrate public comment into the assessment of programs and policies adopted in the 5th Cycle Housing Element update. Neither was this assessment process integrated into the study sessions before the Planning Commission and/or the City Council. Partially as a result, what is provided is a less than thorough assessment of the progress made and the barriers that impeded progress during this period. In most cases, as is the pattern with the draft discussion of the proposed 6th Cycle programs and policies, the programs are simply noted as "ongoing" rather than attempting to assess the impact of specific actions taken. This is both less than we believe is required of this process and a missed opportunity to learn from some of the significant successes. City staff may feel it has a handle on these details, but failure to share through this process in a way that is publicly accessible (and accessible to a mostly new Planning Commission and City Council) is not compliant with state guidance and will significantly hamper ongoing public engagement.

SV@Home recommends that the assessment of the 5th Cycle Policies and Programs be incorporated into the more comprehensive assessment of housing needs, including concrete opportunities for public engagement around the lessons learned from these prior efforts. If most of these policy actions will be continued or have yet to be completed and are rolled over into the 6th Cycle update, it is critical that their impact be carefully reviewed. We believe this is a clear process requirement of this update.

Policies and Programs - Housing Needs Constraints and AFFH. An essential component of the Housing Element Update process is making connections for the plan to be responsive to its own findings – assessing the existing housing needs, and those that may be specific to enumerated populations under AFFH

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requirements, and then showing the work and closing the loop connecting them to specific policies and programs to be implemented in response. We have discussed our concerns with the outreach and engagement meant to inform this process. We have noted the limited assessment of existing programs. Subsequently, we struggle to track the connection between needs and solutions in the draft.

As with many other jurisdictions that we are tracking and reviewing across the state, we believe the lack of detail in the policies and programs included in the draft will not prove to be compliant. From our reading each of the policy and program areas presented are listed as "ongoing." There appear to be two pieces of policy work that are on a scheduled timeline: the comprehensive Zoning Code update initiated in 2014, which we understand as being part of the state mandate that there be objective development standards in place; and the update of the Inclusionary Housing program. With those exceptions, the proposed policies and programs lack a clear definition of work to be undertaken, provide no clear prioritization, and turn to "study," "consider," "continue to monitor,"and "review," rather than fully operationalizing the steps that will be taken. This portion of the update clearly falls short of the standards and guidance provided by the state and by numerous supporting documents made available from multiple sources over the past year. We have seen the lack of detail, discrete action steps, and clear timelines referenced in multiple HCD comments to another jurisdiction.

We would note that we believe there is a general failure to substantively address housing instability and displacement experienced by protected classes under AFFH in Santa Clara. We would also note that this failure was acknowledged during the study session held on July 16th, during which a number of "Potential Programs to Consider" were presented. Ideally, this is not the time to be taking the temperature of decision makers on key policies. These policies should be crafted in response to identified needs and public engagement. If an elected body is presented with a policy solution to address an identified need and chooses not to pursue that policy, this may or may not risk a non-compliant Housing Element. We believe, however, that identifying existing needs and developing specific policy and programmatic responses is required as a part of this process, and it falls to city staff to show their work and explain their recommended course of action.

> ***SV@Home recommends that the content and description of policies and programs to respond to housing needs and constraints should be made significantly more specific in order to be actionable during the 6th Cycle.***

Housing Opportunity Sites Inventory

Avoid Double-Counting 5th Cycle Completed Projects into the 6th Cycle Pipeline Inventory. The pipeline projects listed under Table 13.6-2 have sites labeled as "approved" or "Under Construction" but they do not specify whether they have approved building permits. In an initial review we found major projects listed as "Approved" that were already well under construction having received building permits. Similarly, a number of projects listed as "Under Construction" were found on the Annual Progress Report (APR) lists in prior years. The narrative provided on page 13.6-3 defines "Under Construction" projects as sites with anticipated completion and occupancy permits after June 30, 2022. According to the 5th Cycle Housing Element APR rules, however, projects that acquired their building permits within the planning period would count as progress

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towards a jurisdiction's RHNA.[1] As such, projects that have acquired their building permits would not qualify to be included in this 6th Cycle Draft Housing Element sites inventory.

> ***SV@Home recommends that the City of Santa Clara confirm and remove any sites from the inventory that received building permits prior to June 30, 2022, whether listed as "Under Construction" or "Approved".***

Overdependence on a few Specific Plan Areas, lacking assessment of development expectations. In general, cities should use an AFFH lens when initially reviewing sites to potentially include in the inventory and should not place too much reliance on sites in major plan areas located in lower-resourced areas. The sites inventory places 95% (4,590 units) of its lower-income sites in three major plan areas north of El Camino Real, all within moderate resourced areas with some sites abutting low-resourced areas. The ability of affordable developments to be competitive for state and federal financing will be more limited in moderate-resource areas. Beyond the failure to plan in higher-resourced areas, this over reliance raises a number of concerns: phasing for specific plan areas is often already planned and is subsequently better known than the potential timing for infill development sites; similarly, the developers' intent for specific sites – commercial, market-residential, affordable-residential – are also more generally more transparent. For these reasons the standard of evidence of likely development in these plan areas should reflect this knowledge.

Failure to incorporate AFFH requirement to spread lower-Income sites throughout the City, including higher-resourced areas. The sites inventory should identify and analyze the viability of placing lower-income housing units in high opportunity areas. The highest resourced areas in Santa Clara are located in the southerly sections of the city, which have the highest incomes and schools with the top ranking education scores, as shown in Figure 13.3-22 and Figure 13.3-23. Although investing in lower-resourced areas should also be a priority, **the City of Santa Clara must show efforts to provide access to affordable housing options throughout the entire city.** While located in more areas throughout the city, the distribution of pipeline projects alone does not satisfy this AFFH requirement, as they only make up 15% of the lower-income inventory and are not predominantly located in high resourced areas. [2]

Obvious areas of opportunities to build lower-income housing in higher-resourced areas would be in Santa Clara's downtown or near Stevens Creek Boulevard, which have General Plan Focus Areas. However, the sites inventory does not take advantage of these potential higher-resourced areas to meet AFFH, nor does the Draft Housing Element discuss why these particular areas should not be included. It is particularly disturbing that the prevalence of neighborhood opposition to new housing development is explicitly used as an explanation of why the sites inventory focuses entirely on plan areas where fewer people currently live. This is explicitly contrary to the state direction that the expectation of AFFH requirements open up areas and neighborhoods that have previously been exclusive and created barriers to economic integration and expanded access to opportunity.

[1] HCD, Housing Element Annual Progress Report Instructions (pg 91)

[2] Site Inventory Guidebook, Attachment: Summary of New Laws Referenced in the Guidebook (pg. 39): "AB 686 requires jurisdictions to conduct an assessment of fair housing in the housing element, **prepare the housing element site inventory through the lens of affirmatively furthering fair housing**, and include program(s) to affirmatively further fair housing."

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> ***SV@Home recommends that the City of Santa Clara update the sites inventory to include sites in the General Plan Focus Areas located in high and highest resourced areas so as to achieve AFFH requirements of providing affordable housing opportunities throughout the city.*** [3]

HCD's base level standards for the sites inventory are high. Lower-income sites must: 1) provide substantial evidence, such as market conditions and stronger development trends than what was provided, that indicate existing non-residential use will be discontinued or will not be an impediment to future residential development, 2) demonstrate that there is clear developer interest in redeveloping each site within the planning period, and 3) incorporate potential constraints (e.g. environmental, parking, open space, etc.) into the inventory's realistic capacity calculations consistent with HCD's Site Inventory Guidebook (per Government Code section 65583.2(c)(2)). An explanation of the factors leading to these conclusions in the site-specific analysis should also be provided.

The policies and programs listed in the Draft Housing Element need to support the efforts to successfully build-out the sites inventory. Chapter 13.6 should summarize and be clearly reflective of the outcomes from the proposed policies and programs outlined in Chapter 13.2 of the Housing Plan in order to make the identified sites viable for development without foreseeable constraints, within the planning period.[4]

Closing
The City of Santa Clara's Draft 6th Cycle Housing Element falls short of the statutory requirement at multiple levels, from its failure to elicit and reflect community input, to its deficient analysis of needs, to its absence of concrete programs with implementation details and timelines. We also believe the sites inventory falls significantly short of the AFFH requirements for this process. We encourage HCD to issue findings that the Draft does not substantially comply with Housing Element Law and direct the City to correct these and other deficiencies which may be identified. We would acknowledge again, that City staff have made it clear that they intend to continue to solicit input and refine the current draft prior to final review and approval by the City Council. We believe this provides opportunities to address deficiencies, but these actions will need to be significant.

Sincerely,

Mathew Reed
Director of Policy

---

[3] Site Inventory Guidebook, Background/Purpose, Housing Element Site Inventory Requirements (pg. 3): "When determining sites to include in the inventory to meet the lower income housing need, HCD recommends that a local government **first identify development potential in high opportunity neighborhoods**. This will assist the local government in meeting its requirements to affirmatively further fair housing and ensure developments are more competitive for development financing… A site inventory and analysis will determine whether **program actions** must be adopted to "make sites available" with appropriate zoning, development standards, and infrastructure capacity to accommodate the new development need."

[4] ABAG Summary of Housing Element Reviews: Sites Inventory (pg. 3): "For non-vacant sites, most jurisdictions will need to provide substantial evidence that the existing use is not a barrier to redevelopment. This is a high bar and will require both *site-specific* analysis and a summary of development trends. Additionally, jurisdictions should **summarize policies and programs that support residential development on proposed redevelopment sites**"

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FIGURE 6: FORMAL COMMENT LETTER: LIFE SERVICES ALTERNATIVES

From: Dana Hooper <dhooper@lsahomes.org>
Sent: Tuesday, August 16, 2022 1:54 PM
To: Adam Marcus <amarcus@Santaclaraca.gov>
Cc: Hadiyah Fain <hfain@lsahomes.org>
Subject: comments to the 23-31 Housing Element

Hi Adam,

Thanks for taking the time to visit the LSA Cypress home. Cypress is a licensed residential care home.

As I mentioned I had a chance to review chapter 13.2 Housing Plan and have some comments I'd like to share.

My general comment is that otherwise eligible individuals should not be excluded because they choose to or are already living in a licensed residential care home. These individuals need the support just as much as there counterpart.

Here are some additional comments to specific section in the Housing Plan.

Action 1: The 4th objective – Support low-income housing alternatives such as housing for persons with disabilities should be expanded specifically to include licensed residential care homes.

Action 3: Affordable Housing Incentives and Facilitation. The construction of affordable housing should also include residential care homes as a type of facility and funding to at least the same level per person as multiunit projects.

Action 4: Maintenance of Housing Stock should include residential care homes in the definition of who is qualified to receive maintenance.

Best,

Dana

Dana Hooper
Executive Director
Life Services Alternatives
www.lsahomes.org
creating home changing lives

O: 408.728.9573 F: 408.762.1348

FIGURE 7: FORMAL COMMENT LETTER: ANNE PAULSON

From: Anne Paulson <anne.paulson@gmail.com>
Sent: Monday, August 01, 2022 4:11 PM
To: John Davidson <JDavidson@SantaClaraCA.gov>; HousingElements@hcd.ca.gov
Subject: City of Santa Clara Housing Element Update: Approvals and Pipelines

Dear John Davidson,

Santa Clara's Housing Element shows a city that is developing, and has a lot of areas where multifamily housing can be built. But the description of the approval process is vague and confusing, and parcels and projects are listed in the pipeline and the site inventory without regard to whether they will actually end up being permitted in the next eight years.

The Local Processing Explanation Is Confusing and Lacks Necessary Information

The section on Local Processing and Permit Procedures, (p 13-5.14 ff), is confusing and omits information. For each kind of project—single family housing, small multifamily, large multifamily, huge multi-acre project that requires a General Plan change— the reader wants to learn

- What are the steps, in order, from the initial approach to the city to the granting of a building permit, including General Plan amendments if those are required?
- How long does each one take, and which ones can be combined?
- How many public meetings are required?
- How much does each step cost?
- What is the average and the median time for each step, and **what is the average and median time from initial approach to the granting of the permit**?
- **What is the average/median cost for each type of project?**
- How many public meetings, in total, are required for each type of project?
- What fraction of proposed projects end up getting entitled?
- **What fraction of proposed projects end up getting building permits**?

The document does not give this information.

The document talks about various types of review (Architectural Review, Planned Development. etc.) but doesn't make clear their order, and which ones can be done in parallel. Table 13.5-8 promises Fee Analysis Scenarios, but they are not provided. They need to be provided, and another scenario should be added: a huge project (like 3905 Freedom Circle) that requires a General Plan Amendment.

The fees list, Table 13.5-9, is unclear. Since the document promises a fee analysis for a typical 100 unit project but doesn't provide it, I tried to compute that fee, but I couldn't. For example, the Plan Review Fee is 75% of the Building Permit Fee, but what counts as the Building Permit Fee? Moreover the Santa Clara numbers in the fee table, Table 13.5-6, seem to be much smaller than the fees listed in Table 13.5-9. And it seems that the Technology Fee computations could be streamlined if the city would just multiply the underlying numbers by 1.0337, rather than having readers attempt to work it out.

Recommendations:

- For each typical type of building (ADU, single family house, 10 unit multifamily, 100 unit multifamily, big project that requires rezoning), **list each step the applicant must go through, in order, with the time it takes, the number of public meetings it requires,**

the approval body or bodies, and how much it costs. I should be able to look at that table for each building type and know how long the whole process takes and how much the whole process costs.
- **Make the fees table comprehensible.** Combining fees might help.

Pipeline Projects and the Site Inventory

Turning to the pipeline projects, Table 13.6-2, I find similar unclarity. A total of 6753 units are listed in Approved projects. This is confusing: if Santa Clara has 6753 approved units in multifamily projects, why did the city only issue 2403 building permits in the last 4 years according to their 2018-2021 Annual Project Report? Why are all these projects not getting building permits, when they seem ready?

The answer is Santa Clara's definition of "approved." Normally, *approved* means a building has been approved on that parcel or those parcels, and the applicant now has only to draw up plans and submit them for a building permit. But that's not true here; instead, *approved* appears to mean that the project is somewhere along the approval cycle, not that it has been fully entitled and the next step is applying for a building permit.

Santa Clara has been rezoning entire industrial areas into neighborhoods for housing. Apparently, a project counts as approved if it's somewhere on the path from the initial General Plan change to the approval of an individual building. For an example, look at 3905 Freedom Circle (Greystar), listed as approved for 1,075 units. The Freedom Circle Focus Area Plan was only adopted in June 2022 (Table 13.6-4). Seemingly, Greystar has to go through some more approval steps before it can apply for a permit. What are those steps? This is what the document should explain, but does not. It looks like there's no certainty that Greystar is going to end up putting up buildings at 3905 Freedom Circle, though.

Instead of counting each approved project for the full number of units, Santa Clara should assume a mortality rate; neighboring San Jose assumes that only 60% of proposed projects will survive to be built. Moreover, the document needs to first make explicit what the full approval path is, and then explain where each project is along that path.

For Proposed projects, the situation is worse, and the projects are even more vague. A project called "Sares Regis" is listed for 300 units. Where is this project to be located? Sares Regis is a developer, not a location. The proposed projects should be listed with more specificity, and should be discounted for the substantial probability that they will not end up going forward.

The Site Inventory should also be discounting projects for the probability they won't be built. On p. 13.6-17, the document says, "full buildout of [the Tasman East Specific Plan] will likely occur by 2038." Then it proceeds to list every single available parcel in Tasman East in the Site Inventory. Since the site will be built out during the next two RHNA cycles, the capacity of those parcels should be discounted by 50%. The Site Inventory lists all the available parcels in the Lawrence State Plan and the Patrick Henry Drive Specific Plan area too, again without discounting. They should be discounted since the city knows the areas will not be built out in the Sixth RHNA Cycle projection period.

Recommendations:
- Be more specific about the stage of approval each project is in.

- **Discount pipeline project and site inventory capacity for the probability that the project doesn't get built.**

Conclusion

There is plainly a lot of capacity in Santa Clara. What the Housing Element needs to do is explain how this capacity is going to be used to build the RHNA *in the next eight years*. The document needs to be far more clear and explicit about the entire process—the steps, how long the process takes, how much the fees are, what the project mortality is—and where each listed project is along the way. If the analysis shows that Santa Clara is not on target to make the RHNA, then the steps need to be sped up and/or the process needs to be altered so that a higher fraction of projects end up surviving the process and receiving building permits.

Sincerely,

Anne Paulson

A

From: Anne Paulson <anne.paulson@gmail.com>
Sent: Monday, August 01, 2022 4:13 PM
To: John Davidson <JDavidson@SantaClaraCA.gov>; HousingElements@hcd.ca.gov
Subject: City of Santa Clara Housing Element Update: Programs for Affordable Housing

Dear John Davidson,

Like most jurisdictions, Santa Clara has been building mostly Above Moderate housing. Like other jurisdictions, Santa Clara is nowhere close to building below market units at a rate that would satisfy its Sixth Cycle below market RHNA.

So it would make sense for the Housing Element to include programs, with deadlines and milestones, to build more affordable housing. A few policies look like they might be relevant:

> **Policy B-1**: Identify potential sites for affordable housing units in areas of "high opportunity" as defined by the state.
>
> **Policy B-4**: Identify and potentially designate surplus land that can accommodate low, very-low, and extremely low-income residential development.
>
> **Policy D-1**: Continue to identify and apply for funding that supports the development of housing for lower-income and special needs households.

These policies look promising. But then, taking a look at the actions, they aren't actions, just more goals. Or they are vague statements of what the city plans to "explore," instead of what the city plans to do.

The City Needs to Commit to Actual Measurable Actions and Deadlines

The city must commit itself to take real actions, by concrete deadlines.

In Action 2: Affordable Housing Ordinance (p. 13.2-4) instead of "explor[ing] changes to the affordable housing ordinance," the document should *make* changes *by a certain time*. The same goes for changing the affordability requirements for moderate income inclusionary units: the document should say what the change will be and when it will be made.

In Action 1: Provision of a Variety of Housing Types (p. 13.2-4) instead of saying the city will *support* SROs, the housing element should *legalize* SROs and plan for a certain number of SRO units to be built by the end of the planning period. The same goes for homes for disabled people and seniors: the document should *allow* and *plan* for such special-need housing.

In Policy B-4 (p13.2-1) Instead of "potentially designating surplus land," the city should designate surplus land, or commit to doing so by a date certain.

To further encourage all-affordable projects, the city should also

- make all-affordable housing projects buildable by right, with ministerial approval
- remove parking minimums for all-affordable projects
- reduce fees for all-affordable projects

If the city cannot take these actions now for whatever reason, it should identify the reason and commit to taking the action by a certain date within the planning period.

Santa Clara needs to build more affordable housing. The Programs part of the Housing Element needs to say how it plans to achieve this, with specific actions and deadlines.

Sincerely,

Anne Paulson

FIGURE 7: FORMAL COMMENT LETTER: PARTNERSHIP FOR THE BAY'S FUTURE

August 24, 2022

PARTNERSHIP FOR THE BAY'S FUTURE

Submitted by email to: Adam Marcus, amarcus@SantaClaraCA.gov

RE: Santa Clara's 6th Cycle Housing Element Update

Dear City of Santa Clara:

Thank you for the opportunity to provide input on the city of Santa Clara's housing element. Your work supporting your community to meet its housing needs is critical in addressing the current housing affordability crisis. We understand that at this moment in the housing element process, your jurisdiction is waiting for comments from HCD. As such, we request that you incorporate additional equitable housing policies into your draft housing element during your next revision. We offer the attached equitable policy resources as well as potential technical assistance from Baird + Driskell Community Planning ("B+D") if your jurisdiction is interested in this level of support.

The Partnership for the Bay's Future ("PBF") is a public-private-nonprofit partnership working to create a more livable Bay Area in which diverse people of all walks of life can afford to live and thrive. To do so, we address the challenges of housing and protecting tenants through the support of equitable policy change as well as investing in the production and preservation of affordable housing.

In consultation with government leaders, housing policy experts, and communities, we have compiled a list of equitable housing priorities that we request Santa Clara incorporate into the new housing element. In some cases, these are policies that housing element law requires jurisdictions to address as a potential action or recommendation in their housing elements, but in other cases, these are suggested policies that we are raising up as PBF's equitable planning priorities. We are including the following resources for your review and consideration:

- a slide deck covering each priority policy idea, with template language for your jurisdiction to consider,
- examples of places where the policy has been adopted, and
- additional links and resources.

We believe that Santa Clara's current efforts already include some of the listed policies, which we applaud. We also believe that all Bay Area communities can take more steps to make their housing elements more equitable. The attached summaries can be used as resources for staff as they communicate with both decision makers and the public, and we are happy to provide further assistance to incorporate these policies into your housing element as well as help draft talking points that can be tailored for local implementation.

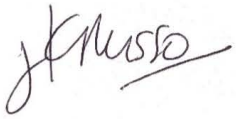
We believe the following policies can play an important role in meeting the requirements of this housing element and supporting thriving communities, and we request that Santa Clara include them in the next housing element draft:

1. Favorable Zoning and Land Use
    - Make multifamily infill easier to develop
    - Allow, require or encourage multifamily housing in more places
    - Allow or encourage missing middle housing in single-family neighborhoods
    - Provide incentives for affordable housing development
    - Provide incentives for affordable ADUs and "missing middle" housing
2. Accelerating Production Timeframes
    - Streamline development approvals and environmental review process for multifamily housing
    - Streamline permitting process for multifamily housing
3. Reducing Construction and Development Costs
    - Ensure local requirements are not making development more expensive without requisite benefits
    - Actively support the use of modular and factory-built construction methods
4. Providing Financial Subsidies: Generate new or dedicate existing revenue for affordable housing
5. Advocating for Rent Control and Just Cause for Eviction Policies
    - Adopt or update rent stabilization policies
    - Adopt or update just cause eviction policies
6. Advocating for Community Land Trusts (CLTs): Support the formation and operation of community land trusts
7. Advocating for Inclusionary Zoning and Impact Fees: Create or review/update inclusionary housing (including in-lieu fees) and commercial linkage fee requirements
8. Inventory of Sites: Ensure that land is equitably zoned for multifamily housing, especially in high-opportunity areas

If you have any questions, please contact me (krusso@sff.org) and our colleagues at Baird + Driskell (Kristy Wang, wang@bdplanning.com, and Joshua Abrams, abrams@bdplanning.com). We will follow up with you shortly to see if we can provide further support, including technical assistance from the B+D team to further explore some of these policies.

Thank you again for the opportunity to provide input into Santa Clara's housing element. We appreciate your efforts to address the housing needs of Bay Area and California residents.

Sincerely,



Khanh Russo
Vice President of Policy and Innovation
San Francisco Foundation

A

FIGURE 8: FORMAL COMMENT LETTER: CARPENTER'S UNION 405



CARPENTERS LOCAL UNION 405

SERVING SANTA CLARA & SAN BENITO COUNTIES

10/11/2022

Santa Clara City
Attn: John Davidson, Principal Planner
1500 Warburton Avenue
Santa Clara, CA, 95050
Via Email John Davidson

Re: Santa Clara City Draft Housing Element Update

Dear John Davidson,

Please accept these comments on the above referenced Housing Element Update on behalf of the members of Carpenters Local 405, which represents working men and women of Santa Clara City and Santa Clara County. We appreciate the opportunity and look forward to working together on this important endeavor.

To meet the urgent need for housing units outlined in the State's Regional Housing Needs Allocation (RHNA), as well as the policy goals outlined in the Santa Clara City Housing Element and larger General Plan, it is vital that Santa Clara City support efforts to build the local construction workforce. Local 405 has long been at the forefront of training the next generation of construction workers, opening pathways to the industry for diverse and traditionally underserved populations, and embracing new technologies and delivery methods to expedite the construction of much needed housing.

Without an intervention, Santa Clara City is not likely to reach its RHNA housing allocation. The City needs to build 11,632 housing units[1] over the next 8 years. The current Draft Housing Element has higher Moderate, Low, and Very Low Income housing unit allocations than the 5th Cycle Goals, all of which were not met. Critically, since 2014, only 16% of Very Low-Income, 26% of Low-Income, and 14% of Moderate-Income housing goals were met.[2] These issues raise concerns for the City's ability to meet affordable housing goals: a top concern for various city stakeholders, including community members.

There are practical solutions to address Santa Clara City's housing shortages. To support the policy goals of the Housing Element, Local 405 is requesting that the City add local hire and apprenticeship requirements to the final Housing Element for all residential construction projects larger than 10 units. The standards Local 405 is proposing in this comment letter would help to ensure greater benefits for the broader community, help ensure that construction labor

[1] Page 13.4-14: Draft Santa Clara City 2023-2031 Housing Element (Table 13.4-11: Regional Housing Needs Allocation)
[2] California Housing Partnership: Progress of Santa Clara County towards 5th Cycle RHNA

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needs are met, and guarantee that new residential development projects within the City are making needed investments in the region's skilled construction industry workforce.

The City Should Bar Issuance of Building Permits Unless Each Future Residential Development of 10 units or Above has a Viable Apprenticeship Program and Local Hiring Requirements

The Carpenters propose the following additions to the Municipal Code of Santa Clara City for any residential project larger than 10 units

Permitting requirements in the Municipal Code of Santa Clara City.

> A person, firm, corporation, or other entity applying for a building permit under the relevant section of the Municipal Code of Santa Clara City, California shall be required to comply with the apprenticeship, healthcare, and local hire requirements of the Housing Element and General Plan. Failure to comply with the requirements set forth in this section shall be deemed a violation of this article.

Apprenticeship:

> For every apprenticeable craft, each general contractor and each subcontractor (at every tier for the project) will sign a certified statement under penalty of perjury that it participates in a Joint Apprenticeship Program Approved by the State of California, Division of Apprenticeship Standards **OR** in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated at least thirty (30) apprentices each consecutive year for the five (5) years immediately preceding submission of the pre-qualification documents. The contractor or subcontractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5.

Local Hire Policy:

> Contractor will be required to provide documentation that the contractor will hire a minimum of twenty-five percent (25%) of staff for any job classification with more than four (4) employees employed whose primary residence, which is not a post office box, is, and has been, within Santa Clara county within 180 days of the expected date of issuance of the Notice to Proceed for the project.

The housing infrastructure in Santa Clara City has not kept up with increased employment opportunities. From 2010-2035, there are projected to be 30% more job openings than available housing in Santa Clara County.[3] Additionally, 40.3% of people who work in Santa Clara

[3] Page 3-23: Santa Clara 2010-2035 General Plan

County do not live in the County.[4] Half of the workers who can afford to live in Santa Clara City are cost-burdened by housing expenses.[5] As Santa Clara City grows, a lack of diverse and affordable housing prevents workers from being able to live and work in the City. A commitment to supporting local residential construction workers and apprenticeship programs can bridge the gap between economic opportunities and suitable housing options in Santa Clara City.

Local 405 has implemented many programs that will enable the City to meet the General Plan and Housing Element goals. These programs include a robust Joint Apprenticeship Training Committee, vigorous utilization of apprentices in Santa Clara City, healthcare coverage for all members and their families, and innovation within the construction industry.

Joint Apprenticeship Training Committees (JATC's), such as the Carpenters Training Committee for Northern California (CTCNC), are a proven method of career training built around a strong partnership between employers, training programs and the government. This tripartite system is financially beneficial not only for the apprentice, but is a major benefit for the employer and the overall economy of Santa Clara City. The CTCNC monitors current market conditions and adjusts the workflow of apprentices to meet the needs of the community, heading off any shortage of skilled workers. History has demonstrated that strong utilization of apprentices throughout the private sector helped California builders produce millions of units of housing.

CTCNC recruitment strategies include robust diversity and inclusionary outreach programs, such as pre-apprenticeship, with proven results in representative workplaces and strong local economies. It is imperative that our underserved populations have supportive and effective pathways to viable construction careers, while ensuring that employers are able to find and develop the best and brightest talent needed to thrive in a competitive economy.

Employer-paid health insurance plans for our members and their families provides preventative services to stay healthy and prevent serious illness. Timely care reduces the fiscal burden for our members and their families, and significantly reduces the utilization of safety-net programs administered by Santa Clara City and Santa Clara County.

Embracing new technologies and delivery systems will have a significant impact on the construction industry, particularly the residential sector. Increasing housing delivery methods reduces project durations and provides Santa Clara City residents housing sooner. Local 405 is at the forefront of ensuring that new construction technologies deliver those benefits while also creating work opportunities for those already in the trades as well as those looking to begin a construction career.

Local 405 is in a unique position to address many of the key ideas outline in Santa Clara City Housing Element Update. By investing in the training and utilization of apprentices, performing

[4] United States Census Bureau: OnTheMap (Inflow/Outflow Job Counts for Santa Clara County in 2019-latest available data)
[5] Page 13.3-3: Draft Santa Clara City Housing Element (2023-2031)

outreach to ensure that the workforce closely mirrors the demographics of our local community, providing employer-paid healthcare for our members and their families, and promoting innovation in the residential construction sector, Local 405 is prepared to assist in closing the affordability gap in Santa Clara City and the Bay Area. We look forward to engaging City staff and elected leaders as the Housing Element moves forward and working cooperatively to bridge the needs of the City with the skills and tools of Local 405.

Thank you for your time and consideration of these comments.

Sincerely,

Samuel Munoz
Senior Field Representative
Carpenters Local 405

CC:

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FIGURE 9: FORMAL COMMENT LETTER: HOUSING ACTION COALITION

FARELLA BRAUN + MARTEL LLP

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November 30, 2022

Via E-mail

John Davidson
Principal Planner
E-Mail: JDavidson@SantaClaraCA.gov

Re: City of Santa Clara Draft Housing Element
Comments of Housing Action Coalition

Dear Mr. Davidson:

On behalf of the Housing Action Coalition,[1] we write to comment on the draft 2023-2031 Housing Element for the City of Santa Clara.

The draft Housing Element does not meet the City's obligation to plan and provide for affordable housing. Absent substantial revisions, it may be found in violation of state law.

A. The City Includes Sites That Are Not "Suitable And Available," Because They Do Not Have A "Realistic And Demonstrated Potential" For Redevelopment During The Planning Period To Meet The Need For Housing.

One of the most concrete aspects of any housing element is the inventory of land "suitable and available" for residential development to meet the city's regional housing need by income level. Government Code § 65583(a)(3); HCD Housing Element Site Inventory Guidebook at p. 1 (HAC Appendix Tab 1). The list is a specific means of evaluating whether the City has adequately planned for development of housing for all income levels, and to identify how much land will need to be rezoned to make it possible to provide for the housing needs of the community as it grows. Where nonvacant sites are listed, there must be a "realistic and demonstrated potential for redevelopment" during the next eight years. Government Code § 65583(a)(3). Where nonvacant sites are not zoned for residential development, the City must rezone them within a specified timeframe. *Id.* § 65583.2(a), 65583(c).

[1] The Housing Action Coalition is a nonprofit that advocates for building more homes at all levels of affordability to alleviate the Bay Area and California's housing shortage, displacement, and affordability crisis.

To address past abuses – including cities listing unrealistic sites – the California Legislature created a high standard for listing nonvacant sites, particularly where a city claims that the site is suitable and available for redevelopment as housing affordable to those with below average incomes. Where nonvacant sites are used to address over 50% of the need for affordable housing for those with lower incomes, the City must show the realistic and demonstrated potential for redevelopment by making formal findings that the existing use does not impede residential development "based on substantial evidence that the use is likely to be discontinued" during the planning period. Government Code § 65583.2(g)(2) (final sentence).

The current draft does not meet the requirement that it identify sufficient sites that are realistic, suitable and available. The City relies heavily on the speculative and unlikely assumption that existing uses of buildings in Santa Clara by the technology industry will cease during the next eight years, with research facilities and data centers being torn down to construct affordable housing. It relies on sites too small for practical development by affordable housing developers, and even lists a fire station that it has no plans to move. It also fails to address the fact that many of the sites are being re-listed, because they were not developed or approved for housing during the last eight years, without a commitment to rezone them for "by right" approval.

1. The Six Data Center Sites Are Not Likely To Be Redeveloped As Housing During The Next Eight Years.

(APN 216-33-033, 216-33-045, 216-33-025, 097-46-015, 104-04-076, and 104-04-077)

Several sites on the site inventory– those located at 2960 Corvin, 2970-3000 Corvin, 3030 Corvin, 5101 Lafayette, 4650 Old Ironsides, and 4700 Old Ironsides – are currently used as large-scale data centers.[2] Santa Clara is a favored location for data centers because its municipal electric utility provides power at less expensive rates than PG&E, and because its location in Silicon Valley reduces signal transmission times between the data center customer and the data center. *See* HAC Appendix Tab 2 ("In particular, Santa Clara has become the valley's principal data center hub . . . The municipal utility, Silicon Valley Power, offers slightly lower rates in Santa Clara than its competitor, PG&E, and this has attracted numerous data center developers."); HAC Appendix Tab 3. Santa Clara's optimal location and utility rates make it

[2] The sites were listed on the August 22, 2022 draft of the inventory using APN numbers 216-33-033, 216-33-045, 216-33-025, 097-46-015, 104-04-076, and 104-04-077. The current use was not identified, which if not corrected in the final draft would violate Government Code section 65583.2(b)(3). We note that the use of APN numbers throughout the housing inventory, without also stating the address and current use, makes it considerably more difficult for state reviewers and the public to see what the City plans, and to comment on its feasibility. Including both the current use and the evidence of why the current use is expected to be discontinued are required by state law, and we hope that the City will address this issue in the next draft by adding all of the required information.

particularly unlikely that an existing data center will stop operations and sell to an affordable housing developer for construction of low income housing.

Indeed, each of these data centers were the subject of relatively recent, high dollar acquisitions. The sites were not acquired by residential developers as would be expected if the property were soon to be developed for housing, but by data center operators, making it unrealistic to conclude that they will be demolished during the next eight years to build affordable housing:

- 4650 Old Ironsides (APN 104-04-077) is a 124,400 square foot, two story data center, and was acquired by Menlo Equities in September 2021 for $35.8 million. Menlo Equities focuses on acquiring data centers and describes the acquisition on their website as "Property is situated in a strong infill location that is the most desirable data center submarket in Silicon Valley." HAC Appendix Tab 4.

- The property next door, 4700 Old Ironsides (APN 104-04-076), was also acquired by Menlo Equities in September 2021. It is a 90,100 square feet data center, and was acquired for $28 million. A partner with Menlo Equities was quoted as explaining that the purpose of the acquisition was "because of the increase in the demand for data." HAC Appendix Tab 5.[3]

- The data center at 5101 Lafayette (APN 097-46-015) was acquired in November 2016 for $12.8 million. HAC Appendix Tab 6. The purchaser bought it to continue its use as a data center; the acquirer was a telecommunications provider, (HAC Appendix Tab 7), and it has been used as a data center in the six years since then, with no proposal for redevelopment as housing. The purchaser described their intention for the property as: "We have long targeted Northern California as an expansion opportunity for our zColo data center business."; "The quality and high-power density of this facility is perfectly matched to the requirements of our leading-edge, Bay Area customers." HAC Appendix Tab 6.

  Notably, this data center was on Santa Clara's 2015-2023 Housing Element, and despite the Tasman East Specific Plan, the property was acquired during the last Housing Element period for continued use as a data center, not for redevelopment as housing. Four parcels bordering it were combined for the 2300 Calle De Luna project by housing developer Related, but Related was apparently unable to acquire 5101 Lafayette to square off the project site, as would ordinarily be expected if the site were available for residential development.

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[3] As recently as September 2022, the Santa Clara building department approved re-roofing 4700 Old Ironsides for its existing commercial use, with a project cost of $150,000. Santa Clara Building Permit Number BLD22-66735.

- The data centers at 2960 Corvin, 2970 Corvin, 3000 Corvin, and 3030 Corvin (APN 216-33-033, 216-33-045, 216-33-025) were also included in the 2015-2023 Housing Element, and were not redeveloped. They were instead sold in a transaction that continues their existing use, even after the 2016 rezoning of the Lawrence Station area. In May 2017, data center company Equinix acquired them as part of a $3.6 billion acquisition of a number of data centers. *See* HAC Appendix Tab 3. The president for the Americas at Equinix explained that the acquisitions in Santa Clara were an attractive part of the package, given the high cost to construct new data centers in Silicon Valley.

  The planning department is undoubtedly familiar with the continuing intention to use this site as a data center; there have been a number of planning projects involving installation of additional power systems and energy servers at 2960 Corvin and 2970 Corvin, filed in 2021 and still pending. See Santa Clara Planning Department Record Numbers PLN2021-14844, PLN2021-14845, CEQ2021-01085 and -01086.

Under state housing law, when nonvacant sites are used to meet over 50% of the need for affordable housing – as is the case with Santa Clara's draft Housing Element – the city must meet a high standard: nonvacant sites are presumed under the law to impede residential development, and the City cannot rely on them without finding, based on substantial evidence, that the property is *likely* to become housing in the next eight years. Government Code § 65583.2(g)(2) (final sentence). Particularly given the recent acquisitions of the data centers by data center companies, and their declared business plans to use them as data centers rather than to re-sell them for development of affordable housing, Santa Clara lacks substantial evidence that these properties will meet the affordable housing needs of the next eight years, and cannot credibly conclude that it is "likely" that the data centers will stop operations. They do not count towards the City's obligation to plan for very low and low income housing development.

Without these six data center sites, the City's Housing Element is inadequate because it does not identify sufficient sites to meet the projected regional housing need for very low and low income housing. The draft Housing Element relies heavily on the unsuitable and unavailable data center sites to create the impression that it will meet the housing needs of those who can least afford housing:

APN/Address	Very Low	Low	Moderate
2960 Corvin APN 216-33-033	22	12	12
2970-3000 Corvin APN 216-33-045	79	39	39
3030 Corvin APN 216-33-025	25	13	13
5101 Lafayette APN 097-46-015	71	35	35
4650 Ironsides	390	195	195

APN 104-04-077			
4700 Ironsides APN 104-04-076	326	164	164
Totals:	**913**	**458**	**458**

See Draft Housing Element 8/22/22 at tables 13.6-9, 13.6-10, and 13.6-11. Without these sites, the City's claimed "RHNA Surplus" becomes a deficit:

	Very Low	Low	Moderate
Claimed Inventory[4]	3,592	1,972	2,781
Data Centers Not Appropriately Included in Inventory	(913)	(458)	(458)
Total Without Data Centers	2,679	1,514	2,323
RHNA Requirement	2,872	1,653	1,981
RHNA (Deficit)/Surplus	(193)	(139)	342 surplus

See draft at Table 13.6-5. The final Housing Element will need to identify additional, realistic sites for very low and low income housing in order to meet the requirements of state law.

2. The Gemini Rosemont Technology Park Is Not Likely To Be Redeveloped As Affordable Housing During The Next Eight Years

(APN 216-34-079, -083, -084, and -085)

Next, we address four other parcels from the inventory in the Lawrence Station area: APN 216-34-079, -083,[5] -084, and -085. These parcels are currently used as a research and development office park, under long term leases to Affymetrix (a subsidiary of Thermo Fisher), Cloudinary, Nissan North America, and Intuitive Surgical.

[4] Based on combination of "Approved and Proposed Projects," "Total ADU Projections," and "Total Capacity – Specific Plan Sites" in table 13.6-5.

[5] To avoid confusion, note that -083 is listed twice on the inventory (second, and ninth, on the Lawrence Station table 13.6-10), with the acreage split between "high density residential" and "very high density residential."

As of the time of the passage of the Lawrence Station Area Plan in November 2016, there had been no proposal by the then-owner of these four parcels, Sobrato Organization, to develop any of them as residential. As the plan itself stated, "To date, this entity has not submitted a proposal for development; therefore, commencement of development of these properties is expected to occur subsequent to the proposals described in phase one." LSAP at section 11.4.[6]

Indeed, six years later, there still has been no proposal for redevelopment of these sites as housing. To the contrary, until 2019 Sobrato continued to lease out the space as a research and development office park, and spent nearly $62 million on renovations. HAC Appendix Tab 8. In 2018, Sobrato entered into a new ten year lease with Nissan North America for an expansion of their Northern California technology research, and a six year lease with Cloudinary.[7] In early 2019, shortly before selling the property, Sobrato entered into a long-term lease for 210,000 square feet to Intuitive Surgical. *See* HAC Appendix Tab 8.

In May 2019, three of the parcels – APN 216-34-083, -084, and -085 – were then sold for a whopping $170.52 million to Gemini Rosemont.[8] Gemini Rosemont shows no intention of redeveloping the properties as residential housing. To the contrary, in announcing the deal, its CEO explained that this was an office sector acquisition: "We're entering the next phase of our multi-pronged initiative to acquire Class A assets in the office sector in targeted, tech-centric coastal and gateway markets, and opportunistically in select target markets across the U.S.," said Ian Brownlow, chief executive officer for Gemini Rosemont at the time of the company's relocation. "We will leverage our deep market knowledge and our impressive 25-year track record to identify and acquire those office buildings in which we can unlock value, provide superior tenant services and deliver enhanced returns to our investors."

Meanwhile, tenant improvements continue to be made, even after the Sobrato sale to Gemini Rosemont. *See, e.g.,* BLD21-63262 (building permit for an estimated $300,000 of tenant improvements on the second floor of a 5,733 square foot space at 3410 Central Expressway). These are not dilapidated properties where the existing use is about to be discontinued; this is a vibrant and modern research and technology park where the tenants plan to remain.

In light of the current owner's expressed commitment to the office sector, the long-term leases with technology tenants headquartered in Santa Clara, the tens of millions of dollars recently spent on renovations, and the lack of any indication during the last eight years that anyone wants to redevelop the property as residential, the City cannot credibly claim that there is "substantial evidence" that the property is "likely" to be redeveloped for housing. This property is not going to meet the needs of those with very low, low, and moderate incomes for housing over the next eight years, and should not be counted as likely to meet the RHNA need.

The City's inventory indicates that it expects the technology park to supply 497 very low income, 249 low income, and 249 moderate income affordable units. The City will need to add

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[6] The Lawrence Station Area Plan, as approved, is at HAC Appendix Tab 9.
[7] *See* HAC Appendix Tab 10, Tab 11.
[8] *See* HAC Appendix Tab 8; *see also* Assessor Records at HAC Appendix Tab 12, 13, 14.

additional inventory to meet the needs for affordable housing on sites that are realistic, suitable, and available to meet the need in these categories.

3. The Pearlman/Himy Office Buildings At 4633, 4655, 4677, and 4699 Old Ironsides Are Not Likely To Be Redeveloped As Affordable Housing.

(APN 104-04-138, -139, -140, and -141)

The four four-story office buildings between Old Ironsides and Great America Parkway at the addresses 4633, 4655, 4677, and 4699 Old Ironsides – parcels numbered 104-04-138, -139, -140, and -141, owned by Pearlman/Himy– should not be considered "likely" to be redeveloped for affordable housing during the next eight years. During the Patrick Henry Drive Specific Plan planning process, the owner of those sites specifically asked for a zoning designation that would authorize building of completely non-residential uses: taller office buildings. The City acceded to this request by creating a new zoning designation, "High Density Flex."

By claiming that the properties have been rezoned so that it is theoretically possible to build housing on these four parcels, the City attempts to claim credit for meeting a large portion of its RHNA obligation: together, these parcels are claimed to meet the need for 286 "very low" income units, 144 low income units, and 144 units affordable for those with moderate income. As with other nonvacant sites, the City has the burden of citing substantial evidence that the property is "likely" to be used for housing. Here, the owner expressed a desire for "flexibility" – rejecting the City's initial proposal of housing-only zoning, and requesting creation of a special zoning designation that would allow the owner to build no housing at all. Indeed, at the owner's request, the Environmental Impact Report studied an alternative referred to as "Maximum Office." The City's study of "Maximum Office" alternative applies only to these parcels, since the other parcels in the Patrick Henry Drive Specific Plan area are zoned for residential with only first floor retail/office allowed. Given the strong signals from Pearlman/Himy that it does not have a current intention of building housing on these four parcels, the City does not meet the requirement of showing that it is "likely" that the property will be redeveloped for affordable housing during the next eight years. Meanwhile, the existing use also includes tenants with long-term leases, but the City has done nothing to analyze or investigate when these leases expire, whether the leases contain renewal rights, or whether the existing use would otherwise be an obstacle to the building of housing during the 2023-2031 period.[9]

Indeed, the City's draft Housing Element effectively concedes the City's doubt that the Pearlman/Himy properties will be developed as housing during the 2023-2031 period. If the Pearlman/Himy sites are developed as high density offices – and there is every indication that they will be – the City promises that six months after the approval of the office development, it will *then* identify adequate sites for housing development. This seems to be an ordinary

[9] In fact, publicly available information shows that the four office buildings continue to be marketed for office leases. HAC Appendix Tab 15. The owner continues to sign new office leases, including during 2022. HAC Appendix Tab 16 and 17.

43,560 square feet, and 0.5 acres is 21,780 square feet. County records show that these parcels are in fact smaller than 0.5 acres:[11]

Address/APN	Recorded Size (Assessor Database)	Computed Size (Santa Clara County GIS)
2346 Calle Del Mundo APN 097-46-003	20,038 sq. ft	20,042 sq. ft.
2338 Calle Del Mundo APN 097-46-004	19,602 sq. ft	19,509 sq. ft
2330 Calle Del Mundo APN 097-46-005	20,038 sq. ft	20,042 sq. ft
2322 Calle Del Mundo APN 097-46-006	20,038 sq. ft	20,046 sq. ft
2301 Calle De Luna APN 097-46-007	20,038 sq. ft	20,002 sq. ft
2309 Calle De Luna APN 097-46-008	20,038 sq. ft	20,003 sq. ft
2317 Calle De Luna APN 097-46-009	20,038 sq. ft	19,706 sq. ft
2325 Calle De Luna APN 097-46-010	20,473 sq. ft	21,662 sq. ft
2272 Calle De Luna APN 097-46-025	21,344 sq. ft	21,064 sq. ft
2262 Calle De Luna APN 097-46-026	21,344 sq. ft	21,880*[12] sq. ft

Indeed, the City's own 2015-2023 Housing Element, which listed these same sites, described most of them (all but -025 and -026) as either 0.45 acres or 0.46 acres. *See* 2015-2023 Housing Element at table 8.12-6-4.

Parcels like these, which are smaller than 0.5 acres, cannot be used as part of the site inventory to satisfy the "very low" and "low" categories without a concrete showing, based on prior experience, of why it is realistic to expect that it will be developed for low income housing. The City's Housing Element contains no proof that affordable housing has successfully been

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[11] This information is available on the County of Santa Clara GIS map online, available at https://ges.sccgov.org/discovergis/sccmap; the square footage is available by clicking on the individual parcel, then choosing "Show Planning's Property Profile" to obtain this publicly available information from the Santa Clara County Department of Planning and Development.

[12] Note, the GIS Computed Size shows that -026 is slightly larger than 0.5 acres. In order to include it, the city would need to determine, as part of the Housing Element, that the County GIS system is more accurate than the county assessor's official records, which reflect that the property is smaller than 0.5 acres.

developed on sites of this size. The city's RHNA "surplus" is thus overstated by 142 very low, 70 low, and 70 moderate affordable units (and as explained above, is actually a deficit). The City should identify additional sites that are likely to be redeveloped as housing in the next eight years, and which are suitable as sites for affordable housing.

5. The City Has Inappropriately Listed Other Sites As Well.

(1) 3011 Corvin (APN 216-33-021).

Santa Clara City Fire Department Station # 9 serves the Lawrence Station area of the city. It is located at 3011 Corvin Drive. The parcel number is 216-33-021. The City has listed it on its housing inventory, and claims that it will meet part of the RHNA need, because it could be used to build 12 units of affordable housing for those with moderate incomes. However, as far as we are aware, the City has no present intention of selling this property or developing it for affordable housing. Indeed, the Lawrence Station Specific Plan shows that the City intends that the fire station will remain as a public use. The City also listed this parcel on the 2015-2023 Housing Element inventory, and took no steps to make it available for housing. It is not likely to be used for housing in the next eight years, given its existing use. It should be removed, or at least excluded from the totals. This will also help avoid it being used incorrectly as a buffer as part of any "no net loss" analysis during the 2023-2031 period.

(2) 2343 Calle Del Mundo (APN 097-05-111).

Parcel 097-05-111 in the Tasman East area appears to be part of the 2343 Calle Del Mundo project by Summerhill. The rest of the 2343 Calle Del Mundo project site is not listed in the site inventory, presumably because it is already under construction. The City may wish to reevaluate its designation of -111 based on the apparent common ownership with parcel 097-05-110. It should probably be removed, or at least excluded, to avoid being used as part of a "no net loss" analysis during the 2023-2031 period.

B. The Extensive Re-Use Of Sites Requires A New "Use By Right" Zoning Overlay.

In Government Code section 65583.2(c), nonvacant land listed in a prior housing element but not approved for development must be rezoned within three years so that any housing development in which at least 20 percent of the units are affordable to lower income households is entitled to "residential use by right." (i.e., no requirement for conditional use permit, planned development permit, or other discretionary local government review). This would prevent subjective and discretionary permit processes – for example, "architectural review" – from being used to block housing projects that provide affordable housing.

The draft Housing Element for 2023-2031 lists nonvacant land listed in a prior housing element but not approved for development: All of the Tasman East sites on the draft for 2023-2031 were already used on the site inventory for 2015-2023, and all of the Lawrence Station sites on the draft for 2023-2031 were already used on the site inventory for 2015-2023. *Compare*

2015-2023 Housing Element at tables 8.12-6-4 and 8.12-6-5 *with* draft 2023-2031 Housing Element at tables 13.6-9 and 13.6-10. Under section 65583.2(c), the City is therefore required to implement a program to rezone all of these sites by no later than three years from the adoption of the element, to permit "use by right" for housing developments if 20% of the units are affordable to low or very low income residents.

The City is aware of this requirement, but tries to argue around it, at page 13.6-7 of the draft, titled "Re-Use of Sites." The City argues that because it rezoned the Tasman East and Lawrence Station sites during the 2015-2023 cycle for a higher density to conform to the General Plan, it can count the sites as "new" for purposes of the 2023-2031 cycle, and ignore that they were identified in a prior housing element. The argument will not hold up in court. The statute unambiguously states that if the site is nonvacant, was "identified" in a prior housing element, and was not approved for development, it "shall not be deemed adequate to accommodate a portion of the housing need for lower incomes households . . ." unless rezoned in the new housing element for "use by right."

Nor does the City's "rezoning for higher density" argument fit the facts: The sites were rezoned as part of a Government Code section 65583(c) program (albeit late, as explained in the next section). Indeed, if they had not been rezoned, the city otherwise had a shortfall of sites to address the 2015-2023 RHNA. Moreover, some of them are zoned at the exact same density stated in the 2015-2023 Housing Element. *See, e.g.*, APN 216-33-037.

If the City does not wish to implement a "use by right" overlay, it should remove the Tasman East and Lawrence Station sites from the inventory; almost all of them are being (re-)used to satisfy the very low and low income needs that they were designated to meet in the last Housing Element, and in the absence of a "use by right" rezoning, they do not meet the criteria under 65583.2(c) for being re-used.

C. The City Must Address The Unaccommodated Need From The 2015 Regional Housing Needs Allocation.

The City also failed to implement fully its 2015-2023 Housing Element. The consequence of its failure is that it must address both the unaccommodated 2015-2023 need and the new 2023-2031 need.

Where a city fails to implement a housing element, the unaccommodated need must be quickly accommodated during the next period. Government Code § 65584.09(a). Here, Santa Clara failed to timely implement what it promised in its 2015 Housing Element. The unaccommodated need from that period – the failure to provide adequate sites for lower income housing – carries over, and the city cannot use the same sites to meet both the 2015 need and the 2023 need.

We start with a description of the City's failure to make available adequate sites to accommodate the regional need identified in 2014. In the 2015-2023 Housing Element, the City stated that it believed the housing need could be accommodated on sites in the El Camino Real,

Tasman East, and Lawrence Station "focus areas": areas that the City's general plan projected as suitable for rezoning as medium or high density residential, or mixed use, but which were not yet zoned to permit residential development. The Tasman East focus area and Lawrence Station focus area were zoned light industrial. The El Camino Real sites were zoned "thoroughfare commercial" or "community commercial": zoning that did not permit residential construction. No one could build housing on any of the sites in the inventory without rezoning.

Under 65583.02(a), the inventory can only include sites that are (1) vacant and zoned for residential use, (2) vacant and zoned to allow residential development, (3) residentially zoned and capable of being developed at a higher density, or (4) "zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, to permit residential use . . ." The 2015 inventory was valid, if at all, because of a planned program to rezone all of the sites on the list under 65583.2(a)(4) and 65583(c).

A program to rezone sites to make them available is governed in part by Government Code section 65583(c)(1). That subsection required the City to "identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's . . . share of the regional housing need for each income level that could not be accommodated on sites in the inventory . . . without rezoning . . . ." Under 65583(c), the City was required to "set forth a schedule of actions during the planning period, each with a timeline for implementation . . . such that there will be beneficial impacts of the programs within the planning period . . . ."

The City's 2015-2023 Housing Element explained how it would comply with the law: it would engage in a comprehensive rezoning of the entire city to conform with the general plan, "to bring consistency between the Zoning Ordinance and the General Plan, implementing the General Plan goals by facilitating mixed use development and higher density residential development, protecting existing neighborhoods, and incentivizing redevelopment by appropriate development standards and streamlined procedures." The City stated that it would complete this action by mid-2016. *See* 2015-2023 Housing Element at pp. 8.12-122 – 8.12-123 ("Action 6: Zoning Ordinance").

The mid-2016 deadline was important; the action needed to be scheduled "such that there will be beneficial impacts of the programs within the planning period," and also kept the plan for rezoning on track to take place within the required three years. Government Code § 65583(c)(1)(A). Housing could not be constructed unless it were approved; housing would face more hurdles to approval until the rezoning took place; and so removing the obstacle of light industrial or commercial district zoning needed to take place early in the planning period to provide developers the ability to propose and proceed with housing built to meet the needs during the 2015-2023 time period.

By mid-2016, the City still had not completed the comprehensive rezoning that it identified as Action 6. The City blamed problems with its outside consultant for not completing

it in 2016, and promised it would be done in 2017. But even then, it didn't complete it. The draft was finally circulated for public comment in summer 2022 – while the City was working on the 2023 Housing Element – and won't be voted on by the City Council until sometime in 2023. The draft 2023-2031 Housing Element acknowledges that Action 6 is incomplete, and now lists the comprehensive zoning ordinance update as Action 9 in the new plan: "expected to be completed in late 2022/early 2023" *See* 2023-2031 draft Housing Element see p. 13.7-5 ("The City is continuing to work on the comprehensive Zoning Ordinance Update"); and p. 13.2-10 ("Action 9: Zoning Ordinance"); *see also* p. 13.1-1 ("Additionally, the City is nearing completion of a comprehensive Zoning Code update which will further streamline processes with the inclusion of objective standards and new zoning districts that better align with the City's General Plan."); p. 13.2-4.

The City thus did not implement the 2015 Housing Element, and did not rezone, as promised, the sites listed in its 2015-2023 inventory. While the City listed 158 parcels along El Camino Real in its 2015-2023 plan as having the ability to satisfy the housing needs of the community, it left the commercial district zoning in place for the entire 2014-2022 period. To this day, anyone wanting to build housing on most of those parcels (excluding the few that went through the City's discretionary process for a rezoning) needs to apply for a zoning variance, contrary to state law which required not just an expectation of potential rezoning to match the general plan, but actual implementation of the Housing Element by the City. Meanwhile, the City planning staff proposed a rezoning of these sites repeatedly as part of the El Camino Real Specific Plan, but the City Council still has not taken action, and has deferred further discussion. The program actions in the 2015-2023 Housing Element to rezone or provide adequate sites were thus not fully implemented.

Having failed to implement the rezoning as required by state housing law and promised in the 2015-2023 Housing Element to take place by mid-2016, the City is now subject to section 65584.09, which provides:

> [I]f a city or county in the prior planning period failed to identify or make available adequate sites to accommodate that portion of the regional housing need allocated pursuant to Section 65584, then the city or county shall, within the first year of the planning period of the new housing element, zone or rezone adequate sites to accommodate the unaccommodated portion of the regional housing need allocation from the prior planning period.

Santa Clara easily accommodated the need for above-moderate income housing during the 2015-2023 period: it issued building permits for 4,606 units. It appears to have accommodated the 2015-2023 need for moderate income housing, at least if project approvals, rather than actually constructed units, are counted. But it fell seriously short for the "very low" and "low" income categories. The City granted building permits for only 289 "very low" income units, 246 low income units, and 125 units affordable to those with moderate incomes. This leaves a substantial shortfall to be addressed from the last period, in addition to the substantial new need for the new period.

Approvals of Affordable Housing: 1601 Civic Center	106	
Unaccommodated Portion Of 2015-2023 RHNA:	**358**	**236**

In determining the affordable housing requirements for its 2023-2031 Housing Element, the City is not allowed to use the same sites or projects to count toward both the 2015-2023 need and the 2023-2031 need. It must instead plan for both the unaccommodated need and the newly allocated need. *See* Government Code § 65584.09(b). This means that the City's analysis at page 13.6-2 is flawed because it engages in double-counting: the City is claiming that the building permits and approvals from 2015-2023 accommodated a portion of the housing need for that period *and* that the same building permits and approvals from 2015-2023 address the newly allocated need for 2023-2031.

Again, the City's failure to follow through on its 2015 Housing Element has a consequence: the City is now obliged to meet the unaccommodated need from the 2015-2022 period as well as the regional need identified for the 2023-2031 period. Adequate sites must be rezoned within one year to address this unaccommodated portion of the 2015-2023 RHNA need.

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the calculation itself using the information available to it; this calculation should be viewed as illustrative.

D. Conclusion: The City's Site Inventory Needs A Program To Rezone Many More Suitable And Available Sites To Accommodate Its Share Of The Regional Need.

A recap of the issues above, in chart form:

	Very Low	Low	Moderate
Draft Inventory[17]	3,592	1,972	2,781
Data Centers	-913	-458	-458
Gemini Rosemont Technology Park	-497	-249	-249
Sites Smaller Than 0.5 Acres	-142	-70	
4633, 4655, 4677, 4699 Old Ironsides	-286	-144	-144
Fire Station # 9 and Tasman Parcel -011			-35
Total Inventory Without Invalid Sites	**1,754**	**1,051**	**1,895**
RHNA Need for Affordable Housing	2,872	1,653	1,981
+ Unaccommodated Need from 2015-2023	+ 358	+ 236	
= Required Need For Affordable Housing In 2023-2031 Housing Element	= 3,230	= 1,889	1,981
Additional Rezoning Required	**1,476**	**838**	**86**

In addition, the City needs to add a plan to rezone the remaining Tasman East and Lawrence Station properties for residential "use by right" for any housing development proposing 20% affordable units, or find additional sites to cover an additional shortfall.

The City is not without potential solutions: the Planning Department has already prepared a specific plan for El Camino Real that would rezone a large number of sites that may be suitable for housing (this would have included, for example, the 100% affordable housing project at 1601 Civic Center Drive, which would not have then required rezoning after a contentious and years-long process).

[17] Based on combination of "Approved and Proposed Projects," "Total ADU Projections," and "Total Capacity – Specific Plan Sites" in table 13.6-5.

Looking at sites elsewhere in the City would also help address the requirement, noted in SV@Home's comment, to affirmatively further fair housing. The City's concentration of site inventory in the industrial parks on the furthest boundaries of the city, far away from the better resourced schools and parks of residential Santa Clara south of El Camino Real, appears to violate this obligation, and we hope that the next draft of the site inventory will show a greater dispersal of proposed housing sites.

Respectfully submitted,

Thomas B. Mayhew

TBM:tb

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City of Santa Clara 2023-2031 6th Cycle Housing Element Update

Addendum to the City of Santa Clara General Plan Environmental Impact Report

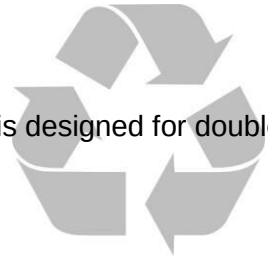
Lead Agency:

City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, California 95050

Prepared by:

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Riverside, California 92507

December 21, 2022



- This document is designed for double-sided printing -

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1 Introduction

This document has been prepared to serve as an addendum to the previously certified Santa Clara 2010-2035 General Plan Integrated Final Environmental Impact Report (EIR) (SCH # 2008092005), which was certified in January 2011, and subsequent environmental documents prepared for General Plan amendments made for the various focus areas, Specific Plan areas, and Climate Action Plans. The City's Housing Element was last updated in 2014 in compliance with State Housing Element Law. The adoption of the proposed Housing Element update is consistent with the state law requirement that each city and county update the housing element of its general plan every eight years in order to establish and update housing and land use strategies reflective of changing needs, resources, and conditions. The City of Santa Clara (City) is the lead agency for the environmental review of the proposed City of Santa Clara General Plan Housing Element Update (project) for the 2023-2031 planning period.

1.1 – Purpose and Authority

Pursuant to CEQA, the proposed Housing Element Update constitutes a "*project"* that is subject to analysis and determination of environmental effects under CEQA (Public Resources Code Section 21000, *et seq.*) and the CEQA Guidelines (14 California Code of Regulations Section 15000, *et. seq*.). This Addendum, its appendices, and related supporting environmental documents have been prepared to determine whether and to what extent the General Plan EIR and associated amendments prepared for the General Plan EIR are sufficient to address the potential impacts of the proposed Housing Element, or whether additional documentation is required under CEQA. The proposed project requires discretionary approval by the City of Santa Clara and review by the California Department of Housing and Community Development (HCD). As the project initiator, and because of the legislative approvals involved, the City of Santa Clara is the Lead Agency with respect to this Addendum pursuant to §15367 of the CEQA Guidelines. Specifically, the Project requires the City of Santa Clara's approval of a General Plan Amendment. No other governmental agencies have discretionary permitting authority with respect to approval of the proposed Project, and no Trustee Agencies, as defined in §21070 of the CEQA Statutes, has jurisdiction over resources such that Trustee agency approval is required for entitlement approval.

Under CEQA, the City must determine whether the proposed changes would require a new or supplemental EIR, or whether an addendum would suffice. Section 2, *Project Description*, provides detailed description of the proposed changes. In determining whether an addendum is the appropriate document to analyze the modifications to the project and its approval, State CEQA *Guidelines* Section 15164 (addendum to an EIR or Negative Declaration) states:

a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

1.2 – Addendum Analysis and CEQA Guidelines

This Addendum has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, 15164, and 15168(c). This Addendum evaluates the project's potential environmental effects in light of those effects previously disclosed in the 2010 General Plan EIR and CEQA documents related to subsequent General Plan amendments to determine whether any of the conditions described in Guidelines Section 15162 calling for subsequent CEQA review have occurred. The General Plan EIR is available for review at the City's Planning Division, 1500 Warburton Avenue, Santa Clara, California 95050. CEQA Guidelines Section 15164(a) provides that the lead agency "*shall prepare an addendum* to a previously certified EIR if *some changes or additions are necessary* but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Sub-Section (c) further provides that an "addendum need not be circulated for public review but can be included in or attached to the final EIR," and Sub-Section (e) states that a "brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included" in the addendum, the agency's findings, or elsewhere in the administrative record.

CEQA Guidelines Section 15168(c)(2) provides that "if the agency finds that pursuant to Section 15162, no subsequent EIR will be required, the agency can approve the activity as being within the scope of the project covered by the EIR" and that "[w]hether a later activity is within the scope of an EIR is a factual question that the lead agency determines based on substantial evidence in the record." Sub-Section (c)(4) further provides that "[w]here the later activities involve site-specific operations, the agency *should use a written checklist or similar device* to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the EIR." According to CEQA *Guidelines* Section 15162, once an EIR has been certified, no subsequent or supplemental EIR shall be prepared for a project unless the lead agency determines that one or more of the following occurs:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An addendum may be prepared if some changes or additions are necessary to a certified EIR and none of the above-stated conditions apply (CEQA *Guidelines* Section 15164). Per the above, this Addendum functions as both an "addendum" and a "written checklist," as called for in CEQA Guidelines Section 15164(a) and 15168(c)(4). As such, this Addendum analyzes the proposed project's potential environmental effects in light of those effects disclosed in General Plan EIR consistent with Guidelines Section 15162. Based on a review of the proposed project (as described in Section 2, *Project Description*) and surrounding circumstances (i.e., the Environmental Setting), this addendum concludes that there is no substantial change proposed that would require major revisions to the previous EIR; that there is no substantial change in circumstances as a result of project modifications that would cause new or substantially more severe significant impacts (see Section 3, *Environmental Impacts and Mitigation Measures*); and, that there is no new information of substantial importance that identifies new or more intense significant impacts (CEQA *Guidelines* Section 15162).

1.3 – Tiering

Section 15152 et al of the CEQA Guidelines describes "tiering" as a streamlining tool as follows:

(a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.

(b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

(c) Where a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(d) Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to affects which:

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

(e) Tiering under this section shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located, except that a project requiring a rezone to achieve or maintain conformity with a general plan may be subject to tiering.

(f) A later EIR shall be required when the initial study or other analysis finds that the later project may cause significant effects on the environment that were not adequately addressed in the prior EIR. A negative declaration shall be required when the provisions of Section 15070 are met.

(1) Where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR that effect is not treated as significant for purposes of the later EIR or negative declaration and need not be discussed in detail.

(2) When assessing whether there is a new significant cumulative effect, the lead agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects. At this point, the question is not whether there is a significant cumulative impact, but whether the effects of the project are cumulatively considerable. For a discussion on how to assess whether project impacts are cumulatively considerable, see Section 15064(i).

(3) Significant environmental effects have been "adequately addressed" if the lead agency determines that:

(A) they have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or

(B) they have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project.

(g) When tiering is used, the later EIRs or negative declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later EIR or negative declaration should state that the lead agency is using the tiering concept and that it is being tiered with the earlier EIR.

(h) There are various types of EIRs that may be used in a tiering situation. These include, but are not limited to, the following:

(1) General Plan EIR (Section 15166)
(2) Staged EIR (Section 15167)
(3) Program EIR (Section 15168)
(4) Master EIR (Section 15175)

(5) Multiple-family residential development/residential and commercial or retail mixed-use development (Section 15179.5)
(6) Redevelopment project (Section 15180)
(7) Projects consistent with community plan, general plan, or zoning (Section 15183)

This Addendum for the 2023-2031 Housing Element Update has been prepared to tier from the General Plan "Program" EIR of the City of Santa Clara dated January 2011 (See Appendix A), and subsequent environmental documents prepared for subsequent General Plan amendments. For the City of Santa Clara, documents by which the analysis recorded herein has been tiered from are available for public review at:

City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

1.4 – Organization and Scope

Although this document is not an initial study, in the interest of thorough disclosure this document has been organized to comply with Section 15063 of the State CEQA Guidelines, which sets forth the required contents of an Initial Study. These include:

- A description of the project, including the location of the project (see Section 2)
- Identification of the environmental setting (see Section 2.8)
- Identification of environmental effects by use of a checklist, matrix, or other methods, provided that entries on the checklist or other form are briefly explained to indicate that there is some evidence to support the entries (see Section 3)
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls (see Sections 2.6 and 2.7)
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study (see Section 5.1)

1.5 – Conclusions

The City of Santa Clara may approve the proposed project based on this Addendum. The impacts of the proposed project remain within the impacts previously analyzed in the General Plan EIR and associated amendments (CEQA Guidelines Section 15164). The proposed project does not require any major revisions to the General Plan EIR. No new significant information or changes in circumstances surrounding the proposed project have occurred since the approval of the General Plan EIR and EIR's related to subsequent specific plans and area plans that amended the General Plan. Therefore, the previous CEQA analyses completed for the General Plan EIR and associated amendments remain adequate. The applicable mitigation measures and/or conditions of approval from the General Plan EIR and associated amendments would be imposed on the proposed project as described herein. The proposed project does not require preparation of a new subsequent or supplemental EIR, due to either the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the proposed project is consistent with the findings of the General Plan EIR and associated amendments and would involve only minor changes; therefore, an Addendum is appropriate CEQA compliance for the proposed project.

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2 Project Description

2.1 – Project Title

City of Santa Clara 2023-2031 6th Cycle Housing Element Update

2.2 – Lead Agency Name and Address

City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, California 95050

2.3 – Contact Person and Phone Number

John Davidson, Principal Planner
(408) 615-2478

2.4 – Project Location

The City of Santa Clara is located in north-central Santa Clara County (See Exhibit 1, Regional Context Map). Santa Clara is at the southern end of the San Francisco Bay, approximately 40 miles south of the City of San Francisco. The Planning Area encompasses all incorporated areas located within the boundaries of the City of Santa Clara.

2.5 – Environmental Setting

The City of Santa Clara is essentially built out and the existing land use pattern is predominantly characterized by single family neighborhoods, retail commercial corridors, and industrial/office employment centers (See Exhibit 2, Existing General Plan Land Use Map). These uses are largely separated by major transportation facilities located in the City. U.S. Highway 101 traverses east-west through the center of the City, while State Route 237 is located to the north and Interstates 880 and 280 skirt the southeast and southwest corners of the City, respectively. Existing transit lines include Caltrain, Altamont Commuter Express (ACE), Capitol Corridor, and Valley Transportation Authority (VTA) bus and light rail. The City of Santa Clara covers approximately 18.4 square miles of land, and is completely surrounded by neighboring cities: San José to the north, east and south, and Sunnyvale and Cupertino to the west. The City is located at the center of the Santa Clara Valley, between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. Three seasonal creeks run through the City and empty into the southern portion of the San Francisco Bay: the San Tomas Aquino, Saratoga and Calabazas Creeks. Additionally, the City is bordered by the Guadalupe River to the northeast.

2.6 – General Plan Land Use Designations

Existing General Plan residential and mixed-use land use designations that support housing development within the City of Santa Clara include: Very Low Density Residential, Low Density Residential, Medium Density Residential, High Density Residential, Very High Density Residential, Neighborhood Mixed Use, Community Mixed Use, Regional Mixed Use, Downtown Core, Santa Clara Station Area, Urban Center/Entertainment, Transit Neighborhood, Village Residential, Urban Village, Urban Center, and High Density Flex.

2.7 – Zoning Districts

Existing zoning districts that support housing development within the City of Santa Clara include: R1-8L – Single-Family Larger Lot Area, R1-6L – Single-Family, R2-7L – Duplex, R3-18D – Low-Density Multiple-Dwelling, R3-25D – Moderate-Density Multiple-Dwelling, R3-36D – Medium-Density multiple-Dwelling, R3-M – Mobile Home Park, MU – Mixed Use, TMU – Transit-Oriented Mixed Use, VHDMU – Very High Density Mixed Use, TN – Transit Neighborhood, LSAP – Lawrence Station Area Plan, PH-R5-100 – Patrick Henry Very-High-Density Residential Zone, UV-149D – Urban Village, VR-149D – Village Residential, UC-250D – Urban Center, and HD Flex – High Density Flex.

2.8 – Project Description

The proposed Project would amend the 2010-2035 City of Santa Clara General Plan. The City Council adopted the General Plan on November 16, 2010, and concurrently certified an Environmental Impact Report. Since that time, the Council has adopted a series of General Plan amendments, for which each one was accompanied by either an addendum to the General Plan EIR, a negative declaration, or a subsequent EIR. The most significant of these amendments are listed below:

- December 3, 2013: Adoption of 2013 Climate Action Plan and Negative Declaration
- December 4, 2014: Adoption of 2015 – 2023 Housing Element and revisions to land use policies and EIR Addendum
- June 28, 2016: Related Santa Clara Project and EIR
- February 23, 2016: Mission Town Center EIR
- November 29, 2016: Lawrence Station Area Plan and EIR
- July 17, 2018: 575 Benton Project and Addendum to Mission Town Center EIR
- July 9, 2019: Gateway Crossings Project and EIR
- March 22, 2022: Patrick Henry Drive Specific Plan and EIR
- June 7, 2022: Adoption of 2022 Climate Action Plan and EIR Addendum
- June 7, 2022: Freedom Circle Future Focus Area Plan, 3905 Freedom Circle Mixed-Use Project, and EIR

References in this document to the "Subsequent EIRs" include all of the environmental documents listed above.

The specific amendments contemplated include the adoption of the 2023–2031 Housing Element of the Santa Clara General Plan, implementation of identified programs and polices set forth in the draft Housing Element, and General Plan text amendments that would allow for zoning code standards to align with current uses (See Appendix B). The State of California has mandated that all local jurisdictions within the Bay Area have approved updated Housing Elements to reflect current "fair share" housing allocations for each City and County. The State Housing and Community Development Department (HCD) reviews all Housing Elements to determine compliance with State Law governing the content of these Elements.

Housing Element Requirements

The Housing Element is one of seven required elements of the General Plan. It addresses existing and future housing needs of persons in all economic segment groups and serves as a tool for decision-makers and the public in understanding and meeting housing needs in Santa Clara. While the law does not require local governments to actually construct housing to meet identified needs, it does require that the community address housing needs in its discretionary planning actions by creating opportunities for

housing in the land use plan and facilitating housing development through policy. Housing Elements are legal documents, included within a community's General Plan, that identify housing related conditions, provide an assessment of housing needs for the next eight-year period of time, identify housing resources, identify housing opportunities and constraints, and establish policies, programs, and quantified housing objectives to achieve City housing needs.

Statutory Requirements

State law requires that all housing elements address four key topics: 1) housing needs, 2) constraints to housing development, 3) housing resources, and 4) a housing plan. Analysis of these topics provides the foundation for the preparation of a housing element. Article 10.6, Section 65580 – 65589.11, Chapter 3 of Division 1 of Title 7 of the Government Code sets forth the legal requirements for a housing element and encourages the provision of affordable and decent housing in suitable living environments for all communities to meet statewide goals. The 2023-2031 Housing Element update is a policy document of the City of Santa Clara regarding current and projected future housing needs, and the City's goals, policies, and programs to address those identified needs, and represents a focused update to the City's adopted 2015-2023 Housing Element, which was found to be fully in compliance with State law by the California Department of Housing and Community Development (HCD).

Housing Needs Assessment

Several factors influence the demand for housing in Santa Clara. The four major needs categories considered in the Housing Element include: 1) current population and population growth, including age, race, ethnicity, and employment; 2) household characteristics, including household type, income levels, and the presence of special needs populations; 3) housing stock characteristics, including overcrowding, housing condition, and housing cost; and 4) housing needs of "special needs groups" such as persons with disabilities, the elderly, large households, farmworkers, female-headed households, and people experiencing homelessness.

The City of Santa Clara 2023-2031 Housing Element profiles key community demographics and examines the related housing needs of various groups, including owners versus renters, lower-income households, overcrowded households, elderly households, special needs groups, and homeless persons. This information is detailed in the Housing Element Update (See Appendix B). California Housing Element law requires a quantification of each jurisdiction's share of the regional housing need as established in the RHNA-Plan prepared by the jurisdiction's council of governments. The California Department of Housing and Community Development (HCD), in conjunction with the Association of Bay Area Governments (ABAG), determine a projected housing need for the region covered by ABAG. This share, known as the Regional Housing Needs Allocation (RHNA), is 441,776 new housing units for the 2023-2031 planning period throughout the ABAG region. ABAG has, in turn, allocated this share among its constituent jurisdictions, distributing to each its own RHNA divided along income levels. The City of Santa Clara has a RHNA of 11,632 housing units to accommodate in the housing element period, with the units distributed among the four income categories shown in Table 1 (City of Santa Clara RHNA (2023-2031)).

Table 1
City of Santa Clara RHNA 2023-2031

Income Group	Income Category (%AMI)	RHNA (Housing Units)	Percentage of Total Housing Units
Very Low	<50%	2,872	25%
Low	50-80%	1,653	14%

Moderate	80-120%	1,981	17%
Above Moderate	>120%	5,126	44%
	Total	**11,632**	**100%**

Source(s): Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031, Updated March 2022.
Note(s):
1 AMI = Area Median Income
2 Pursuant to AB 2634, local jurisdictions are required to project the housing needs of extremely low-income households (0-30% AMI) and considers this income group a subset of the very-low income category. In estimating the number of extremely low-income households, a jurisdiction can use 50% of the very low-income allocation or apportion the very low-income figure based on Census data.

Progress Towards the RHNA

Since the RHNA uses June 30, 2022, as the baseline for growth projections for the Housing Element planning period of 2023 to 2031, jurisdictions may count units approved, proposed, or under construction that are anticipated to be complete (have a Certificate of Occupancy) after June 30, 2022. Proposed and approved residential development projects credited toward the RHNA include a variety of affordable and market rate projects in various stages of the development process. Many of these projects are concentrated within Specific Plan areas and along major thoroughfares. Approved and proposed projects are credited toward the RHNA based on the affordability and unit count of the development. A total of 12,712 units from the following approved and proposed project list are expected to be completed within the planning period. Combined, these pipeline projects can accommodate 12,712 total units as shown in Table 2 (Approved and Proposed Projects). Although there is a surplus of above moderate units, the City has a remaining RHNA of 1,033 moderate-income units and 3,698 lower-income units to be addressed through ADU projections and site identification.

Table 2
Approved and Proposed Projects

Site/Credit Type	Total Units	Project Status
Tasman East Focus Area Specific Plan		
TE 2233 Calle Del Mundo (St. Anton)	196	Under Construction
TE 2300 Calle De Luna (Related)	700	Under Construction
TE 5123 Calle Del Sol (Ensemble) - Phase I & II	503	Approved/Under Construction
TE 2200 Calle De Luna (Holland)	580	Approved
TE 2225 Calle de Luna & 2232 Calle del Mundo	371	Approved
TE 2263 Calle Del Mundo (Ensemble)	301	Approved
TE 2302/2310 Calle Del Mundo (Ensemble)	151	Approved
TE 2343 Calle Del Mundo (Summerhill)	347	Approved
TE 2354 Calle Del Mundo (Ensemble)	89	Approved
TE 2101 Tasman Drive (Related)	950	Proposed
TE 5185 Lafayette (Ensemble)	271	Proposed
Patrick Henry Drive Focus Area Specific Plan		
PHD Summerhill	300	Proposed
PHD Sares Regis	800	Pre-application 1
PHD Walnut Hill	416	Pre-application 2
Lawrence Station Area Plan		
LSAP 3580 Rambla Pl (Summerhill)	286	Under Construction
LSAP 2961 Corvin Drive (Toll Brothers)	38	Under Construction
LSAP 3305 Kifer Road (Toll Brothers)	45	Under Construction
LSAP 3517 Ryder St (Westlake Urban)	328	Approved
Freedom Circle Focus Area		

3905 Freedom Circle Mixed-Use Project (Greystar)	1,075	Approved
Other		
Villa Bella Residential Project	56	Under Construction
3035 El Camino Real Residential Project	48	Under Construction
3945 Stevens Creek Blvd - The Meridian	59	Under Construction
2330 Monroe Street Affordable Housing Project (Freebird)	65	Under Construction
Agrihood Mixed-Use Development Project	361	Under Construction
Laguna Clara II (Equity)	183	Under Construction
Gateway Crossings (Hunter/Storm) - Phase 1	725	Under Construction
Clara Gardens - 3550 El Camino Real	120	Approved/Under Construction
1530-1540 Pomeroy Avenue Residential Project	8	Approved
Related Santa Clara - Phase 1	1,680	Approved
Gateway Crossings (Hunter/Storm) - Phase 2	840	Proposed
950 Monroe Street Mixed-Use Project	54	Proposed
TOTAL PENDING AND APPROVED PROJECTS	**11,946**	

Source(s): City of Santa Clara, June 2022.
Note(s): All calculations were rounded down. There are likely discrepancies due to rounding down between the row and column totals.
1 Application expected Dec 2022
2 Application expected early 2023

Approved Projects

Approved projects have been reviewed for compliance with applicable Codes and regulations and have received planning entitlement approval. Projects will proceed through the building permit application review, issuance, and construction process within the planning period.

Projects Under Construction

These projects are under construction, with anticipated completion and occupancy permits to be finalized after June 30, 2022.

Pending/Under Review Projects

Approved projects have been reviewed for compliance with applicable Codes and regulations and have received planning entitlement approval. Projects will proceed through the building permit application review, issuance, and construction process within the planning period.

Default Density Assumptions

The California Government Code states that if a local government has adopted density standards consistent with the population-based criteria set by State law (at least 30 units per acre for Santa Clara), HCD is obligated to accept sites with those density standards (30 units per acre or higher) as appropriate for accommodating the jurisdiction's share of regional housing need for lower-income households. Default density is considered by the State sufficient to provide market-based incentives for the development of housing for lower-income households.

The Santa Clara General Plan (adopted in 2010) identifies ten Focus Areas appropriate for higher density residential and mixed-use development. A detailed discussion of density assumptions and the affordability level of sites is included below.

Site Suitability and Lot Consolidation

Consistent with Housing Element law related to the suitability of small and large sites, the inventory of lower-income sites is limited to parcels between 0.5 and 10 acres in size. Due to the City's historical parcelization pattern, the inclusion of small sites in the inventory is expected. To adhere to State law and HCD guidance, small sites (under 0.5 acres) are not used to meet the lower-income RHNA. There

are 10 available sites included in the inventory with a parcel size under 0.5 acres. All of these are located in the Tasman East Specific Plan area and range between 0.458 and 0.482 acres. Parcels of similar size have been developed with residential within the last housing element cycle in the Tasman East Specific Plan area. While these sites have densities that are appropriate for lower-income RHNA sites and meet the default density standard, they are all credited toward the moderate- and above moderate-income categories. No sites in the inventory are larger than 10 acres. Although many of the parcels identified as sites are adjacent to one another, no lot consolidation is assumed.

Realistic Capacity and Suitability of Non-Vacant Sites

Housing Element law requires jurisdictions to demonstrate that the land inventory is adequate to accommodate that jurisdiction's share of the region's projected growth. Santa Clara has a remaining RHNA of 4,985 units to be achieved through the identification of sites. The City has various residential and mixed-use development opportunities on sites that are currently available, although all sites are non-vacant. All available sites are within Specific Plan areas. Each project demonstrates that the project's actual density was developed higher than the minimum density allowed. Because each Specific Plan has its own distinct land use designations and affordability requirements, realistic capacity for available sites was calculated based on the average of percent above minimum density allowed per Specific Plan of existing and approved projects. Percent above the minimum density allowed was used to remain conservative, realistic, and to account for the wide range of Specific Plan densities allowed (from 20 du/ac in Lawrence Station to 350 du/ac maximum in Tasman East). In every case, claiming realistic capacity using the methodology and assumptions defined here yields total unit counts below the maximum density allowed.

Development Trends and Realistic Capacity

Current development trends in the Specific Plan areas show that a range of medium to high residential density is feasible, realistic, and appropriate to accommodate housing for all income levels. Since the City's adoption of the Lawrence Station Area Plan and Tasman East Specific Plan, Santa Clara has seen an uptick in development and development interest.

Densities Appropriate for Accommodating Lower-Income Housing

The capacity of sites that allow development densities of at least 30 units per acre are credited toward the lower-income RHNA based on State law. The California Government Code states that if a local government has adopted density standards consistent with the population-based criteria set by State law (at least 30 units per acre for Santa Clara), HCD is obligated to accept sites with those density standards (30 units per acre or higher) as appropriate for accommodating the jurisdiction's share of regional housing need for lower-income households. All available sites included in this inventory, except for three sites zoned Medium Density Residential (20-36 du/ac), have density standards of 30 units per acre or higher. Located within the Lawrence Station Area Plan, the three sites zoned Medium Density Residential (20 – 36 du/ac) are credited toward the moderate- and above-moderate income categories. To create a more conservative and realistic estimate of affordability for Santa Clara, available sites that qualify for one hundred percent affordable units based on the allowed density are split evenly between the very low-, low-, and moderate-income categories 33.33 percent, 33.33 percent, and 33.33 percent, respectively.

Re-use of Sites

AB 1397 (2017) requires that specific parameters be placed on sites that were used in previous Housing Element planning cycles but did not develop and are identified in the current Housing Element to meet

the lower-income RHNA. However, as noted in HCD guidance documents, due to updates in the prior planning period to the General Plan or other planning activities, such as the creation of a specific plan, some sites previously identified in the Housing Element may have been rezoned during intervening years to allow a higher density, thereby increasing the potential housing capacity of the site. Because the zoning characteristics of such a site have changed, that site can be considered a new site for the purposes of the housing element inventory.

All sites in this Housing Element are Specific Plan and focus area parcels, including some previously identified in the fifth cycle. Parcels identified in the fifth cycle subsequently rezoned to a higher density through their respective Specific Plan processes were not rezoned to accommodate a shortfall; rather, the rezoning was conducted to implement General Plan policy. Thus, no sites are subject to the reuse provisions of AB 1397 (2017).

No Net Loss Provision

Government Code Section 65863 stipulates that a jurisdiction must ensure that its Housing Element inventory can accommodate its share of the RHNA by income level throughout the planning period (2023-2031). If a jurisdiction approves a housing project at a lower density or with fewer units by income category than identified in the Housing Element, it must quantify at the time of approval the remaining unmet housing need at each income level and determine whether there is sufficient capacity to meet that need. If not, the city must “identify and make available” additional adequate sites to accommodate the jurisdiction’s share of housing need by income level within 180 days of approving the reduced-density project. This provision is commonly referred to as the "no net loss” provision of Housing Element law.

ADU Projections

Since 2017, the State legislature has passed a series of laws that significantly increase the potential for development of accessory dwelling units (ADUs) and Junior ADUs (JADUs) by removing development barriers, allowing ADUs through ministerial permits, and requiring jurisdictions to include programs in their housing element that incentivize ADU development. Interest in constructing ADUs is high in Santa Clara and continues to grow. In 2018, the City issued 21 ADU building permits. In 2019, the number increased to 51 annual building permits, with similar numbers in 2020 (45 ADU building permits) and 2021 (53 ADU building permits). This represents a 152 percent increase in ADU production in Santa Clara between 2018 and 2021. The City estimates that interest will continue to increase over the next few years, given the many single-family neighborhoods citywide that create capacity for additional ADUs. As of June 2022, 53 percent (or 16,103 parcels) of total parcels were zoned for single-family housing, totaling 2,504 acres. ADUs are permitted on single-family, multi-family, and mixed-use lots, including R1, R2, and R3 zoning districts, which represent a significant number of lots in Santa Clara. As an incentive to ADU production, the City does not charge a Planning fee for review/processing ADU requests. Also, State law allows jurisdictions to charge impact fees on ADUs over 750 square feet, but the City of Santa Clara does not. The City has also exempted ADUs/JADUs from providing parking . The slight dip in ADU production in 2020 may be due to the COVD-19 pandemic and other events of 2020. In 2021, the City had the highest number of ADU building permits to date, which is likely more representative of ADU production moving forward based on ADU trends in Santa Clara, new and pending favorable ADU legislation that created new incentives and streamlined processes to build ADUs, and the pent-up demand for additional housing in the Bay Area. While it is impossible to predict with certainty the exact number of ADUs that will be developed during the planning period (2023-2031), the City conservatively estimates:

- An average of 43 ADUs per year will be constructed throughout the planning period. This reflects the average number of building permits issued for ADUs between 2018 and 2021. Given the anticipated increase in ADUs over the near term, this is a conservative estimate.
- A total of 344 ADUs can be predicted to be constructed during the planning period.

The affordability assumptions for ADU projections are based on ABAG's ADU affordability analysis endorsed by HCD.[1]

Site Selection

The Housing Element sites inventory, in addition to the list of pending and approved projects, includes accessory dwelling unit (ADU) projections and vacant and underutilized sites within Specific Plan areas zoned for high-density residential and mixed-use development. These latter two categories have been used to demonstrate that the RHNA for the extremely low-, very low-, low- and moderate-income categories can be accommodated during the planning period. As the discussion below concludes, the sites have no identified constraints that would prevent development or reuse during the Housing Element period. Table 3 (Sites to Meet the RHNA), below, summarizes the sites inventory.

Table 3
Sites to Meet the RHNA

Site	Affordability Category				Total Capacity
	Very Low	Low	Moderate	Above Moderate	
Pending and Approved Projects	390	320	811	9,566	11,946
ADU Projection	102	102	102	34	340
Available Specific Plan Sites	3,049	3,049	3,354	305	9,808
Total	**3,541**	**3,471**	**4,267**	**9,905**	**22,094**
RHNA	**2,872**	**1,653**	**1,981**	**5,126**	**11,632**
Difference	**+669**	**+1,818**	**+2,286**	**+4,779**	**+10,462**

Source(s): Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031, Updated March 2022. Technical Assistance for Local Planning, Housing – Using ADUs to Satisfy RHNA, Technical Memo, March 2022. Patrick Henry Drive Specific Plan, March 2022. Lawrence Station Area Plan, Neighborhood Transit- Oriented Development Plan, Nov. 2016. Tasman East Focus Area Specific Plan, Nov. 2020.
Note(s): AMI = Area Median Income

Available Specific Plan Sites

Plan Bay Area 2050 Growth Geographies
The Metropolitan Transportation Commission (MTC) and ABAG jointly adopted Plan Bay Area 2050 in October 2021. Thirty-five strategies make up the heart of the plan to improve housing, the economy, transportation, and the environment across the Bay Area's nine counties. Throughout Plan Bay Area 2050, Growth Geographies are geographic areas used to guide where future growth in housing and jobs would be focused under the plan's strategies over the next 30 years. These geographies are identified for growth either by local jurisdictions or because of their proximity to transit or access to opportunity. All sites included in the Housing Element are considered Priority Development Areas (PDAs), defined as areas generally near existing job centers or frequent transit that are locally identified (i.e., identified by towns, cities, or counties) for housing and job growth.

[1] *ABAG estimates an affordability breakdown of ADUs as follows: 30% very low-income, 30% low-income, 30% moderate-income, and 10% above moderate-income. Technical Assistance for Local Planning, Housing – Using ADUs to Satisfy RHNA, Technical Memo, March 2022.*

2010-2035 General Plan Focus Areas, Focus Area Plans, and Related Planning Efforts

In 2010, the City of Santa Clara adopted its comprehensive 2010-2035 General Plan, which included identification of nine focus areas throughout the City, listed in Table 4 (General Plan Focus Areas). These areas were chosen for their potential to significantly define Santa Clara's identity as a place in transition from a suburb to a regional economic center. The opportunity to develop at a higher density near transit is central to this new identity. A comprehensive plan, such as a specific plan, is a required prerequisite for new residential development within a focus area. The purpose of these plans and the prerequisite requirements ensure that new neighborhoods are self-sufficient, with easy access to retail, services, and public amenities. Specific Plans also ensure that adequate public services and facilities are provided in tandem with new development. In 2014, the City initiated updates to the Housing Element and Land Use policies that identify and require future development to be comprehensively planned through the preparation of Specific Plans within the Lawrence Station and Tasman East Focus Areas. Of the nine focus areas identified in the 2010-2035 General Plan, four have resulted in Specific Plans, three of which have been adopted. The Freedom Circle Future Focus Area was added to the General Plan in June 2022, while preparation of this sixth cycle Housing Element was well underway. A specific plan has not been drafted or adopted for this focus area, and therefore the focus area, with the exception of the Greystar site that had its own approved General Plan Amendment and Rezoning to allow residential development, was not included in the sites inventory. However, properties within that planning area could become available during the planning period if a specific plan were adopted, helping to guard against the loss of affordable housing capacity.

Table 4
General Plan Focus Areas

2010-2035 General Plan Focus Area	Related Planning Effort	Status
Downtown Focus Area	Santa Clara Downtown Precise Plan	Draft, Nov. 2022
Santa Clara Station Focus Area	None	N/A
Stevens Creek Boulevard Focus Area	None	N/A
El Camino Real Focus Area	El Camino Real Specific Plan	Draft May 2021
Lawrence Station Focus Area	Lawrence Station Area Plan	Adopted Nov. 2016
Tasman East Focus Area	Tasman East Focus Area Specific Plan	Adopted Nov. 2018; Revised, Nov. 2020
Great America Parkway Focus Area	Patrick Henry Drive Focus Area Specific Plan	Adopted, Mar. 2022
Freedom Circle Focus Area	Freedom Circle Future Focus Area Plan	Adopted, June 2022
Central Expressway Focus Area	None	N/A
De La Cruz Focus Area	None	N/A

Source(s): City of Santa Clara 2010-2035 General Plan, Nov. 2010. Patrick Henry Drive Specific Plan, March 2022. Lawrence Station Area Plan, Neighborhood Transit-Oriented Development Plan, Nov. 2016. Tasman East Focus Area Specific Plan, Nov. 2020.

Focus Areas and Specific Plans

A considerable portion of Santa Clara is designated for specific plan development. The City has three approved Specific Plans with a significant number of sites and residential development capacity remaining. Combined, the sites identified in the Lawrence Station, Tasman East, and Patrick Henry Drive Specific Plan areas have enough capacity to satisfy the outstanding RHNA (i.e., the remaining RHNA after pending and proposed projects in Table 2), with 6,336 total units distributed among the four income categories as shown in Tables 3 and 4. The Specific Plan areas provide opportunities for development of market-rate and affordable housing. Development types authorized by the approved

Specific Plans include multi-unit and mixed-use development. None of the listed Specific Plan areas have any site restrictions or governmental constraints that would impede development. Further detail is provided in the following sections. The Specific Plan sites have a high level of certainty to develop given that:

- Through the adoption and implementation of each City-initiated Specific Plan, all parcels within each area have been re-zoned to accommodate high density residential development.
- Specific parameters for densities, uses, development standards, and minimum affordability requirements have already been established.
- No recent, significant enhancements have been made to these sites.
- Infrastructure is either in place, or planned for, in support of proposed land uses, addressing transportation, wet utilities, solid waste management, and energy services and systems. For both the Tasman East and Patrick Henry Drive Specific Plans, an infrastructure fee has been created to apportion costs between developers in the Plan Areas.
- Redevelopment of nonresidential uses into high density residential and mixed-use has already occurred, illustrating developer and property owner interest and the financial feasibility of site redevelopment.
- All land use designations within the Specific Plan areas have established minimum densities.
- No land use designation in the Tasman East Specific Plan or Lawrence Station Area Plan areas allows for stand-alone nonresidential uses.
- The City has financial resources available to support the development of affordable housing.
- All developments in the Tasman East Specific Plan area adhere to the affordable housing requirements referenced in Section 17.40.115 of the Santa Clara City Code. For-sale and rental affordable units shall be maintained as affordable housing for not less than 20 years applicable to for-sale units and 55 years applicable to rental units.
- In recognition of the conversion of employment uses to residential land, the Patrick Henry Specific Plan calls for a higher level of affordability than is required by ordinance. Affordable housing requirements for the Patrick Henry Specific Plan will provide 15 percent affordable units split equally between three affordability levels of 50 percent, 80 percent, and 120 percent of Area Median Income (AMI).
- Additionally, affordability by design in Specific Plan areas is encouraged, with the development of smaller units targeted for those who desire a walkable, urban lifestyle.

Tasman East Focus Area Specific Plan

Adopted in November 2018, the Tasman East Specific Plan regulates the development of 46.1 acres of land located near the City's northern boundary. Approved for the development of 4,500 units, full buildout of the area will likely occur by 2038. The Specific Plan area includes 34 parcels situated east of Lafayette Street, north of Tasman Drive, west of the Guadalupe River Trail, and south of the Santa Clara Tennis and Golf Club property. Each parcel of one acre or more in size is required to accommodate a minimum density of 100 dwelling units per acre. Each parcel of less than one acre in size is required to achieve a minimum density of 60 dwelling units per acre. There are no density maximums for individual parcels. Approximately half of the Tasman East Specific Plan's parcels, on 31 acres, have been redeveloped from a mix of light industrial and business park uses to a high density residential neighborhood with a mix of uses at the ground floor. Eleven projects within the Specific Plan area were counted toward the sixth cycle RHNA as approved, proposed, or under construction. The area's remaining parcels, on 10 acres, have been identified as sites and remain to be re-developed. Assuming the realistic capacities, on a parcel-level, the remaining Tasman East Specific Plan area sites identified in this Housing Element can accommodate a total of 913 units.

Lawrence Station Area Plan

The Santa Clara Lawrence Station Area Plan Area is located northeast of the Lawrence Caltrain Station, bounded by Central Expressway to the north, Kifer Road to the South, Lawrence Expressway to the west, and Calabazas Creek to the east, encompassing approximately 72 acres (65 acres of developable land area excluding existing public right-of-way). Adopted in 2016, the Lawrence Station Area Plan is largely developed. Residential uses have replaced the areas original uses: one- and two-story buildings, generally occupied by light industrial (including manufacturing and warehousing uses), office (including R&D and data centers), and various other commercial uses. Originally approved for the development of 3,500 residential units, 13 parcels, on approximately 30 acres, remain to be developed and are included in this Housing Element's site selection. Assuming realistic capacities, on a parcel-level, the remaining Lawrence Station Area Plan sites identified in this Housing Element can accommodate a total of 2,756 units.

Patrick Henry Drive Focus Area Specific Plan

In March 2022, the City Council approved the Patrick Henry Drive Specific Plan. The planning area encompasses approximately 73.59 acres bounded by Sunnyvale and Calabazas Creek to the west, the southern edge of San Francisco Public Utilities Commission right-of-way to the north, Great America Parkway to the east, and Mission College to the south. As one of the City's first high-density residential neighborhoods, Patrick Henry Drive will add thousands of units to better balance the City's jobs-housing ratio, a share of which will be income restricted to help meet regional and local affordability goals. Several regional destinations and amenities are nearby, including Levi's Stadium, Great America Theme Park, and the Santa Clara Convention Center. The VTA light rail station at Old Ironsides and Tasman Drive is just over one-half mile, or an approximately 10-minute walk, from the center of the Specific Plan area. The Patrick Henry Drive Specific Plan resulted from a collaborative planning effort involving the City, area property owners, and the Santa Clara community. The plan will create a 73.59-acre high-density, residential neighborhood located near regional destinations, including job-centers, transit, and other amenities. At buildout, the project will accommodate up to 12,000 new residential dwelling units and 310,000 square feet of nonresidential uses, including 200,000 square feet of other new neighborhood-serving retail and public facilities, such as libraries and community spaces. New and improved pedestrian and bicycle connections, trails, and parks will link neighborhoods and enhance connections to nearby amenities and recreation destinations. Careful planning will ensure adequate infrastructure and services to support the proposed new development. Targeted residential densities range from a minimum of 51 dwelling units per acre to a maximum of 250 units per acre. These densities will help meet the demand for housing that addresses job and retail growth in the City and region. Assuming the realistic capacities, on a parcel-level, the Patrick Henry Drive Specific Plan sites identified in this Housing Element can accommodate a total of 6,139 units.

General Plan Amendment

The proposed Housing Element Update includes amendments to the General Plan removing the following three Future Focus Areas: Lawrence Station Phase II, De La Cruz, and Central Expressway. (These Future Focus Areas were determined internally to have limited value for residential uses based on existing uses both in and around the to-be-deleted Future Focus Areas. None of these future focus areas were included in the inventory of sites for potential future housing element, in either the proposed housing element or any prior housing element. The project also amends the General Plan to make the High-Intensity Office District more relevant to current business practices by removing the 10% cap on manufacturing uses in the High-Intensity Office/Research and Development designation and removing the 20% manufacturing cap from the Low-Intensity Office/Research and Development designation. The General Plan Amendment also proposes to allow medical facilities on a limited basis in the Low- and High-Intensity Office/Research and Development designations.

Proposed Housing Element Update Goals and Policies

The Housing Element Update's goals and policies have been established to meet state law housing requirements and support the City's vision of providing decent housing and a suitable living environment for every resident. The Housing Plan identifies the City's goals for neighborhood conservation, housing production, housing support, and housing opportunities. The goals are supported by policies which are implemented through a series of actions. To make adequate provision for the housing needs for people of all income levels, the Housing Element Update includes the following goals and policies:

Goal A ***Create and maintain high-quality, livable, and diverse housing stock within the City of Santa Clara.***

Policy A-1: Maintain and improve the quality of residential housing stock, address housing deficiencies and prevent future blight through the encouragement of ongoing maintenance, rehabilitation, and conservation of existing housing stock.

Policy A-2: Provide residential code enforcement for conformance with City Code and Zoning Ordinance regulations.

Policy A-3: Utilize objective design standards to streamline the housing development process.

Policy A-4: Seek collaborative efforts with regional entities and utility service providers to subsidize and incentivize residential energy and water conservation.

Policy A-5: Proactively plan for sufficient housing capacity through infill development that is compatible with existing neighborhoods and through the preparation of neighborhood plans that will support the development of new, complete neighborhoods.

Goal B ***Designate suitable vacant or underutilized sites for new residential development.***

Policy B-1: Identify potential sites for affordable housing units in areas of "high opportunity" as defined by the state.

Policy B-2: Encourage the building of high-density housing on appropriate vacant or underutilized sites.

Policy B-3: Identify and facilitate the award of local, regional, state, and federal funding sources to support housing development, housing infrastructure, and amenities.

Policy B-4: Identify and potentially designate surplus land that can accommodate low, very-low, and extremely low-income residential development.

Policy B-5: Encourage high density residential development utilizing the City's higher density and mixed-use residential designations in proximity to transit and other residential services.

Goal C ***Increase special needs housing opportunities for persons of all economic levels.***

Policy C-1: The City shall collaborate with services agencies and community-based organizations to prioritize loans and grants toward housing for seniors, persons with disabilities, persons with mental illness, large families with children, female-headed households, victims of domestic violence, and people who are experiencing homelessness.

Policy C-2: Improve proximity and connections between special needs housing and high-quality transit stops, job centers, educational institutions, day care, open space, community services, and healthy food options.

Policy C-3: Participate in local, regional, State, and federal programs and efforts that support affordable, transitional, supportive, and permanent housing and address the needs of disadvantaged populations and those experiencing homelessness.

Policy C-4: Ensure compliance with all State and federal regulations relating to housing opportunities and the prevention of discrimination based on religion, gender, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or mental or physical disability and any other protected classes under federal and State law.

Goal D ***Promote a variety of housing types, tenure, and location, including higher density where possible, especially for lower and moderate income and special needs households.***

Policy D-1: Continue to identify and apply for funding that supports the development of housing for extremely-low and very low-income residents and special needs households.

Policy D-2: Continue to utilize General Plan land use and zoning updates to provide increased opportunity and flexibility in providing a variety of housing types and tenure.

Policy D-3: Periodically review the City's ordinances, policies, and procedures and make changes as necessary to reduce or remove constraints to housing development.

Policy D-4: Promote the use of density bonuses and development incentives to facilitate a variety of housing types and tenure.

Policy D-5: Encourage the construction of accessory and junior accessory dwelling units through outreach, education, and links to regional technical assistance.

Goal E ***Affirmatively further fair housing by increasing access to opportunity, reducing displacement impacts, reducing cost burden, targeting outreach to lower income residents, and rehabilitating substandard living conditions.***

Policy E-1: Improve access to opportunity by working to improve the quality of life for residents of lower income communities, as well as supporting residents' mobility and access to 'high resource' neighborhoods.

Policy E-2: Work to reduce displacement of lower income residents from Santa Clara and to reduce the impact of relocation on low-income households.

Policy E-3: Conduct proactive outreach in areas of the City with less access to opportunity, to build awareness of services including fair housing complaint investigation, landlord tenant mediation, eviction and homelessness prevention counseling, and opportunities to apply for new affordable housing through the HouseKeys application portal.

Policy E-4: Conduct regular outreach, education, and affirmative marketing with community partners that have access to populations experiencing disproportionate housing problems and

encourage early participation from a diverse set of residents and other stakeholders in the development of long-range plans and the review of new development proposals.

Policy E-5: Increase public participation by translating public outreach documents (e.g., flyers, surveys) as part of the public participation process and when marketing the City's affordable housing lotteries.

Policy E-6: Continue to provide, when appropriate and feasible, options for either virtual, in-person, or hybrid community meetings to allow for broader community participation.

Housing Element Update Implementing Actions

Each Goal outlined in the Housing Plan is supported by one or more policies, which are often implemented by specific actions. Many of the identified actions below will implement multiple policies and goals. Some policies offer direction to Staff and appointed/elected officials in making decisions related to the provision of housing but are not implemented through specific housing programs.

Action 1: Provision of a Variety of Housing Types

The City of Santa Clara supports and encourages the development of a variety of housing types to rent and to own in a variety of locations to maintain social and economic diversity in the community. During the Housing Element planning period, the City will promote the development of accessory units, affordable one- and two-story additions to single-family homes, and other lower income housing alternatives.

Action 2: Affordable Housing Ordinance

The City's Affordable Housing Ordinance requires developers of residential developments of 10 or more units to provide the following:

- Rental projects - 15% of rental units must be affordable to renters of extremely low, very low, low, and moderate income households, as long as the distribution of affordable units averages to a maximum of 100% of AMI.
- For sale/ownership projects - 15% of units must be affordable to extremely low, very low, low, and moderate income households, as long as the distribution of affordable units averages to a maximum of 100% of AMI.

The Affordable Housing Ordinance has two components: Below Market Rental (BMR) program and Below Market Purchase (BMP) program. The City offers BMR and BMP units to income-qualified households. This program is an important tool for providing very low, low, and moderate income housing opportunities.

Action 3: Affordable Housing Incentives and Facilitation

For-profit and nonprofit developers play a significant role in providing affordable housing in Santa Clara. The City will proactively encourage and facilitate the development efforts of developers and organizations for the construction of affordable housing for lower income households, particularly those with special needs including seniors, large households, extremely low income households, households with persons who have disabilities (including developmental disabilities), and licensed residential care homes.

Action 4: Maintenance of Housing Stock

Since 1976, the City of Santa Clara has assisted more than 1,000 homeowners to rehabilitate and increase the value of their homes through the Neighborhood Conservation and Improvement Program (NCIP). Under the direction of the City of Santa Clara Housing and Community Services Division and

in partnership with Rebuilding Together Silicon Valley, NCIP offers technical and financial assistance to qualified homeowners. The program is designed for citywide households with gross incomes at or below 80 percent of County median income. Various types of minor and major repairs may be addressed including accessibility improvements, re-roofing, plumbing, heating/cooling, electrical, termite damage, foundation, and weatherization. The costs for home repairs are covered through a grant or a loan depending on the size of the project. The Multi-Family Affordable Energy Efficiency program allows for the City's special revenue funds in partnership with Silicon Valley Power (SVP) to pay for energy consultants to recommend and create a scope of work for specific SVP project rebates. The program also allows for the City to provide assistance for the cost of installation and facilitate the grant administration process.

Action 5: Preservation of Assisted Rental Housing

To meet the housing needs of persons of all economic groups, the City is committed to guarding against the loss of housing units reserved for lower income households. Five assisted rental projects in Santa Clara are identified to be at potential low risk of conversion to market rate use in 2028-2031.

Action 6: Acquisition of Multi-Family Housing

As a strategy to expand the City's affordable housing inventory, Santa Clara will continue to explore opportunities for the acquisition/rehabilitation of multi-family housing. As funding permits, the City will work with nonprofit organizations to acquire and rehabilitate deteriorating and distressed properties and convert them into affordable rental housing for lower income households, including those with special needs.

Action 7: Code Enforcement Program

Code enforcement is essential to ensuring housing conservation and rehabilitation. The City maintains a strong housing inspection and code enforcement program to ensure adequate maintenance of the housing stock and quality of residential neighborhoods. In an average year, the City receives several thousand complaints related to possible code enforcement violations. In many cases, the responsible party for the code violation is given the opportunity to voluntarily correct the situation and comply with current codes without a penalty.

Action 8: Neighborhood Relations Programs

Since 1990, the Neighborhood-University Relations Committee (NURC) (formerly Student Housing Committee) has been responsible for reviewing student housing issues. NURC meets regularly to facilitate on-going communication and problem solving among City officials, neighborhoods, property owners and Santa Clara University (SCU) officials and students. Santa Clara University has established a Residency Requirement for Freshman and Sophomore students, with some exceptions, to live on campus. In 2022 the City convened an ad hoc Homelessness Task Force which will be replaced in 2023 with a permanent Housing Commission. The new commission will advise on the use of the City's federal CDBG and HOME funds, and on the City's homelessness response efforts.

Action 9: Zoning Ordinance

The City is currently undertaking a comprehensive update to its Zoning Ordinance to reflect the current goals and policies of the 2010-2035 General Plan. As part of this update, the City will reconsider, and revise, if appropriate, its provisions for parking, mixed use developments, shared housing and residential care facilities, employee housing, and SRO housing. The update is expected to be completed in early 2023. The comprehensive Zoning update is intended to bring consistency between the Zoning Ordinance and the General Plan, implementing the General Plan goals by facilitating mixed use development and higher density residential development, protecting existing neighborhoods, and incentivizing redevelopment with appropriate development standards and streamlined procedures.

Action 10: Adequate Sites Inventory
The City is committed to ensuring that adequate sites at appropriate densities remain available during the planning period, as required by law. The residential sites analysis completed for the 2023-2031 Housing Element indicates the City can accommodate its RHNA of 11,632 units, including 2,872 very low income units, 1,653 low income units, 1,981 moderate income units, and 5,126 above moderate income units.

Action 11: Impact Fees
The City charges various impact fees to provide essential services and facilities to serve new development. The City will conduct an impact fee study to compare the City's fees with surrounding and similar jurisdictions.

Action 12: Affordable Housing Funding
The City will continue to explore gaining access to additional resources that provide a steady funding stream for affordable housing. These may include, funding from the Bay Area Housing Finance Authority, County, State, federal, housing or land trust funds, and private sector support, partnerships, or philanthropy.

Action 13: Residential Development
Development in the City has primarily occurred as the recycling of existing marginal commercial and industrial uses into higher density multi-family housing. As such, the City has not yet experienced direct displacement of lower income households due to new development. As redevelopment of existing uses continues, the City will evaluate potential displacement of residents, and develop and adopt measures, as appropriate, to address the risk of direct or indirect displacement of those existing residents. The City will monitor such measures biannually for effectiveness and make necessary adjustments.

Action 14: Housing Choice Voucher Program
The Section 8 Housing Choice Voucher Program extends rental subsidies to very low income households, as well as elderly and disabled persons. The subsidy represents the difference between 30 percent of the monthly income and the allowable rent determined by the Section 8 program. Vouchers permit tenants to locate their own housing and rent units beyond the federally determined fair market rent in an area. The City's role in this action will be to advocate for more Housing Choice Vouchers for Santa Clara residents.

Action 15: Homeownership for First-Time Buyers
The City continues to create affordable ownership units through its Inclusionary Housing Policy. HouseKeys partners with Santa Clara staff to offer the units created through the Inclusionary Housing - Below Market Purchase (BMP) program to income-qualified households. The intent of the BMP program is to offer low and moderate income homebuyers an opportunity to purchase a home they would not ordinarily be able to afford. If a BMP homeowner wishes to sell the home between 6-20 years after purchase, they must pay back the City's remaining note value and a share of the equity increase. Other resources for affordable homeownership are also available to Santa Clara residents. These include the Housing Trust Silicon Valley, Mortgage Credit Certificates, Habitat for Humanity, and Santa Clara County's Office of Supportive Housing.

The Housing Trust Silicon Valley Empower Homebuyers SCC program provides loans to low- and moderate-income homebuyers in Silicon Valley in the form of low-interest, second mortgages and down-payment assistance. Santa Clara residents are eligible for two types of assistance offered by the Housing Trust, mortgage assistance and gap assistance. The Mortgage Credit Certificate Program (MCC), administered by the County of Santa Clara Office of Affordable Housing, provides financial assistance to first-time homebuyers. The Santa Clara County MCC tax credit reduces the federal

income taxes of qualified borrowers purchasing qualified homes, thus having the effect of a mortgage subsidy. The current tax credit rate is up to 15 percent of the interest paid to the lender on the first loan. Habitat for Humanity East Bay/Silicon Valley provides ownership opportunities for first-time homebuyers via a sweat equity and savings plan programs. Households, friends, and family contribute 250-500 hours of sweat equity into the construction of their homes.

Santa Clara County's Measure A also set aside funds to assist first time homebuyers. In 2023, the County will roll out new programs that help low income households attain home ownership.

Additionally, SB 9, signed into law in September of 2021 and effective January 1, 2022, allows property owners within single-family residential zones to build two units and/or to subdivide an existing lot into two parcels, for a total of four units that can each be sold as separate units, can help enable affordable home ownership for first time buyers.

Action 16: Fair Housing Program

The City contracts with a qualified fair housing services provider to provide fair housing services to its residents. Currently, the City utilizes Project Sentinel, a nonprofit agency that provides information and dispute resolution services to tenants, landlords, and roommates. Since 2009, Project Sentinel has assisted over 1,000 Santa Clara households and landlords to resolve disputes through counseling, conciliation, and mediation.

Action 17: Homeless Services

In 2022 the City convened a six-month Homelessness Taskforce. The Taskforce included stakeholders with a range of perspectives and experience to help identify priorities and provide recommendations related to the development of a local plan to reduce homelessness and its impacts. Additionally, the City's Police Department conducts outreach through the Community Response Team and the Housing and Community Services Division administers grants to several local agencies that offer services to the homeless. The following agencies have received funding from the City:

- WeHope Dignity on Wheels Mobile Shower and Laundry Service
- Santa Clara County Homelessness Prevention System (HPS)
- Santa Clara County case management for permanent supportive housing clients
- Next Door Solutions to Domestic Violence
- Emergency Housing Consortium
- St. Justin Community Ministry
- Bill Wilson Center
- Abode Services
- Community Technology Alliance
- InnVision

Action 18: Shared Housing

Shared housing can be an affordable housing alternative for seniors and other lower income seniors, disabled, and special needs residents when sufficient support and property management services are included. The City can support this housing type through acquisition and rehabilitation subsidies.

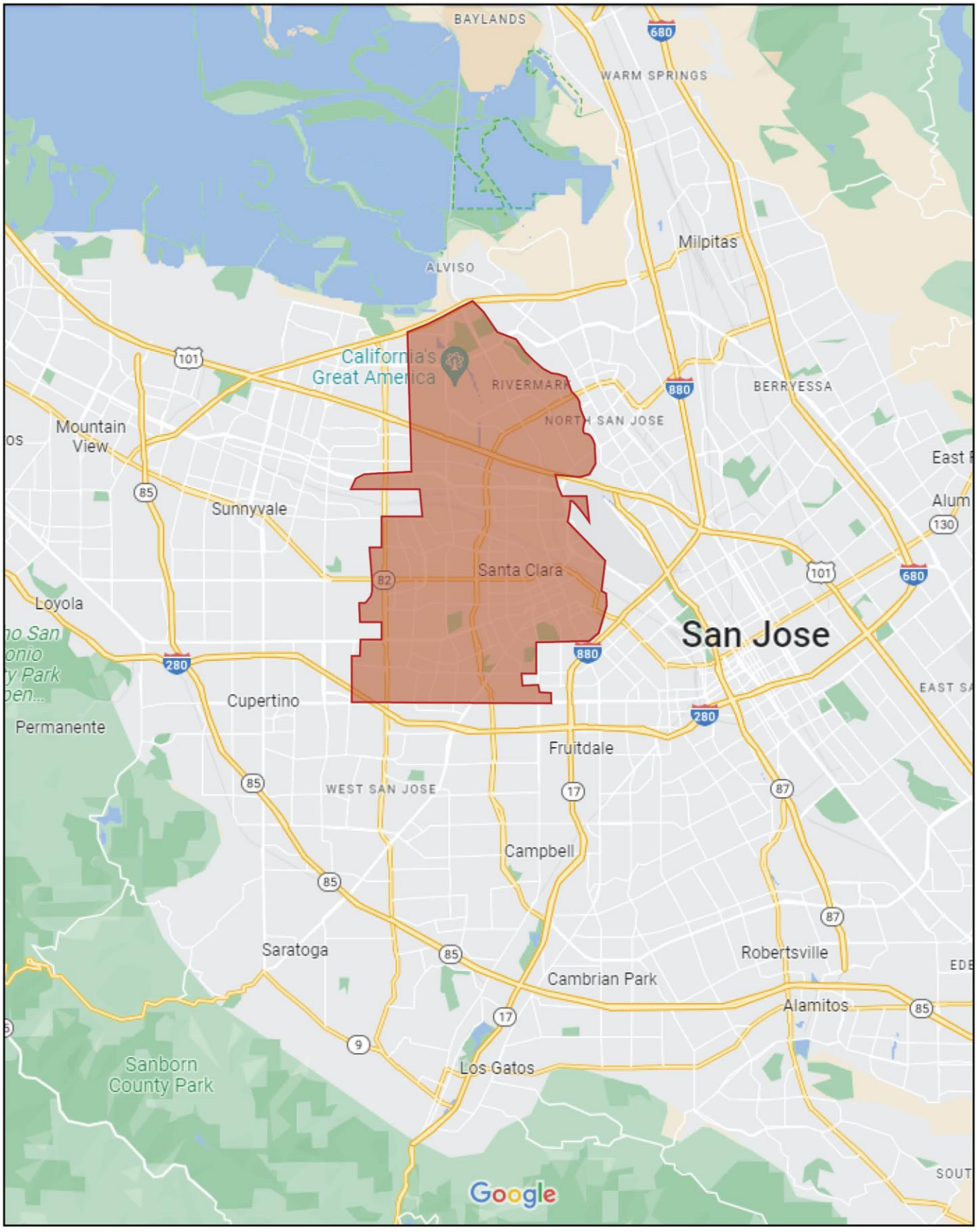
2.9 – Required Approvals

The project would require the following approvals:

- General Plan Amendment to adopt the Housing Element and text amendments to remove the square footage limitations on manufacturing in the low- and high-intensity office districts.
- General Plan Amendment to remove the De La Cruz, Central Expressway and Lawrence Station Phase II Future Focus Areas.
- General Plan Text Amendment to remove the square footage limitations on manufacturing and to allow medical facilities in limited circumstances in the low- and high-intensity office districts.
- Adoption of the Zoning Code Update to implement Action 1 (provision of a variety of housing types) and Action 9 (Zoning Code Update) in the Implementing Actions section of the Housing Element document.

2.10 – Other Public Agency Whose Approval is Required

- None.



- City of Santa Clara Corporate Boundary

Exhibit 1 Regional Context Map

Santa Clara 2023-2031 6th Cycle Housing Element Update
Santa Clara, California

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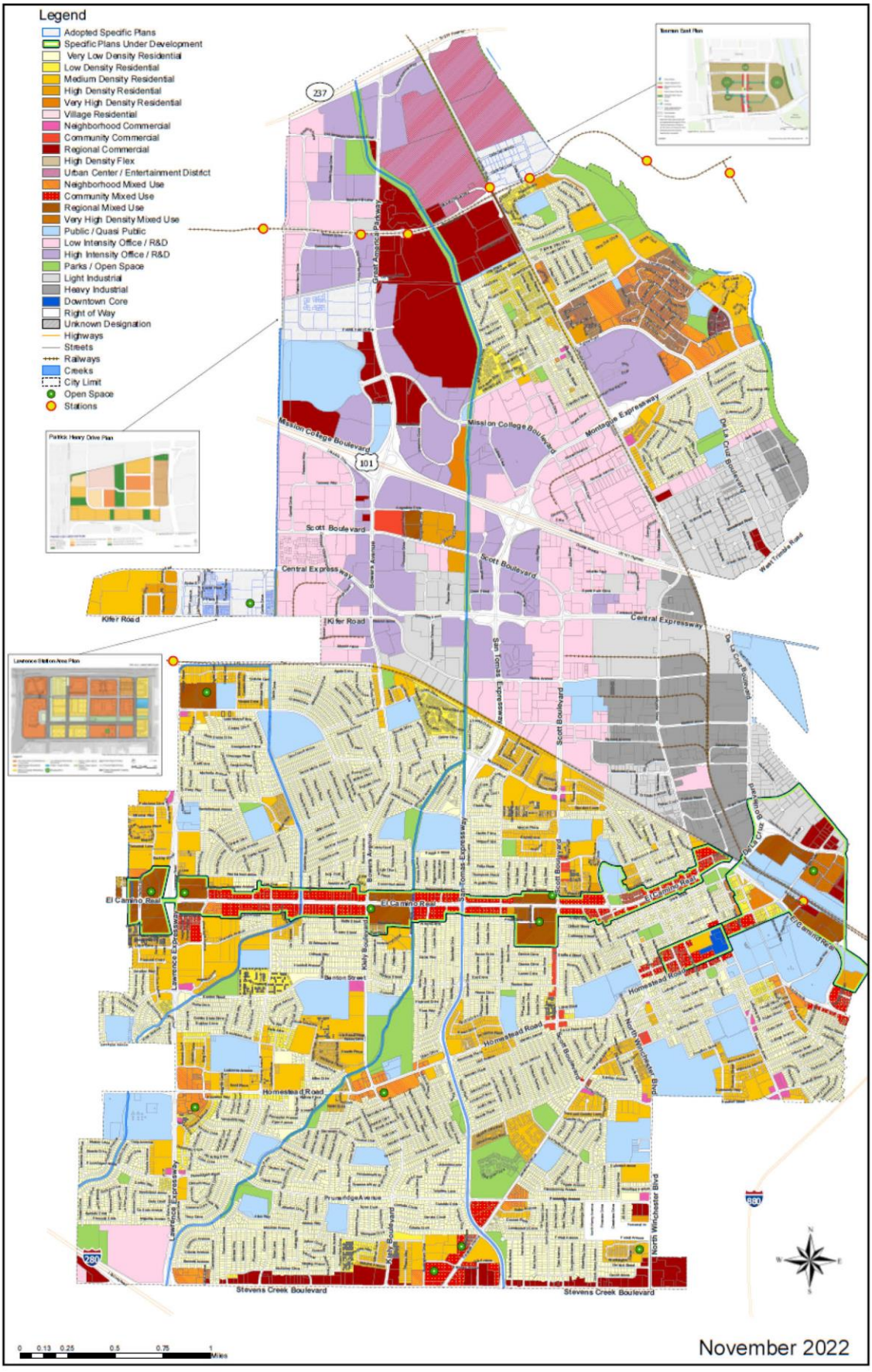


Exhibit 2 Existing General Plan Land Use Map

Santa Clara 2023-2031 6th Cycle Housing Element Update

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3 Determination

3.1 – Environmental Categories Potentially Affected

The environmental categories checked below were identified in the General Plan EIR and subsequent amendments as being a 'Potentially Significant Impact,' and the following Sections of this Addendum identify to what degree the proposed project contributes to these previously identified significant impacts.

☐	Aesthetics	☐	Agriculture Resources	☑	Air Quality
☑	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology /Soils	☑	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology / Water Quality	☐	Land Use / Planning	☐	Mineral Resources
☑	Noise	☑	Population / Housing	☐	Public Services
☐	Recreation	☑	Transportation/Traffic	☐	Tribal Cultural Resources
☑	Utilities / Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

3.2 – Determination

☐	The project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☐	Although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	The project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	The project MAY have a 'potentially significant impact' or 'potentially significant unless mitigated' impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☑	The project could have a significant effect on the environment, but all of its potentially significant effects (a) have been adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION. As such, no further environmental documentation (e.g., a subsequent EIR) is required.

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4 Evaluation of Environmental Impacts

The purpose of this Addendum is to evaluate the CEQA environmental checklist categories in terms of any changed conditions from the approved General Plan EIR and subsequent amendments to the proposed project (e.g., project changes, changed circumstances, or new information of substantial importance) that may produce a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) pursuant to CEQA Guidelines Section 15162, 15164, and 15168(c). As such, the Addendum's checklist analysis uses the standard environmental categories provided in Appendix G of the CEQA Guidelines but provides answer columns for evaluation consistent with the considerations listed in Guidelines Section 15162(a). Mitigation measures identified in the General Plan EIR and applicable to the proposed project are discussed under each environmental Section and are listed in Section 5 – Applicable Mitigation Measures. As discussed in the following Sections, the proposed project would not result in new significant environmental effects or a substantial increase in the severity of impacts previously identified by the General Plan EIR and subsequent amendments.

EXPLANATION OF CHECKLIST EVALUATION CATEGORIES (COLUMNS)

Effect Not Examined in the General Plan EIR?

Pursuant to CEQA Guidelines Section 15168(c)(1), this column indicates whether the project would have effects that were not previously examined by the General Plan EIR and subsequent EIRs, which new effects could necessitate subsequent CEQA review.

Conclusion in the General Plan EIR and Subsequent EIRs?

This column summarizes the conclusion of the General Plan EIR and subsequent EIRs concerning the environmental issue listed under each topic.

Proposed Changes Involving New or More Severe Impacts?

Pursuant to CEQA Guidelines Section 15162(a)(1), this column indicates whether any changes represented by the proposed project would result in new significant environmental impacts not previously identified or mitigated by the General Plan EIR and subsequent EIRs or whether the changes would result in a substantial increase in the severity of a previously identified significant impact.

New Circumstances Involving New or More Severe Impacts?

Pursuant to CEQA Guidelines Section 15162(a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions to the General Plan EIR and subsequent EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

New Information Showing New or More Severe Impacts?

Pursuant to CEQA Guidelines Section 15162(a)(3), this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan EIR and subsequent EIRs were certified, shows any of the following:

(A) The project would have one or more significant effects not discussed in the General Plan EIR and subsequent amendments;

(B) Significant effects previously examined would be substantially more severe than shown in the General Plan EIR and subsequent amendments;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives that are considerably different from those analyzed in the General Plan EIR and subsequent amendments would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the General Plan EIR and subsequent EIRs remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered "No," and no subsequent environmental review would be required.

DISCUSSION FOLLOWING CHECKLIST EVALUATION

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers regarding the proposed project in relation to the General Plan EIR and subsequent EIRs. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented. Applicable mitigation measures from the General Plan EIR and subsequent EIRs that apply to the proposed project are listed under each environmental category. The text of the General Plan EIR mitigation measures are included at the end of each of the topical sections. The summary of each of the subsequent Specific Plan EIR's has been excerpted and are included in Appendix C, and each of the summaries includes the mitigation measures for each of the subsequent Specific Plan EIR's.

Conclusion

Each Section ends with a summary of the conclusion of the preceding analysis.

4.1 – Aesthetics

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Have a substantial adverse effect on a scenic vista?	Yes	Less than Significant Impact	No	No	No
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view from a state scenic highway?	Yes	Less than Significant Impact	No	No	No
c) In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Yes	Less than Significant Impact	No	No	No
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Scenic Vistas. The General Plan EIR noted that there are no scenic vistas within the City, but the City of Santa Clara offers many views of the community and surrounding natural features, including panoramic views of the Santa Cruz Mountains and the Diablo Range and stretches of open space and undeveloped land in the Ulistac Natural Area. It was further noted that these scenic vistas can be viewed from the system of roadways and formal and informal public trails throughout the City, but private views of these resources from residential neighborhoods are currently obstructed by adjacent development. The General Plan EIR found that development and redevelopment under the 2010-2035 General Plan could obstruct views of these scenic vistas from the system of roadways and formal and informal public trails throughout the City. However, it was noted that the 2010-2035 General Plan includes a range of policies that provide program-level mitigation for effects to the scenic vistas and ensure high quality design that maintains the quality of these scenic vistas and ensures their importance in the City's future.

Therefore, it was determined that implementation of General Plan policies and existing programs would minimize effects to the existing scenic vistas and impacts would be less than significant.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to the General Plan EIR. *Therefore, the proposed Housing Element would have a less than significant effect on scenic vistas.*

(b) Scenic Resources within a State Scenic Highway. The General Plan EIR noted that development under the 2010-2035 General Plan has the potential to alter the City's scenic resources. It was also noted that the El Camino Real Focus Area would serve as a gateway into the City and help define the boundary of the City's historic core, and transition goals and policies, in conjunction with the El Camino Real Focus Area policies require that this development respect the existing historic character and development patterns of the surrounding area. It was further noted that the Downtown Focus Area offers opportunities for place-making and for a unique destination in the City to serve both local and regional interests, and that revitalization will support the Major Strategies for City identity and community vitality. The General Plan EIR found that policies related to Areas of Historic Sensitivity and to transitions would also apply in order to respect the existing character and development patterns of the surrounding area. It was found that most development would go through the City's architectural review process prior to issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines. It was further found that the City's scenic resources would be managed consistent with City adopted regulations and policies, in combination with State regulations. Implementation of proposed policies and existing programs would minimize effects to the existing scenic resources. *Therefore, the General Plan EIR determined that implementation of General Plan policies and existing programs would minimize effects to the existing scenic resources and impacts would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to the General Plan EIR. *Therefore, the proposed Housing Element would have a less than significant effect on scenic resources within a State Scenic Highway.*

(c) Degrade Existing Visual Character. The General Plan EIR noted that new development and redevelopment under the General Plan would be substantial enough, and would occur at key locations throughout the City, such that it could have the potential to degrade the visual character of the City without appropriate planning and oversight. However, the General Plan EIR noted that most development would go through the City's architectural review process prior to issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines. In addition, it was noted that Focus Areas within which much of the changes would occur are strategically designed to protect the integrity of residential neighborhoods, and changes to public spaces, including roadways, would be designed to upgrade the aesthetic environment. The General Plan EIR found that the City's visual character would be maintained consistent with City adopted regulations and policies, in combination with State regulations. It was further noted that the General Plan includes a range of policies to ensure high quality design that supports and enhances the aesthetic qualities and character of the City and minimize or avoid adverse effects on the existing visual character. *Therefore, the General Plan EIR determined that implementation of General Plan policies and existing programs would minimize effects to the existing visual character and impacts would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including

subsequent EIRs related to specific plans or area plans, project impacts would be similar to the General Plan EIR. *Therefore, the proposed Housing Element would have a less than significant effect on the existing visual character of the area.*

(d) Light and Glare. The General Plan EIR noted that new development and redevelopment under the 2010-2035 General Plan has the potential to create additional light or glare in the City, and sources of light and glare would include external housing lights, street-lights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. It was also noted that most new development would go through the City's architectural review process prior to issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines. The General Plan EIR found that the City's light and glare would be reduced and managed consistent with City adopted regulations and policies, in combination with State regulations. It was also found that the 2010-2035 General Plan includes a range of policies to provide program-level mitigation for effects to the neighborhoods from new light and glare resources and ensure high quality design that maintains the quality of existing neighborhoods and reduces light and glare. *Therefore, the General Plan EIR determined that implementation of General Plan policies and existing programs would minimize effects of light and glare and impacts would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to the General Plan EIR. *Therefore, the proposed Housing Element would have a less than significant effect related to light and glare.*

Cumulative Impacts

The General Plan EIR noted that visual and scenic resources are generally localized, although specific resources can be regional in nature, such as vistas of a mountain range. It was also noted that build-out of the General Plan would be limited to redevelopment of existing urbanized areas within Santa Clara, as there are only a small number of vacant undeveloped parcels remaining in the City. Further, it was noted that cumulative development within Santa Clara by other public agencies (i.e., the public school districts), or in adjacent communities (i.e., San Jose), would also largely consist of 'recycling' of existing developed parcels for new urban land uses or intensification of existing land uses. The General Plan EIR determined that implementation of the General Plan, including implementation of design review process and incorporation of applicable policies regulating the appearance of new development, would not result in impacts to regional visual and scenic resources, such as the Valley's surrounding hillsides, in that new and redevelopment would not be of a scale or density to affect regional visual and scenic resources. *Therefore, the General Plan EIR determined that the City's contribution to cumulative regional visual and scenic resource impacts would be less than significant.*

The Planning Area is completely urbanized and cumulative impacts related to aesthetics were analyzed in the General Plan EIR and were determined to be less than significant. The proposed Housing Element Update would be required to implement General Plan EIR Mitigation Measures 4.10-1 and 4.10-2. *Therefore, the cumulative aesthetic impact from the proposed Housing Element Update would be less than significant.*

Conclusion

The General Plan EIR determined that implementation of the 2010-2035 General Plan in accordance with proposed policies and actions would result in less than significant aesthetic and visual character impacts and no mitigation measures were required. The proposed Housing Element Update would

implement General Plan policies and existing programs and would not substantially impact the aesthetic or visual character of the Planning Area. The RHNA allocation described in the proposed Housing Element Update would be within the amount of residential development potential analyzed in the General Plan EIR and subsequent EIRs, and would result in similar less than significant aesthetic impacts. The proposed project would be within the scope of what was evaluated in the General Plan EIR and subsequent amendments and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.2 – Agriculture and Forest Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No	Not Examined	No	No	No
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No	Not Examined	No	No	No
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g))?	No	Not Examined	No	No	No
d) Result in loss of forest land or conversion of forest land to non-forest use?	No	Not Examined	No	No	No
e) Involve other changes in the existing environment which, due to their location or nature, could result in	No	Not Examined	No	No	No

conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?					

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Designated Farmland. The General Plan EIR did not analyze impacts related to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The City of Santa Clara is almost completely urbanized and there are very few undeveloped parcels in the Planning Area. While there are locations in the City designated (A) Agricultural, there are no lands designated by the Farmland Mapping and Monitoring Program as being Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. *Therefore, the proposed Housing Element Update would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.*

(b) Williamson Act. The General Plan EIR did not analyze impacts related to Williamson Act contracts. The City of Santa Clara is almost completely urbanized and there are very few undeveloped parcels in the Planning Area. There are no lands within the City under a Williamson Act contract. *Therefore, the proposed Housing Element Update would not conflict with existing zoning for agricultural use, or a Williamson Act contract.*

(c) Forest Zoning. The General Plan EIR did not analyze conflicts with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g)). There are no areas of the City zoned as forest land or timberland resources. *Therefore, the proposed Housing Element Update would not conflict with existing zoning for forest land or timberland.*

(d) Loss or Conversion of Forestland. The General Plan EIR did not analyze impacts related to the loss of forest land or conversion of forest land to non-forest use. However, there are no areas of the City zoned as forest land, and the Planning Area and does not contain any forest land resources. *Therefore, the proposed Housing Element Update would not result in the loss or conversion of forest land*.

(e) Other Changes. The General Plan EIR did not analyze impacts related to the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. The Housing Element Update does not re-zone or re-designate any parcel within the City from agricultural uses or zones to other uses. In addition, the Housing Element Update does not propose any specific development that would result in the conversion of farmland to non-agricultural use; Inventory Sites identified within the Housing Element Update are located within urban areas. There are no parts of the City designated as timberland, forest land, or farmland; as such, implementation of the Housing Element Update would not result in a conversion of these land uses to another use. Development associated with implementation of the Housing Element Update would not result in the conversion of any agricultural or forest land to non-agricultural or non-forest uses. *Therefore, the impact would be less than significant.*

Cumulative Impacts

The General Plan EIR did not analyze cumulative impacts related to the loss of agricultural or forest land. The City of Santa Clara is almost completely urbanized and is designated in Farmland Mapping and Monitoring Program as “Urban and Built-Up Land”. Implementation of the proposed Housing

Element Update would not result in the loss or conversion of agricultural or forest uses. *Therefore, the cumulative agriculture and forest resources impact from the proposed Housing Element Update would be less than significant.*

Conclusion

No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The project does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.3 – Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Conflict with or obstruct implementation of the applicable air quality plan?	Yes	Significant and Unavoidable Impact	No	No	No
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Yes	Significant and Unavoidable Impact	No	No	No
c) Expose sensitive receptors to substantial pollutant concentrations?	Yes	Significant and Unavoidable Impact	No	No	No
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Conflict with AQMP. The General Plan EIR noted that population projections under the General Plan are slightly above the *Bay Area 2005 Ozone Strategy* and the *Bay Area 2010 Clean Air Plan.* However, it was also noted that the rate of VMT growth is less than half the rate of population growth. *Therefore, the General Plan EIR determined that the 2010-2035 General Plan would be consistent with the CAP and project impacts would be less than significant.*

The General Plan EIR also noted that the Air District has a long history of implementing control measures to reduce ozone precursor emissions from stationary, area, mobile and transportation sources, and transportation control measures (TCMs) were designed to reduce emissions from motor vehicles by reducing vehicle trips and vehicle miles traveled. The General Plan EIR also noted that TCMs may also reduce vehicle use, vehicle idling or traffic congestion, and that the TCMs address State ozone planning requirements for the Bay Area. The General Plan EIR found that the policies under the 2010-2035 General Plan support and reasonably implement the applicable *Bay Area 2005 Ozone Strategy* and the *Bay Area 2010 Clean Air Plan* TCMs. *Therefore, the General Plan EIR determined that the 2010-2035 General Plan would be consistent with the TCMs and project impacts*

would be less than significant. However, the subsequent Specific Plan EIR for the Lawrence Station Area Plan found that implementation of the Specific Plan would result in a significant and unavoidable impact and there are no feasible mitigation measures that reduce the impact to less than significant.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to and no greater than those evaluated in the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would also conflict with the applicable AQMP and have a significant and unavoidable impact.*

(b) Cumulatively Considerable Net Increase in Criteria Pollutant Emissions. The General Plan EIR noted that new development and redevelopment allowed under the 2010- 2035 General Plan could increase the concentration of air pollutants. However, the General Plan EIR found that implementation of General Plan policies and existing regulations and programs would substantially reduce air pollutants. *Therefore, the General Plan EIR determined that implementation of the General Plan would not result in a cumulatively considerable net increase in any criteria pollutant emission and impacts would be less than significant. However, subsequent EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle Future Focus Area (FFA) found that construction related impacts would require implementation of mitigation measures to reduce impacts to less than significant and operational impacts would be significant and unavoidable even with incorporation of mitigation. Therefore, this impact is significant and unavoidable and the following subsequent EIR mitigation measures will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measures AQ-1.1, AQ-1.2, AQ-2.1, AQ-2.2, and AQ-2.3.
- Patrick Henry Drive SP EIR – See Mitigation Measures 5-2A, 5-2B, 5-2C, and 5-2D.
- Lawrence Station SP EIR – See Mitigation Measures AQ-4, AQ-5, AQ-6, and AQ-7.
- Freedom Circle FFA EIR – See Mitigation Measures 5-3A, 5-3B, 5-3C, and 5-3D.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, the proposed Housing Element would not result in a more significant impact than has been previously analyzed.*

(c) Exposure of Sensitive Receptors Substantial Pollutant Concentrations. The General Plan EIR found that new development and redevelopment allowed under the 2010- 2035 General Plan could result in construction dust emissions that could affect local and regional air quality. *However, the General Plan EIR found that implementation of General Plan policies and existing regulations and programs would substantially reduce construction dust emissions and impacts would be less than significant.* The General Plan EIR also found that implementation of the 2010-2035 General Plan may involve the placement of sensitive receptors (e.g., new residences) near localized sources of Toxic Air Contaminants (TACs). The General Plan EIR subsequently found that the 2010-2035 General Plan does not provide adequate buffers between existing sources of TAC and new residences or sensitive receptors. *As such, the General Plan EIR determined that incorporation of Mitigation Measure 4.10-1 would reduce this impacts to less than significant. The subsequent EIR for the Lawrence Station SP also found implementation of mitigation measures would reduce impacts to less than significant. However, subsequent EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA found that impacts would be significant and unavoidable even with incorporation of mitigation measures.*

Therefore, subsequent EIRs have determined that this impact is significant and unavoidable and the following subsequent EIR mitigation measures will apply to the proposed Housing Element Update:

- Lawrence Station SP EIR – See Mitigation Measures AQ-1, AQ-2, and AQ-3
- Patrick Henry Drive SP EIR – See Mitigation Measures 5-3A and 5-2B.
- Freedom Circle FFA EIR – See Mitigation Measures 5-3A, 5-3B, 5-3C, and 5-3D.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, the proposed Housing Element would not result in a more significant impact than has been previously analyzed.*

(d) Other Emissions Such as Odors. The General Plan EIR noted that implementation of the 2010-2035 General Plan may involve the placement of sensitive receptors (e.g., new residences) near localized sources of odors. The General Plan EIR subsequently found that the 2010-2035 General Plan does not provide adequate buffers between sources of odors and new residences or sensitive receptors. As listed in the Mitigation Measures section below, the General Plan EIR found that the addition of Policy 5.1.1-P25 to the Prerequisite section and Policy 5.10.5-P34 to the Safety section would require minimum screening or buffer distances between emissions sources and sensitive receptors. As such, the General Plan EIR included incorporation of Mitigation Measures 4.10-2. Additional mitigation measures have been incorporated in subsequent EIRs and are included here by reference. *Therefore, the General Plan EIR determined that impacts from implementation of the General Plan would be less than significant with incorporation of mitigation measures. Subsequent EIRs also determined that this impact would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, project impacts would be similar to the General Plan EIR. *Therefore, implementation of the proposed Housing Element would have a less than significant effect.*

Cumulative Impacts

The General Plan EIR noted that air pollution is a regional issue affected by climate, land uses, and topography. The General Plan EIR also noted that Section *4.10, Air Quality* includes a detailed analysis of the cumulative air quality conditions related to build-out of the 2010-2035 General Plan, as well as the General Plan's conformance with the existing Bay Area 2005 Ozone Strategy and the draft 2010 Bay Area Clear Air Plan, which have been based on regional ABAG projections. The General Plan EIR found that the 2010-2035 General Plan would conform with the current and proposed long-range air quality plans for the Bay Area. *Therefore, the General Plan EIR determined that implementation of the General Plan would result in a less than cumulatively considerable contribution to cumulative air quality impacts.*

The Planning Area is completely urbanized and cumulative impacts related to air quality were analyzed in the General Plan EIR and were determined to be less than significant. The proposed Housing Element Update would be required to implement General Plan EIR Mitigation Measures 4.10-1 and 4.10-2 as well as subsequent Specific Plan EIR mitigation measures incorporated by reference. *Therefore, the cumulative air quality impact from the proposed Housing Element Update would be less than significant.*

Conclusion

The proposed Housing Element Update would not conflict with or obstruct implementation of the applicable air quality plan and would not result in a cumulatively considerable net increase of any criteria pollutant. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and subsequent EIRs. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to the mobile, energy, and area sources that cumulatively contribute to criteria pollutant levels and associated air pollution in the Basin. Development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. General Plan EIR Mitigation Measures 4.10-1 and 4.10-2, as described below, would also be applicable to the development associated with implementation of the Housing Element Update. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur, nor would the significant unavoidable impacts identified in the General Plan EIR be worsened. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required.

Applicable General Plan EIR Mitigation Measures

MM 4.10-1: Policy 5.1.1-P25 should be added to the Prerequisite section as follows:

> Policy 5.1.1-P25: Prior to the implementation of Phase II,[ii] the City will include a Community Risk Reduction Plan (CRRP) for acceptable TAC concentrations consistent with the BAAQMD CEQA Guidelines, including risk and exposure reduction targets, measures to reduce emissions, monitoring procedures, and a public participation process.

Policy 5.10.5-P34 should be added to the Safety section as follows:

> Policy 5.10.5-P34: Include minimum setbacks of 500 feet for roadways with average daily trips of 100,000 or more and 100 feet for railroad tracks for new residential or other uses with sensitive receptors, unless a project-specific study identifies measures such as, site design, tiered landscaping, air filtration systems, windows design to reduce exposure, demonstrating that the potential risks can be reduced to acceptable levels.

MM 4.10-2: Policy 5.10.5-P35 should be added to the Safety section as follows:

> Policy 5.10.5-P35: Establish minimum buffers between odor sources and new residential or other uses with sensitive receptors, consistent with the BAAQMD guidelines, unless a project-specific study demonstrates that these risks can be

[ii] Note that Policy 5.1.1-P25 was modified as part of the 2014 General Plan Update, which was adopted with a MND. As modified, the Policy now directs the preparation of the CRRP prior to implementation of Phase III, rather than Phase II.

reduced to acceptable levels.

4.4 – Biological Resources

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or	Yes	Less than Significant with Mitigation Incorporated	No	No	No

ordinance?					
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Listed or Sensitive Species. The General Plan EIR found that new development under the 2010-2035 General Plan would result in minimal direct impacts due to habitat loss since there are very few vacant, undeveloped parcels left in the City proposed for urban development that provide habitat value. The General Plan EIR noted that the vast majority of new development anticipated under the 2010-2035 General Plan would occur on parcels already developed with an urban use. However, the General Plan EIR found that future development of vacant parcels containing ruderal grasslands has the potential to impact the Congdon's tarplant, should the tarplant be present at the time of development. Further, the General Plan EIR found that development of vacant parcels could result in impacts to individual burrowing owls if owls moved onto the site prior to project construction. In addition, it was noted that if owls are using active nests when construction activity commences, grading of the site could result in destruction of nests and individual owls. The General Plan EIR found that development under the 2010-2035 General Plan would be required to comply with State and federal regulations regarding special-status species. In addition, it was found that General Plan policies would reduce the potential for impacts on the special-status species considered most likely to use habitat in the City. As such, mitigation measures 4.9-1 and 4.9-2 were incorporated into the General Plan EIR to ensure avoidance of Congdon's tarplant and burrowing owl. *Therefore, the General Plan EIR determined that impacts to species identified as a candidate, sensitive, or special status species would be less than significant with incorporation of mitigation. Subsequent EIRs for the Tasman East SP, the Patrick Henry Drive SP, the Lawrence Station Area Plan, and the Freedom Circle FFA also found that impacts to special status species would be less than significant with incorporation of mitigation measures. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measures BIO-1.1, BIO-2.1, BIO-2.2, BIO-2.3, BIO-2.4, BIO-3.1, BIO-5.1, BIO-5.3, and BIO-5.4.
- Patrick Henry Drive SP EIR – See Mitigation Measures 6-3 and 6-4.
- Lawrence Station SP EIR – See Mitigation Measures BIO-1a, BIO-1b, BIO-1c, and BIO-2.
- Freedom Circle FFA EIR – See Mitigation Measures 6-3 and 6-4.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(b) Riparian or Sensitive Habitat. The General Plan EIR found that redevelopment of urban parcels adjacent to riparian corridors along Calabazas Creek, San Tomas Aquino Creek, and Guadalupe River

has the potential to indirectly affect the habitat value of the riparian corridor. It was further noted that the De La Cruz and Tasman East Focus Areas are each immediately west of the Guadalupe River riparian corridor, separated by an earthen levee, and future redevelopment of each Focus Area, in particular, could affect wildlife movement along the Guadalupe River. Additionally, it was noted that the east bank of the Guadalupe River adjacent to Santa Clara is under the jurisdiction of the City of San Jose and is included within the draft Valley HCP boundary, and the Valley HCP's conservation strategy to ensure urban development on the east side of the Guadalupe River doesn't further degrade the riparian corridor's habitat value is to apply the City of San Jose's Riparian Corridor Policy. In addition, the General Plan EIR found that the 2010-2035 General Plan includes updated biological policies that address impacts to riparian habitats. As described in the General Plan EIR, the City of Santa Clara has adopted the Water Collaborative's Guidelines and Standards for Land Uses Near Streams, and the two riparian protection policies (5.10.1-P2 and 5.10.1-P5) are functionally equivalent and will ensure that new and redevelopment on either bank of the Guadalupe River doesn't significantly impact wildlife movement along the Guadalupe River. Finally, it was found that there are no other sensitive natural communities present in the City. *Therefore, the General Plan EIR determined that impacts to riparian habitat or other sensitive natural communities would be less than significant. However, subsequent EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA found that mitigation is required to reduce potential impacts to sensitive habitat to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measure BIO-4.1.
- Patrick Henry Drive SP EIR – See Mitigation Measure 6-2.
- Freedom Circle FFA EIR – See Mitigation Measure 6-2.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(c) Riparian/Wetlands. The General Plan EIR noted that wetlands and other waters are protected under the federal Clean Water Act and the State's Porter-Cologne Water Quality Control Act, and are under the jurisdiction of the U.S. Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. It was further noted that Federal and State regulations require avoidance of impacts to the extent feasible, and compensation for unavoidable losses of jurisdictional wetlands and waters. The General Plan EIR found that development along the City's watercourses would have some potential to affect jurisdictional waters and wetlands. *The General Plan EIR determined that compliance with existing regulations and proposed General Plan policies would ensure impacts on state or federally protected wetlands would be less than significant. However, subsequent EIRs for the Tasman East SP found that mitigation is required to reduce potential impacts to wetlands to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measure BIO-6.1, BIO-6.2, BIO-7.1, BIO-8.1, BIO-8.2, BIO-9.1, BIO-9.2, and BIO-9.3.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including

subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(d) Wildlife Movement. The General Plan EIR noted that the creeks that flow through the City provide the primary wildlife movement corridors, and therefore future development near the creeks has the potential to disrupt or disturb wildlife movements along the creek corridors. However, the General Plan EIR found that the City's implementation of the Water Collaborative's Guidelines and Standards for Land Uses Near Streams would minimize the potential for impacts to wildlife movement. *Therefore, the General Plan EIR determined impacts to the movement of any native resident or migratory fish or wildlife species would be less than significant. The subsequent EIR for the Tasman East SP also found that mitigation is required to reduce potential impacts to wildlife movement to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measure BIO-3.1.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(e) Local Policies. The General Plan EIR noted that there is a City ordinance currently in effect to protect trees on public property, and the General Plan proposes a new policy that would afford protection to specified trees on private property. *Therefore, the General Plan EIR determined that Development under the 2010-2035 General Plan would not conflict with the existing tree ordinance and impacts would be less than significant. However, the subsequent EIRs for the Tasman East SP and the Lawrence Station SP found that mitigation is required to reduce potential impacts from tree removal to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measures BIO-10.1 and BIO-10.2.
- Lawrence Station SP EIR – See Mitigation Measures BIO-3a and BIO-3b.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(f) Habitat Conservation Plans. The General Plan EIR found that the City is not located within the study area, but rather adjacent to, the Valley Habitat Conservation Plan (HCP). It was also found that future nitrogen emissions attributable to the General Plan's net new development in 2035 would constitute approximately 1.5 percent of total emissions and would represent a less than cumulatively considerable contribution to nitrogen deposition impacts to the serpentine grassland special status flora and fauna being addressed in the Valley HCP. *Therefore, the General Plan EIR and subsequent EIRs*

determined that conflicts with the provisions of an adopted Habitat Conservation Plan would be less than significant.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts and no mitigation is required.*

Cumulative Impacts

The General Plan EIR noted that there is minimal vacant, undeveloped land within Santa Clara that provides suitable habitat for rare, threatened, or endangered flora or fauna, and that most suitable habitat in the City is concentrated along the several creek corridors. It was also noted that the predominant biologic impacts associated with implementation of the 2035 General Plan would occur to common, urban-adapted species. In the rare instances where future development would involve a site with a special status species, appropriate mitigation, including avoidance, would be implemented to reduce the impacts to a less than significant level. Therefore, the General Plan EIR determined that new construction and redevelopment within the City of Santa Clara would not contribute to cumulative impacts to special status plants and animals present within the City. As further discussed in Section *4.9 Biology* of the General Plan EIR, regional nitrogen deposition impacts to serpentine habitat in southern San Jose is a cumulative issue being addressed by the Local Partner agencies participating in the Valley HCP. However, for the reasons provided in Section *4.9,* Santa Clara's NOx contribution from new development allowed under the 2035 General Plan was determined to be less than cumulatively considerable. Finally, it was also determined that Nitrogen Oxides (NOx) emissions associated with the City's electrical utility, Silicon Valley Power, would be mitigated on an ongoing basis through management of serpentine habitat on Coyote Ridge in San Jose. *Therefore, the General Plan EIR determined that cumulative biological impacts would be less than significant.*

The Planning Area is an almost completely urbanized area and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. Cumulative impacts related to the Housing Element Update in conjunction with other similar projects in the area were analyzed in the Environmental Impact Report prepared for the City of Santa Clara 2010-2035 General Plan and subsequent EIRs and were determined to be less than significant with mitigation incorporated. *Therefore, the cumulative biological resources impact from the proposed Housing Element Update would be less than significant.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect on any sensitive species or habitat, on any wetlands, with the movement of any native resident or migratory fish or wildlife species, and will not conflict with local policies or ordinances protecting biological resources or with a habitat conservation plan. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and subsequent EIRs. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to biological resources impacts. Development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. General Plan EIR Mitigation Measures 4.9-1 and 4.9-2, as described below, would also be applicable to the development associated with implementation of the Housing

Element Update. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

MM 4.9-1: **Congdon's Tarplant Program Mitigation:** On parcels with ruderal grasslands, surveys will be conducted prior to future development to document the presence/absence of Congdon's tarplant. In the event the species is present, the project design will incorporate an adequate buffer, as determined by a qualified biologist, to ensure the Congdon's tarplant is not threatened by development.

MM 4.9-2: **Burrowing Owl Program Mitigation:** Future development on parcels with ruderal grasslands will include the following standard measures to reduce potential WBO impacts to a less than significant level:

1. Determine Burrowing Owl Presence

a. Breeding Season Surveys

Standardized surveys are necessary to determine presence (or presumed absence) of burrowing owls for the purposes of inventory, monitoring, avoidance of take, and determining appropriate mitigation. In California the breeding season begins as early as February 1 and continues through August 31. The California Burrowing Owl Consortium (Consortium) survey protocol specifies a multi-phase approach, which is recommended in order to adequately evaluate burrowing owl use of an area and to inform the CEQA process. The Department recommends that the Consortium survey protocol for breeding season surveys be adhered to (4 survey visits spread evenly (roughly every 3 weeks) during the peak of the breeding season, from April 15-July 15) The habitat assessment, intensive burrow surveys and burrowing owl surveys should include the area within 150 meters of the project boundaries (approximately 500 feet).

b. Non-Breeding Season Surveys (Including Winter)

Surveys during the non-breeding season (September 1- January 31) are recommended by the Department but are not generally required because burrowing owls are much more difficult to detect during the non-breeding season, and the number or type of surveys that would be needed to detect presence then has not been studied or quantified. Negative results during any nonbreeding season surveys are not conclusive proof that owls do not use the site. Because of this complication, the DFG recommends breeding season surveys as the first step, but project applicants should consult with the Department if burrowing owls have been documented on the project site during the non-breeding season.

2. Avoid Impacts (destruction, disturbance) to Individual Owls

a. Pre-Construction Surveys for Owl Presence

Pre-construction surveys (usually initiated during the non-breeding season) are necessary for assessing owl presence at a site within a short time period before site modification is scheduled to begin. Pre-construction surveys are supplemental to the existing breeding season survey protocol (4 survey visits spread evenly during the peak of the breeding season, from April 15- July 15). Initial pre-construction surveys should be conducted no more than 30 days prior to ground-disturbing activities (for example, disking, clearing, grubbing, grading). Generally, at a minimum, 4 survey visits on at least 4 separate days will be necessary, The time lapse between surveys and site disturbance should be as short as possible and will be determined by DFG based on specific project conditions but generally should not exceed 7 days. Additional surveys are necessary when the initial disturbance is followed by periods of inactivity or the development is phased spatially and/or temporally over the project area. Biologists conducting pre-construction surveys should expend enough effort, based on the above criteria, to assure with a high degree of certainty that take of owls will not occur once site modification and grading activities begin. The report should be submitted to the DFG for review.

b. Buffer Zones Around Occupied Burrows (Year-Round)

Buffer zones to protect burrowing owls from direct disturbance should be implemented pursuant to the Consortium Guidelines and the Department's Staff Report (1995). Generally, the buffers recommended in these reports for protecting burrowing owls from disturbance is 75 meters (250 feet) from occupied burrows during the breeding season and 50 meters (160 feet) from occupied burrows during the non-breeding season. Consultation with the Department may result in site-specific buffer specifications, on a case-by-case basis.

c. Passive Relocation

If construction will directly impact occupied burrows, eviction of owls should occur outside the nesting season to prevent injury or mortality of individual owls. No burrowing owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Relocation of owls during the non-breeding season will be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed and the burrows backfilled immediately prior to the initiation of grading. Furthermore, should the Valley HCP, once adopted, include a regional WBO mitigation program that would be available to future projects in Santa Clara, future projects may have a feasible option to mitigate for their individual impacts to loss of WBO foraging and/or nesting habitat by participating in the Valley HCP's program.

4.5 – Cultural Resources

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section15064.5?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section15064.5?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Historical Resources. The General Plan EIR noted that future development under the 2010-2035 General Plan has the potential to impact, either directly or indirectly, historic resources, both those that are currently listed, and those that have yet to be identified and evaluated. It was also noted that the General Plan's Phase III prerequisite policy to conduct a citywide survey prior to Phase III (2025)[iii] would encompass buildings constructed prior to 1975 (i.e., buildings constructed prior to 1975 would be at least 50 years of age in 2025), and would identify whether additional buildings have achieved historic significance over time. Further it was noted that buildings over 50 years of age would be evaluated prior to demolition or substantial alteration on a case-by-case basis. The General Plan EIR found that implementation of General Plan policies and programs, including application of the California Historic Building Code and the City's Combining Historic Districts, the City's design review process, and referral of projects involving historic resources to the Historical and Landmarks Commission, would serve to minimize historic resources impacts. *Therefore, the General Plan EIR determined that implementation of proposed policies and existing programs would reduce potential historical resources impacts to less than significant. However, the subsequent EIRs for the Patrick Henry Drive SP, the Lawrence Station SP, and the Freedom Circle FFA found that mitigation is required to reduce potential impacts to historical resources to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

[iii] In the 2014 General Plan Update, the Phases of the General Plan were shifted to line up with the housing element update schedule. Phase III is now slated to commence in 2023.

- Patrick Henry Drive SP EIR – See Mitigation Measure 7-1.
- Lawrence Station SP EIR – See Mitigation Measure CUL-1.
- Freedom Circle FFA EIR – See Mitigation Measure 7-1.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the historic resources impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(b) Archaeological Resources. The General Plan EIR found that future development and redevelopment and construction activities under the 2010-2035 General Plan may result in direct or indirect impacts to both prehistoric and historic archaeological resources. It was also noted that construction activities such as grading and excavation may result in the accidental destruction or disturbance of archaeological sites. Further, it was found that all areas of the City hold potential for the presence of prehistoric archaeological resources, with the exception of current and former stream channels and areas with artificial fill. However, the General Plan EIR found that 2010-2035 General Plan includes a range of policies to ensure the protection of archaeological resources. The General Plan EIR found that existing federal, State, and local regulations address the provision of studies to identify archaeological and paleontological resources; application review for projects that would potentially involve land disturbance; provide a project-level standard condition of approval that addresses unanticipated archaeological and or paleontological discoveries; and requirements to develop specific mitigation measures if resources are encountered during any development activity. *Therefore, the General Plan EIR determined implementation of General Plan policies and existing programs would reduce the impact to archaeological resources to less than significant. However, the subsequent EIRs for the Tasman East SP, the Patrick Henry Drive SP, the Lawrence Station SP, and the Freedom Circle FFA found that mitigation is required to reduce potential impacts to archaeological resources to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measures CUL-1.1, CUL-1.2, and CUL-1.3
- Patrick Henry Drive SP EIR – See Mitigation Measure 7-2.
- Lawrence Station SP EIR – See Mitigation Measure CUL-2 and CUL-3.
- Freedom Circle FFA EIR – See Mitigation Measure 7-3.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the archaeological resources impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(c) Human Remains. The General Plan EIR noted that implementation of the 2010-2035 General Plan would allow development and redevelopment, including grading, of sensitive areas, possibly disturbing human remains, including those outside of formal cemeteries. However, it was found that existing regulations, including the California Public Resources Code. Section 5097.98, would afford protection for human remains discovered during development activities. In addition, review and protection are afforded by CEQA for those projects subject to discretionary action, particularly for activities that could

potentially disturb human remains. Further, it was noted that SB 18 requires consultation regarding Native American sites and artifacts, but the potential for project-level impacts to unidentified and unrecorded tribal cultural places remains moderate to high. As such, it was found that future excavation and grading activities could result in impacts to human remains. However, it was determined that Public Resources Code Section 5097.98 mandates the process to be followed in the event of a discovery of any human remains, and would mitigate all potential impacts. *Therefore, the General Plan EIR determined that implementation existing programs would reduce the impact to human remains to less than significant. However, the subsequent EIRs for the Tasman East SP, the Patrick Henry Drive SP, the Lawrence Station SP, and the Freedom Circle FFA found that mitigation is required to reduce potential impacts to buried human remains to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measures CUL-1.1, CUL-1.2, and CUL-1.3.
- Patrick Henry Drive SP EIR – See Mitigation Measure 7-2.
- Lawrence Station SP EIR – See Mitigation Measure CUL-5.
- Freedom Circle FFA EIR – See Mitigation Measure 7-3.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the buried human remains impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with already identified mitigation incorporated.*

Cumulative Impacts

The General Plan EIR found that projects in the City and other cumulative projects in the area would implement mitigation that avoids or substantially lessens potentially significant impacts to cultural resources, as required by State law. These mitigation strategies would typically involve pre-construction identification surveys; significance evaluations; consultation with tribal descendant communities; culturally and legally appropriate treatment of human remains; archaeological construction monitoring; resource documentation; and data recovery for unavoidable impacts. These mitigation strategies would generally avoid or substantially lessen the severity of impacts to cultural resources. *Therefore, the General Plan EIR determined that the City's contribution to cumulative effects associated with cultural resources is less than cumulatively considerable and impacts would be less than significant.*

The Planning Area is an almost completely urbanized area and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. Cumulative impacts related to the Housing Element Update in conjunction with other similar projects in the area were analyzed in the Environmental Impact Report prepared for the City of Santa Clara 2010-2035 General Plan and subsequent EIRs and were determined to be less than significant with incorporation of mitigation measures. *Therefore, the cumulative cultural resources impact from the proposed Housing Element Update would be less than significant.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect on any historical resources, archaeological resources, or buried human remains. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the

General Plan EIR and subsequent Specific Plan SP EIRs. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to cultural resources impacts; however, development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. The mitigation measures of the subsequent EIRs, as referenced above, would also be applicable to development associated with implementation of the Housing Element Update. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation measures are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.6 – Energy

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Yes	Less than Significant Impact	No	No	No
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency??	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a-b) Energy Consumption. The General Plan EIR found that while the substantial new residential, commercial, and industrial development allowed under the 2010-2035 General Plan would result in increased overall consumption of energy compared to existing levels, the new development would not consume energy in a manner that is wasteful, inefficient, or unnecessary. Policies in the General Plan will serve to reduce growth in energy consumption to the extent feasible. It was also found that new construction would be required to meet Title 24 building energy efficiency standards, including the new CALGreen requirements. In addition, the General Plan EIR noted that the Climate Action Plan (discussed in Section *4.16 Climate Change* of the General Plan EIR) would focus on efforts to increase energy conservation and efficiency as a means of reducing greenhouse gas emissions. *Therefore, the General Plan EIR determined that the 2010-2035 General Plan would result in less than significant impacts. Similarly, the subsequent EIRs for the Tasman East SP, the Patrick Henry Drive SP, the Lawrence Station SP, and the Freedom Circle FFA also found that impacts would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the energy impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR noted that the geographic area for cumulative energy impacts is the State of California, which includes the areas serviced by electrical and natural gas utility providers. The General Plan EIR also noted that *Section 4.16 Climate Change* of the General Plan EIR provides Plan-level analysis that places the 2010-2035 General Plan's growth within the cumulative context for California's

2020 and 2050 climate change goals. As discussed in the Climate Change section of the General Plan EIR, the City was committed to the preparation and implementation of a Climate Action Plan to ensure the proposed General Plan would be consistent with the state's 2020 emissions targets, and would contribute a less than cumulatively considerable amount toward future GHG levels. Achieving 2020 emissions levels would necessarily entail increased energy conservation and efficiency, and utilization of renewable sources. In addition to Santa Clara, it was noted that the cities of San Jose and Sunnyvale were (at the time) each developing Climate Action Plans to address their respective 2020 emissions. In addition, all other projects constructed within Santa Clara, including projects under subsequent Specific Plans, are required to comply with the policies of the General Plan, plus existing local, state and federal regulations to prevent the inefficient use of energy. Finally, it was found that future development within the electrical and natural gas utility providers' service area would also be required to adhere to applicable local regulations, including the provisions of Title 24, designed to prevent use of energy. *Therefore, the General Plan EIR determined that cumulative impacts to energy from development under the General Plan would be less than significant with compliance to relevant legislative regulations and General Plan policies.*

Subsequent program EIRs, including Lawrence Station Area Plan EIR, the Tasman East Specific Plan EIR, the Patrick Henry Drive Specific Plan EIR, and the Freedom Circle Focus Area EIR all indicate that the implementation of the respective plans would be expected to result in replacement of older, less energy-efficient structures with newer structures built to the latest building code standards, which would increase the efficiency of electricity consumed within the City. The proposed higher density land uses would result in more efficient energy use compared to energy use for lower density land uses (e.g., "sprawl") due to more residents being close to transit, which would reduce the amount of transportation energy spent on commuting. The proposed increase in residential development overall would be expected to result in a reduction in outcommuting and a decrease in the associated expenditure of transportation energy. Therefore, by ensuring the buildings are energy efficient, placing the buildings in a low VMT area, and providing space for a mix of uses and amenities that promote non-automobile transportation options, the project would use resources in a non-wasteful and efficient manner. In addition, implementation of the City's 2022 Climate Action Plan would reduce natural gas consumption and increase electricity demand by incentivizing conversion of existing buildings to all electric energy use. Proposed actions relating to improving energy efficiency action would reduce the amount of energy used by new and existing development throughout the City by retrofitting existing municipal facilities, and incentivizing home energy upgrades. *Therefore, the conclusions of the General Plan EIR regarding energy usage, as amended by subsequent program EIRs and the Climate Action Plan addendum remain less than significant.*

The Planning Area is an almost completely urbanized area and cumulative impacts related to climate change and energy were analyzed in the General Plan EIR and subsequent EIRs and were determined to be less than significant. The City of Santa Clara has an adopted Climate Action Plan which ensures individual projects incorporate measures to reduce their energy use to less than significant levels. The state appears to have adequate supplies of energy and is implementing state policies intended to reduce energy use and greenhouse gas emissions. Thus, there is no cumulative impact related to wasteful use of energy or adequate supply of energy. *Therefore, the proposed Housing Element Update would not contribute towards any significant cumulative energy impact and the impact would be less than significant.*

Conclusion

The proposed Housing Element Update would not result in the wasteful, inefficient, or unnecessary consumption of energy resources and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The RHNA allocation described in the Housing Element Update

would be within the amount of residential development analyzed within the General Plan EIR and subsequent EIRs. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to energy resources impacts. Development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.7 – Geology and Soils

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	Yes	Less than Significant Impact	No	No	No
ii) Strong seismic ground shaking?	Yes	Less than Significant Impact	No	No	No
iii) Seismic-related ground failure, including liquefaction?	Yes	Less than Significant Impact	No	No	No
iv) Landslides?	Yes	Less than Significant Impact	No	No	No
b) Result in substantial soil erosion or the loss of topsoil?	Yes	Less than Significant Impact	No	No	No
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Yes	Less than Significant Impact	No	No	No

d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2022), creating substantial direct or indirect risks to life or property?	Yes	Less than Significant Impact	No	No	No
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No	Not Examined	No	No	No
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a.i) Fault Rupture. The General Plan EIR noted that the City does not contain any faults mapped as Alquist-Priolo Earthquake Fault zones. There are also no other faults that extend through the City. Because there are no known active earthquake faults within the limits of the City of Santa Clara, the risk for surface fault rupture is considered low within the City. *Therefore, the General Plan EIR determined that this impact would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the potential fault-related impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts.*

(a.ii) Strong Seismic Ground Shaking. The General Plan EIR noted that because the city is in relatively close proximity to several major fault zones, the California Building Code, as adopted by the City of Santa Clara, requires that seismic design features be incorporated in construction and redevelopment projects in Santa Clara. The primary purpose of the seismic design requirements of the building code is to avoid loss of life. *Therefore, the General Plan EIR determined that this impact would be less than significant with adherence to existing regulations.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, strong seismic ground shaking impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with adherence to existing regulations.*

(a.iii) Seismic-Related Ground Failure/Liquefaction. The General Plan EIR noted that under the County of Santa Clara Hazard Mapping, most of Santa Clara is considered susceptible to liquefaction

hazards (refer to Figure 4.5-3), and development and redevelopment allowed under the 2010-2035 General Plan would occur within these areas. In addition, it was noted that there are areas near creeks, such as along the Guadalupe River, where lateral spreading could occur. As such, it was found that future projects approved under the 2010-2035 General Plan within the liquefaction hazard area would be required under the Seismic Hazard Mapping Program and building code and City Code requirements to evaluate site-specific liquefaction and ground failure hazards and mitigate those hazards to an acceptable level. *Therefore, the General Plan EIR determined that this impact would be less than significant with adherence to existing regulations.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the potential seismic-related ground failure impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with adherence to existing regulations.*

(a.iv) Landslides/Seismically-Induced Waves. The General Plan EIR noted that because the City is located on gently sloping and nearly flat valley floor topography, it is not subject to risk of landslides; and the landslide hazard mapping compiled by the County of Santa Clara shows the City is outside the landslide hazard zone. Therefore, it was determined that there are no areas within the City susceptible to landslides. The General Plan EIR also noted that because the City is not located within a tsunami inundation area, development and redevelopment anticipated under the General Plan would not be exposed to substantial risks associated with tsunamis. Locally, the General Plan EIR found that seiches due to seismic shaking could occur in shallow lakes, reservoirs, or percolation ponds in Santa Clara and the surrounding area, and sloshing of water out of a lake or basin onto the surrounding area could result in water damage, erosion and some slope failure. However, it was found that there are no lakes or reservoirs within the City, but several ponds, including the City's two retention basins, (located near State Route 237 and the Union Pacific Railroad Line, and the Great America Parkway and San Tomas Aquino Creek). It was also found that Lexington Reservoir is located approximately nine miles from the City. However, the potential for loss of life from this hazard is low. *Therefore, the General Plan EIR determined that this impact would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the potential landslide and seismically-induced wave impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with adherence to existing regulations.*

(b) Soil Erosion. The General Plan EIR noted that grading and ground disturbance increases the potential for accelerated erosion by removing protective vegetation or cover and changing natural drainage patterns. However, it was also noted that for future development over one acre in size, erosion hazards would be minimized through implementation of site-specific erosion measures in SWPPPs under the NPDES General Construction Permit and grading and excavation requirements in the City's City Code. Given that many future development projects would be on properties less than one acre, it was further noted that requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing erosion control measures through the grading and building permit process. *Therefore, with the regulatory programs currently in place, the General Plan EIR determined that possible impacts of accelerated erosion during construction associated with development and redevelopment would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the potential erosion impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with adherence to existing regulations.*

(c) Unstable Geologic Unit. The General Plan EIR found that development under the 2010-2035 General Plan would be required to incorporate the seismic design features of the California Building Code in construction and redevelopment projects in Santa Clara. *Therefore, the General Plan EIR determined that the impact would be less than significant. However, the subsequent EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA found that mitigation is required to reduce potential impacts to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Patrick Henry Drive SP EIR – See Mitigation Measure 8-3.
- Freedom Circle FFA EIR – See Mitigation Measure 8-6.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the ground instability impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(d) Expansive Soils. The General Plan EIR noted that soil and geologic hazards of concern in the City of Santa Clara are primarily related to expansive soils, weak soils, and artificial fill and the City primarily consists of well-drained loamy soils formed on alluvial sediments. It was also noted that soils include loam and clay loam at the surface and in the very shallow subsurface, overlying gravelly sandy clay loam and fine sandy clay loam present at depth and such units are typically moderate to very highly expansive. It was further noted that in general, alluvial fan sediments become increasingly finer grained with greater distance from the mountains and because of this expansion potential is generally moderate in the southern City's alluvial fan and plain soils and high in the alluvial plain/valley floor soils of the northern City. The General Plan EIR also found that where expansive soils are present, foundations and pavements can be damaged when solids go through cycles of wetting and drying. Weak compressible soils are located at the City's northernmost edge and weak soils can compress, collapse, or spread laterally under the weight of buildings and fill. It was also noted that artificial fill has been placed under buildings throughout the City, and non-engineered fill can result in excessive settlement of structures, pavement, and utilities. It was found that because the City is located on gently sloping and nearly flat valley floor topography, it is not subject to risk of landslides; landslide hazard mapping compiled by the County of Santa Clara shows the City is outside the landslide hazard zone. Therefore, the General Plan EIR determined that there are no areas within the City susceptible to landslides. The General Plan EIR found that new development under the 2010-2035 General Plan would occur primarily as intensification of previously developed areas throughout the City and hazards associated with expansive soils, weak soils, and artificial fill would be reduced and managed consistent with City adopted regulations and policies, in combination with State building regulations. In addition, it was noted that the 2010-2035 General Plan includes updated hazards policies that address geologic and seismic hazards and provide program-level mitigation for geologic, soil and landslide hazards within the City. While the General Plan EIR determined that new development and redevelopment allowed under the 2010- 2035 General Plan could occur in areas with identified soil hazards, implementation of General

Plan policies and existing regulations and programs would substantially reduce hazards to people and property. *Therefore, the General Plan EIR determined this impact would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the potential soil expansion impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with adherence to existing regulations.*

(e) Septic Systems. The General Plan EIR did not analyze impacts related to septic systems. The proposed Housing Element Update does not include provisions permitting use of septic systems and future development resulting from implementation of the Housing Element Update would be required to connect to the existing municipal wastewater conveyance and treatment system provided by the City of Santa Clara. *Therefore, impacts related to the ability of soils to adequately support the use of septic systems would not occur as a result of the proposed project.*

(f) Paleontological Resources. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan has the potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature. However, the General Plan EIR found that implementation of General Plan policies and existing programs would minimize this effect. *Therefore, the General Plan EIR determined that impacts would be less than significant. However, the subsequent EIRs for the Tasman East SP, the Patrick Henry Drive SP, the Lawrence Station Area Plan, and the Freedom Circle FFA found that mitigation is required to reduce potential impacts to paleontological resources to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measure CUL-2.1.
- Patrick Henry Drive SP EIR – See Mitigation Measure 8-4.
- Lawrence Station SP EIR – See Mitigation Measure CUL-4.
- Freedom Circle FFA EIR – See Mitigation Measures 8-7 and 8-8

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the paleontological resources impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

Cumulative Impacts

The General Plan EIR found that geologic conditions are highly localized and implementation of the 2010-2035 General Plan would generally not result in cumulative geologic impacts, unless growth under the Plan would exacerbate a regional cumulative geologic issue (e.g., fault zone, massive landslide) affecting an extensive area covering multiple jurisdictions. There are no such regional geologic features in Santa Clara. *Therefore, the General Plan EIR determined that the City's contribution to regional cumulative impacts related to geology and soils, would be less than significant.*

The Planning Area is an almost completely urbanized area and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. Cumulative geology and soils impacts related to the Housing Element Update in conjunction with other similar projects in the area were analyzed in the Environmental Impact Report prepared for the City of Santa Clara 2010-2035 General Plan and subsequent EIRs and were determined to be less than significant with incorporation of mitigation measures. *Therefore, the cumulative geology and soils impact from the proposed Housing Element Update would be less than significant.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect related to fault rupture, strong seismic ground shaking, seismic-related ground-failure and liquefaction, landslides and seismically-induced waves, soil erosion, expansive soils, and septic systems and would require mitigation measures to reduce potential impacts to paleontological resources to less than significant. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and subsequent Specific Plan SP EIRs. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to geology and soils impacts; however, development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. The paleontological resources mitigation measures of the subsequent EIRs, as referenced above, would also be applicable to development associated with implementation of the Housing Element Update. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.8 – Greenhouse Gas Emissions

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Yes	Significant and Unavoidable	No	No	No
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Yes	Significant and Unavoidable	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

a) Greenhouse Gas Emissions. The General Plan EIR determined that the City's projected 2020 GHG emissions, without further reduction via a Climate Action Plan, would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to meet statewide 2020 goals as established by AB 32. It was also determined that Citywide 2035 GHG emissions are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 state climate change reduction goals. However, achieving the substantial emissions reductions will require policy decisions at the federal and state level and new and substantially advanced technologies that cannot today be anticipated, and are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. *Therefore, given the uncertainties about the feasibility of achieving the substantial 2035 emissions reductions, the General Plan EIR determined that the City's contribution to climate change for the 2035 timeframe is significant and unavoidable.*

In 2022, the City adopted a Climate Action Plan that included measures and actions that would reduce overall citywide GHG emissions by approximately 550,553 $MTCO_2e$ per year, resulting in citywide GHG emissions of 946,487 $MTCO_2e$ in 2030, below the 2030 target of 950,040 $MTCO_2e$ per year. The 2022 Climate Action Plan addendum indicated that the 2022 CAP would not generate GHG emissions that may have a significant impact on the environment or conflict with a plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. With the adoption of the 2022 Climate Action Plan, impacts from greenhouse gas emissions would be *less than significant, and would have less impact than the adopted 2010 General Plan EIR.*

Impacts from greenhouse gas emissions described in the Lawrence Station Area Plan EIR, the Tasman East Specific Plan EIR, and the Patrick Henry Drive Specific Plan EIR all found that the proposed projects would meet the City's efficiency metric threshold, and would be consistent with policies from the 2013 Climate Action Plan.

Emissions from the Freedom Circle Focus Area were determined to be greater than the City's efficiency metric threshold, and as a result the EIR included two mitigation measures (9-1A and 9-1B) for projects in the plan area. These measures included the requirement for individual projects to implement transportation demand management programs, and to use GHG-free electricity sources. With the incorporation of the required mitigation measures, impacts from greenhouse gas emissions would be *less than significant, and would have less impact than the adopted 2010 General Plan EIR.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the greenhouse gas emissions impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR, subsequent EIRs, and to the 2022 Climate Action Plan addendum. *Therefore, similar to the General Plan EIR as addended by the Climate Action Plan, implementation of the proposed Housing Element Update would result in less than significant greenhouse gas emissions impacts.*

b) Conflict with Applicable Plan. The General Plan EIR determined that the City's projected 2035 GHG emissions would constitute a cumulatively considerable contribution to global climate change by exceeding the average carbon-efficiency standard necessary to maintain a trajectory to meet statewide 2050 goals as established by EO S-3-05. *Therefore, the General Plan EIR determined that this impact would be significant and unavoidable.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR, subsequent EIRs and the Climate Action Plan addendum.

Therefore, similar to the General Plan EIR as addended by the Climate Action Plan, implementation of the proposed Housing Element Update would result in less than significant greenhouse gas emissions impacts.

Cumulative Impacts

The General Plan EIR found that Citywide 2035 GHG emissions are projected to exceed efficiency standards necessary to maintain a trajectory to meet long-term 2050 state climate change reduction goals. However, it was found that achieving the substantial emissions reductions will require policy decisions at the federal and state level and new and substantially advanced technologies that cannot today be anticipated, and are outside the City's control, and therefore cannot be relied upon as feasible mitigation strategies. *Therefore, given the uncertainties about the feasibility of achieving the substantial 2035 emissions reductions, the General Plan EIR determined that the City's contribution to climate change for the 2035 timeframe is conservatively determined to be cumulatively considerable.*

The Planning Area is an almost completely urbanized area and cumulative impacts related to climate change and energy were analyzed in the General Plan EIR, and subsequent EIRs, and were determined to be significant and unavoidable. *Similarly, the cumulative greenhouse gas emissions impact from the proposed Housing Element Update would be significant and unavoidable.*

Conclusion

The proposed Housing Element Update would result in significant and unavoidable greenhouse gas emission impacts. However, the RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and subsequent EIRs. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to greenhouse gas emissions impacts. Development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No feasible mitigation exists to mitigate the significant unavoidable impact.

4.9 – Hazards and Hazardous Materials

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	Yes	Less than Significant Impact	No	No	No

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Yes	Less than Significant Impact	No	No	No
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Yes	No Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a-c) Hazardous Materials Use/Potential for Accidental Releases. The General Plan EIR noted that the 2010-2035 General Plan allows for a greater mix of uses, including location of residential uses in proximity to businesses which could expose sensitive receptors to hazardous materials used, stored or disposed of as waste by industrial or in some cases, commercial, operations. It was also noted that hazardous materials presently stored and used in Santa Clara include flammable liquids, acids, and similar substances, and that some of these substances are routinely transported and kept in large enough amounts that improper handling or an accidental spill or leak could result in off-site consequences that could adversely impact nearby workers or the public. It was further noted that placement of additional sensitive receptors near facilities that could have an accidental release of a hazardous substance that would have off-site consequences, or conversely, location of a new industrial, commercial or institutional use that uses or stores toxic substances near sensitive receptors, including within ¼ mile of schools, could increase the risk of adverse health effects in the event of an accidental release. In addition to housing, it was found that new sensitive receptors such as schools and day care centers will be developed within the General Plan Focus Areas. As such, it was determined that new development and redevelopment allowed under the 2010- 2035 General Plan could place sensitive uses in proximity to industrial, commercial or institutional hazardous materials users, and an accidental release of hazardous materials that travels off-site could pose health or safety risks to these sensitive land uses. However, it was found that the 2010-2035 General Plan includes updated hazards policies that address proper hazardous materials use and storage and the proximity of sensitive uses to substantial hazards from accidental release of hazardous materials and provide program-level mitigation for risks associated with the use, storage, and disposal of hazardous materials within the City. *Therefore, the General Plan EIR determined that implementation of General Plan policies for adequate mitigation or separation buffers between uses and existing regulations and programs would substantially reduce hazards to people and the environment to less than significant. However, the subsequent EIRs for the Tasman East SP and the Lawrence Station SP found that mitigation is required to reduce potential impacts from hazardous materials to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measures HAZ-1.1, HAZ-1.2, HAZ-1.3, HAZ-1.4, HAZ-1.5, and HAZ-1.6..
- Lawrence Station SP EIR – See Mitigation Measure HAZ-1, HAZ-2, and HAZ-3.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the hazardous materials impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and

subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(d) Government Code Section 65962. The General Plan EIR found that the presence of hazardous materials on future development and redevelopment sites could result in hazardous materials exposure of construction workers during site preparation, demolition, and/or construction of new structures. Contaminated airborne dust could also migrate off-site during demolition or construction activities and affect adjacent land uses if improperly controlled. It was further found that within Santa Clara a variety of chemical compounds associated with fuels, oil, flammable liquids, metals, pesticides or other hazardous substances originating from historical and/or current land uses may be found in soils that will be disturbed by future development or redevelopment. It was also noted that releases of hazardous materials, such as volatile organic compounds and metals, into the environment could affect future residents or users through direct contact or, in the case of volatile organic compounds, inhalation of soil vapors. The General Plan EIR noted that contaminated groundwater, where encountered during site redevelopment activities, could also result in potential health risks to construction workers or the public, and if excavations extend to the groundwater table, dewatering could be required and extracted contaminated groundwater would require on-site management and/or treatment. Additionally, it was found that potentially hazardous environmental conditions from reported hazardous materials spills and releases are found in virtually all of the Focus Areas of the City. While a number of these reports represent cases considered closed by Responsible Agencies such as the Regional Water Quality Control Board, where there are changes in land uses or excavation into contaminated areas, a reevaluation of potential hazards and soil or groundwater management may be warranted. It was also found that development and redevelopment allowed under the 2010-2035 General Plan could occur on or near contaminated properties located throughout the City, and localized contamination of soil, soil vapor and ground water could adversely impact human health or the environment if not appropriately addressed and/or mitigated. Finally, the General Plan EIR found that there are no DTSC sites within the City included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

The General Plan EIR went on to note that remodel and repair activity, and demolition work in residential and commercial structures that disturbs asbestos-containing building materials may cause the release of asbestos fibers into the air, resulting in health impacts to workers, building occupants and the general public. It was also noted there is no known health threat if asbestos-containing materials are in generally good condition and are left undisturbed, and friable asbestos-containing material (i.e., material that can be crumbled, crushed or reduced to powder by hand pressure when dry) and non-friable asbestos-containing material that will be made friable during renovation or demolition are subject to regulation. As such, it was found that the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines require the removal of potentially friable asbestos-containing material prior to building demolition or renovation that may disturb these materials. In addition, the General Plan EIR found that demolition and renovation of buildings also have the potential to release lead particles to the air, resulting in health impacts to workers, building occupants and the general public. As such, it was determined that applicable OSHA regulations must be followed; these include requirements for worker training, air monitoring and dust control, among others, and any debris or soil containing lead must be disposed appropriately. Finally, the General Plan EIR found that new development and redevelopment allowed under the 2010- 2035 General Plan could occur in areas with soil or groundwater contamination or involve demolition of buildings containing hazardous building materials. *However, it was determined that implementation of General Plan policies and existing regulations and programs would substantially reduce hazards to people and the environment to less than significant. Similarly, the subsequent EIRs for the Tasman East SP and the Lawrence Station SP found that mitigation is required to reduce potential impacts from hazardous materials to less than significant. Therefore, this impact would be less*

than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:

- Tasman East SP EIR – See Mitigation Measures HAZ-1.1, HAZ-1.2, HAZ-1.3, HAZ-1.4, HAZ-1.5, and HAZ-1.6..
- Lawrence Station SP EIR – See Mitigation Measure HAZ-1, HAZ-2, and HAZ-3.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the hazardous materials impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with existing mitigation measures incorporated.*

(e) Airport Land Use Plan. The General Plan EIR found that new development and redevelopment allowed under the 2010- 2035 General Plan could occur in localized areas with identified building height and safety restrictions for Mineta San Jose International Airport. However, the General Plan EIR determined that implementation of General Plan policies and existing regulations and programs would substantially reduce aviation hazards to people and property. *Therefore, the General Plan EIR determined that impacts would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the potential airport land use impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts.*

(f) Emergency Plans. The General Plan EIR noted that the City of Santa Clara Hazardous Materials Division responds to emergency calls related to hazardous materials within the City, and the City also participates in the ABAG Local Hazards Plan and also has adopted a City of Santa Clara Emergency Plan (2008). The General Plan EIR also noted that the City does not maintain formal evacuation routes, as the most appropriate routes away from an area that may have been affected by a major disaster would be determined by the location and type of incident. It was determined that it may be necessary to restrict travel on certain roadways within the redevelopment and development areas under the 2010-2035 General Plan to facilitate construction activities such as demolition, material hauling, construction, staging, and modifications to existing infrastructure, and such restrictions could include lane closures, lane narrowing, and detours, which would be temporary but could continue for extended periods of time. As such, it was found that lane restrictions, closures, and/or detours could cause an increase in traffic volumes on adjacent roadways, which could affect emergency response routes. However, the General Plan EIR determined that redevelopment and development under the 2010- 2035 General Plan would include preparation a Traffic Management Plan, which would demonstrate where construction activities could interfere with emergency response routes and other traffic. With this information, the City is able to adequately plan around potential blocks in emergency right-of-way and would have the right to deny or halt construction activities if they would result in an adverse impact on public safety. *Therefore, the General Plan EIR determined that implementation of General Plan policies and existing regulations and programs, would substantially reduce the impairment of emergency response plans to less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including

subsequent EIRs related to specific plans or area plans, the potential impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts.*

(g) Wildfire Risks. The General Plan EIR noted that the California Department of Forestry and Fire Hazard Protection is responsible for the identification of very high fire hazard severity zones and transmission of these maps to local government agencies, and found that there are no wildfire hazards in the City of Santa Clara. *Therefore, the General Plan EIR determined there would be no project impacts related to wildland fires.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the potential wildfire impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in no impacts.*

Cumulative Impacts

The General Plan EIR noted that hazardous materials and other public health and safety issues are generally site-specific or affect localized areas and would not be significantly affected by other development in northern Santa Clara County. *Therefore, the General Plan EIR determined that the City's contribution to regional cumulative impacts related to hazards and hazardous materials would be less than significant.*

The Planning Area is an almost completely urbanized area and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. Cumulative hazards and hazardous materials impacts related to the Housing Element Update in conjunction with other similar projects in the area were analyzed in the Environmental Impact Report prepared for the City of Santa Clara 2010-2035 General Plan and subsequent EIRs and were determined to be less than significant with incorporation of mitigation measures. *Therefore, the cumulative hazards and hazardous materials impact from the proposed Housing Element Update would be less than significant.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect related to airport land use plans and wildfire but would require mitigation measures to reduce potential impacts related to hazardous materials transport, use, or accidental release and hazardous materials waste sites to less than significant. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and subsequent Specific Plan SP EIRs. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to hazards and hazardous materials impacts; however, development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. The hazards and hazardous materials mitigation measures of the subsequent EIRs, as referenced above, would also be applicable to development associated with implementation of the Housing Element Update. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial

changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.10 – Hydrology and Water Quality

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water supply?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Yes	Less than Significant Impact	No	No	No
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:					
i) result in substantial erosion or siltation on- or off-site;	Yes	Less than Significant Impact	No	No	No
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	Yes	Less than Significant with Mitigation Incorporated	No	No	No
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	Yes	Less than Significant Impact	No	No	No

iv) impede or redirect flood flows?	Yes	Less than Significant Impact	No	No	No
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	Yes	Less than Significant Impact	No	No	No
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Violate Water Quality Standards or Degrade the Water Supply. The General Plan EIR found that ground-disturbing activities related to construction under the 2010-2035 General Plan could result in accelerated erosion on work sites including increased input of fine sediments into the City's storm drains and ultimately into area creeks and the Bay. It was also found that construction would use various hazardous substances such as vehicle fuels and lubricants, paving media, paints, solvents, etc.; accidental release or discharge of any of these substances could adversely affect water quality, endanger aquatic life, and/or result in violation of water quality standards. The General Plan EIR noted that all construction on sites of one acre or larger is required to manage discharge of storm water runoff under the Clean Water Act, through the preparation and implementation of a SWPPP. It was also noted that for future development over one acre in size, erosion hazards would be minimized through implementation of site-specific erosion measures in SWPPPs under the NPDES General Construction Permit and grading and excavation requirements in the City Code. However, given that many future development projects would be on properties less than one acre in size, it was noted that requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing erosion control measures through the grading and building permit process. Additionally, it was noted that the City is committed to ensuring that construction-related grading complies with the erosion and sediment control BMPs set forth in the California Storm Water Quality Association's (CASQA) Storm Water Best Management Practice Handbook for Construction and with the erosion and sediment control plan recommendations of the ABAG Manual of Standards for Erosion and Sediment Control Measures. *With regulatory programs currently place, it was determined that the possible impacts of accelerated erosion during construction associated with development and redevelopment would be less than significant.*

The General Plan EIR noted that new impervious surfaces can increase the delivery of polluted runoff to area storm drains and ultimately to San Francisco Bay, and this is especially true during the "first flush" at the beginning of the storm season, when urban pollutants that have accumulated during the dry season are washed from paved surfaces. However, the General Plan EIR also noted that the City adheres to the terms of the NPDES permitting, which requires all developments that create one acre or more of impervious surface to incorporate design measures to reduce pollutant discharge to the maximum extent practicable, including site design measures, source controls, and storm water treatment measures that municipalities are to require of developments to ensure water quality. Given that many future development projects would be on properties less than one acre, requirements under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing control measures after development is complete. With regulatory programs currently in place, the General Plan EIR determined that the possible impacts of accelerated runoff and decrease

in water quality after construction is complete for the development and redevelopment would be less than significant. *Therefore, it was determined that implementation of General Plan policies and existing programs would minimize water quality hazards to be less than significant. However, the subsequent Specific Plan EIR for the Lawrence Station SP found that mitigation is required to reduce potential impacts to water quality to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measure, which will apply to the proposed Housing Element Update:*

- Lawrence Station SP EIR – See Mitigation Measure HYD-1.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the water quality impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with mitigation incorporated.*

(b) Groundwater Supplies. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan would have the potential to add new areas of impervious (paved or hardscaped) surface to the City, potentially decreasing infiltration and local recharge of shallow groundwater. However, it was also found that only a very small portion of the City (about 26 acres at the City's southwest corner) is within the recharge area for the potable water aquifer, and this area is developed as residential. It was further found that some regional commercial development was planned for this area, but it would be infill and redevelopment in areas that have previously been developed. As such, the net addition of impervious surface area was expected to be small, and would be further reduced by the minimization of paved and impervious surfaces and the promotion of measures to facilitate infiltration in conformance with the requirements under section C.3 of the NPDES Permit. *Therefore, given the City's existing developed and extensively hardscaped character, limited overall influence on potable aquifer recharge, and the 2010-2035 General Plan commitment to minimize hardscape and promote infiltration, the General Plan EIR determined that impacts related to interference with groundwater recharge would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the groundwater supply impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, impacts from implementation of the proposed Housing Element Update would be similar to the General Plan EIR and would result in less than significant impacts.*

(c.i-c.iv) Alter Drainage Patterns. The General Plan EIR noted that development often requires grading that alters natural drainage patterns. It was also noted that in the City, as in other densely developed Bay Area communities, natural drainage patterns have already been substantially modified to accommodate existing development. It was further noted that additional infill and redevelopment under the 2010-2035 General Plan could entail further modification, and both the City's industrial and commercial areas are expected to change from lower to higher intensity development. The General Plan EIR found that new development within the Planning Area would result in some potential for increased erosion and siltation both on- and off-site because grading and ground disturbance associated with development in these areas could increase the potential for accelerated erosion by changing natural drainage patterns. As such, the General Plan EIR found that for all future development and redevelopment on sites that are one acre or greater in size, erosion hazards would be minimized through implementation of site-specific erosion measures in SWPPPs under the NPDES General

Construction Permit and grading and excavation requirements in the City Code. It was further found that future development projects on properties of less than one acre would be subject to requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code, and the primary means of enforcing erosion control measures are through the grading and building permit process. Finally, it was found that the City also implements the "Guidelines and Standards for Lands Near Streams" in the City's entitlement and permitting functions, where applicable. *Therefore, with regulatory programs currently in place, the General Plan EIR determined that possible impacts of accelerated erosion during construction associated with development and redevelopment would be less than significant.*

The General Plan EIR went on to note that development proposed under the 2010-2035 General Plan would occur adjacent to water courses throughout the City, which has the potential to alter the course of the drainage pattern near the stream or river and increase flooding. It was also noted that extensive site modifications would have some potential to increase local site runoff and/or contribute to localized flooding, particularly where high density and mixed uses generally increases the percentage of impermeable surfaces. However, the General Plan EIR found that these hazards would be minimized through implementation of site-specific measures in SWPPPs under the NPDES General Construction Permit and by grading and excavation requirements in the City Code. Given that many future development projects would be on properties less than one acre, it was noted that requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing control measures through the grading and building permit process. *Therefore, with regulatory protections in place, the General Plan EIR determined that impacts related to increases in surface runoff would be less than significant.*

The General Plan EIR noted that although the City is largely built out, development under the 2010-2035 General Plan would add quantities of impervious surface (including both buildings and pavement), potentially decreasing infiltration and increasing runoff. However, it was noted that for future development over one acre in size, storm water runoff would be minimized through implementation of site-specific measures in SWPPPs under the NPDES General Construction Permit and grading and excavation requirements in the City Code. In addition, given that many future development projects would be on properties less than one acre, it was noted that requirements for BMPs under the City's NPDES Municipal Permit, urban runoff policies, and the City Code would be the primary means of enforcing control measures through the grading and building permit process. The General Plan EIR further noted that the City Code and building code include provisions for postconstruction effective management of storm water runoff. *Therefore, with regulatory programs currently in place, the General Plan EIR determined that potential impacts of additional runoff to the storm water drainage system associated with development and redevelopment would be less than significant. However, the subsequent Specific Plan EIR for the Tasman East found that mitigation is required to reduce potential impacts from on- or off-site flooding to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measures HYD-1.1.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the drainage pattern impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with existing mitigation incorporated.*

(d) Other Water-Related Risks or Pollution. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan would have the potential to expose people or structures to increased risk of loss, injury, or death related to flooding, mudflow, debris flow, sea level rise, tsunami, or seiche. *However, the General Plan EIR determined that implementation of General Plan policies and existing programs would reduce impacts to less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, other water-related risks related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with implementation of General Plan policies and existing programs.*

(e) Conflict with Water Quality or Groundwater Management Plans. The General Plan EIR did not analyze impacts related to conflicts with water quality or groundwater management plans. Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, the proposed Housing Element Update would not exacerbate a conflict with any water quality or groundwater management plans.*

Cumulative Impacts

The General Plan EIR noted that new development in the City and surrounding jurisdictions sharing the same watersheds (Guadalupe River, Calabazas Creek, and San Thomas Aquino Creek) may alter local drainage and runoff characteristics. It was also noted that storm water drainage systems are generally provided by local governments for areas within their jurisdictions, and are not provided on a regional basis. Therefore, the General Plan EIR determined that the City's contribution to cumulative regional impacts associated with storm water drainage systems would be less than significant. In terms of water quality, the General Plan EIR found that increased cumulative urbanization would be expected to increase vehicle traffic and related releases of automobile-related pollutants, including petroleum hydrocarbons, metals, and sediment, drain from roads into surface waters and which could have a cumulative impact to local watersheds. As such, it was noted that development in Santa Clara and adjacent cities would be required to comply with applicable NPDES permits, as discussed in *Section 4.4, Hydrology and Water Quality*, which would require that projects implement Best Management Practices (BMPs) to treat storm water runoff, prior to its discharge, to the maximum extent practicable. *Therefore, the General Plan EIR determined that compliance with applicable NPDES permits, as the permits are amended over the course of the General Plan's 25 year planning horizon, would reduce cumulative hydrology and water quality impacts to a less than significant level.*

The Planning Area is an almost completely urbanized area and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. Cumulative hydrology and water quality impacts related to the Housing Element Update in conjunction with other similar projects in the area were analyzed in the Environmental Impact Report prepared for the City of Santa Clara 2010-2035 General Plan and subsequent EIRs and were determined to be less than significant with incorporation of mitigation measures. *Therefore, the cumulative hydrology and water quality impact from the proposed Housing Element Update would be similar to the impacts analyzed in the General Plan EIR and less than significant.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect related to violations of water quality standards or degradation of the water supply, groundwater supplies, altered drainage patterns, other water-related risks, or conflicts with the applicable water quality plan. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and subsequent Specific Plan SP EIRs. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to hydrology and water quality impacts; however, development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. The hydrology and water quality mitigation measures of the subsequent EIRs, as referenced above, would also be applicable to development associated with implementation of the Housing Element Update. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.11 – Land Use and Planning

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Physically divide an established community?	Yes	Less than Significant Impact	No	No	No
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Divide an Established Community. The General Plan EIR found that changes in land use that would occur upon the implementation of General Plan would not result in the physical division of an established community. The General Plan EIR noted that the Land Use policies and programs of the 2010-2035 General Plan encourage the preservation or enhancement of the existing, primarily residential community through infill development, open space opportunities, and development of compatible uses that will enhance the existing character of Santa Clara. The EIR also noted that the General Plan contains specific Land Use policies for compatibility that would reduce the amount of conflict between differing land uses. *Therefore, the General Plan EIR determined that this impact would be less than significant.*

Since the proposed Housing Element Update does not include any changes to the circulation policies or the general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would not divide an established community and would result in less than significant impacts.*

(b) Conflict with Applicable Plans. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan has the potential to conflict with a responsible agency's applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. However, it was determined that implementation of General Plan policies and existing programs would minimize this effect. *Therefore, the General Plan EIR determined that project impacts would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore,*

implementation of the proposed Housing Element Update would not conflict with applicable plans and would result in less than significant impacts.

Cumulative Impacts

The General Plan EIR did not analyze cumulative impacts related to land use and planning. The Planning Area is an almost completely urbanized area and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. However, cumulative land use and planning impacts related to the Housing Element Update in conjunction with other similar projects in the area were analyzed in the Environmental Impact Reports prepared for the subsequent EIRs and were determined to be less than significant. *Therefore, the cumulative land use and planning impact from the proposed Housing Element Update would be less than significant.*

Conclusion

The proposed Housing Element Update would not divide an established community or conflict with an applicable land use plan. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to land use and planning impacts. Development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.12 – Mineral Resources

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	Yes	No Impact	No	No	No
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	Yes	No Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a-b) Known Mineral Resources/Loss of Mineral Resources. The General Plan EIR found that the City is located in an area zoned MRZ-1 for aggregate materials by the State of California. MRZ-1 zones are areas where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. The General Plan EIR found that there are no significant mineral resources present in the City boundaries. In addition, it was found that there are no exploitable oil or gas resources within the City, and new development and redevelopment under the 2010-2035 General Plan would not affect locally important mineral resources as there are none present in the City. *Therefore, it was determined that there would be no impact.*

There are no known significant mineral resources in the City and there are no exploitable oil or gas resources within the City. *Therefore, the proposed Housing Element Update would not result in the loss of availability of a known or locally important mineral resource.*

Cumulative Impacts

The General Plan EIR did not analyze cumulative impacts related to the loss of known mineral resources or mineral resources recovery sites. However, the General Plan EIR found that the Planning Area is not known to support significant mineral resources of any type, and no mineral resources are currently being extracted in the City. *Therefore, the proposed Housing Element Update would not result in cumulative mineral resources impacts.*

Conclusion

The proposed Housing Element Update would not result in the loss of known mineral resources or mineral resources recovery sites. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR. Future housing

developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to mineral resources impacts. Development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.13 – Noise

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Yes	Significant and Unavoidable Impact	No	No	No
b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Substantial Increase in Noise Levels.

Temporary/Construction Noise

The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan would cause a temporary or periodic increase in construction noise exposure above ambient levels. However, it was determined that implementation of Mitigation Measure 4.14-3 would reduce potential construction noise impacts to less than significant. *Similarly, the subsequent EIRs for the Tasman East SP, the Patrick Henry Drive SP, the Lawrence Station SP, and the Freedom Circle FFA also found that mitigation can reduce potential temporary construction-related impacts to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measures NV-2.1 and NV-2.2.
- Patrick Henry Drive SP EIR – See Mitigation Measure 13-1.
- Lawrence Station SP EIR – See Mitigation Measure NOI-3.

- Freedom Circle FFA EIR – See Mitigation Measures 13-1 and 13-2.

Operational Noise

The General Plan EIR also found that new development and redevelopment under the 2010-2035 General Plan would result in increased traffic noise, and the increases would be substantial for residential land uses along Tasman Drive between Lafayette Street and the easternmost City limits. As such, the General Plan EIR incorporated Mitigation Measure 4.14-2 to reduce traffic noise impacts. *However, because implementation of this measure cannot be guaranteed and may not be feasible, the General Plan EIR determined that this impact would be significant and unavoidable. Similarly, the subsequent EIRs for the Patrick Henry Drive SP, the Lawrence Station SP, and the Freedom Circle FFA found that this impact would be significant and unavoidable even after incorporation of mitigation. Therefore, this impact would remain significant and unavoidable with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Patrick Henry Drive SP EIR – See Mitigation Measures 13-3 and 13-4.
- Lawrence Station SP EIR – See Mitigation Measures NOI-1 and NOI-2.
- Freedom Circle FFA EIR – See Mitigation Measures 13-5 and 13-6.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the operational noise impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, impacts from implementation of the proposed Housing Element Update would be similar to those analyzed in the General Plan EIR and would result in significant and unavoidable operational noise impacts, and less than significant construction impacts with the application of mitigation measures.*

(b) Excessive Vibration. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan could expose people to excessive ground vibration levels exceeding FTA guidelines. However, the General Plan EIR determined that implementation of Mitigation Measure 4.14-1 along with General Plan policies would minimize vibration impacts. As such, the General Plan EIR included incorporation of Mitigation Measures 4.10-1. Further, the General Plan EIR determined that the City would require individual development projects to undergo project-specific environmental review. If project-level significant vibration impacts are identified, site-specific mitigation measures will be required under CEQA. *Therefore, the General Plan EIR determined that vibration impacts would be less than significant with mitigation incorporated. Similarly, the subsequent EIRs for the Tasman East SP, the Patrick Henry Drive SP, and the Freedom Circle FFA found that mitigation measures could reduce potential impacts from excessive vibration to less than significant. Therefore, this impact would be less than significant with incorporation of the following subsequent EIR mitigation measures, which will apply to the proposed Housing Element Update:*

- Tasman East SP EIR – See Mitigation Measures NV-1.1, NV-1.2, NV-1.3, NV-1.4, and NV-1.5.
- Patrick Henry Drive SP EIR – See Mitigation Measure 13-2.
- Freedom Circle FFA EIR – See Mitigation Measures 13-3 and 13-4.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the vibration impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs.

Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts with existing mitigation incorporated.

(c) Airport/Airstrip Noise. The General Plan EIR found that new development and redevelopment under the 2010-2035 General Plan would exceed Santa Clara County Airport Land Use Commission (ALUC) noise thresholds, which could expose individuals living and working within the plan area to excessive aircraft noise. However, it was found that compliance with the local airport land use plan and the City's acceptable noise level standards as well as implementation of General Plan policies would effectively reduce potential program-level aircraft noise impacts. The City will require that individual development projects undergo project-specific environmental review. If significant project-level aircraft noise impacts are identified, specific mitigation measures will be required under CEQA. *Therefore, the General Plan EIR determined there would be a less than significant impact.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would not expose people residing or working in the project area to excessive noise levels and would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR noted that noise impacts are generally experienced locally as opposed to regionally. It was also noted that future increases in noise from buildout of the Mineta International Airport Master Plan, the BART to Silicon Valley extension project, and the High-Speed Rail project would all contribute to future noise conditions that would affect specific areas of Santa Clara. However, it was found that the future development allowed under the General Plan would not contribute to the railway or airport-related noise. It was further found that residents could be exposed to ongoing construction noise if multiple projects are clustered in an area and are constructed simultaneously or in sequence over a period of years, and increased traffic from build-out of the General Plan would contribute to a significant increase in traffic noise levels on roadway segments throughout the region, beyond accepted thresholds in various communities. *Therefore, the General Plan EIR determined that this impact, and the City's contribution to it with build-out of the General Plan, would be significant and unavoidable. The EIR further found that there was no feasible mitigation available to reduce cumulative impacts to levels of insignificance.*

The Planning Area is an almost completely urbanized area and most of the Planning Area is designated in the City's General Plan and Zoning Code for urban development. Cumulative noise impacts related to the Housing Element Update in conjunction with other similar projects in the area were analyzed in the Environmental Impact Report prepared for the City of Santa Clara 2010-2035 General Plan and subsequent EIRs and were determined to be significant and unavoidable. *Therefore, the cumulative noise impact from the proposed Housing Element Update would also be significant and unavoidable.*

Conclusion

The proposed Housing Element Update would not result in more severe noise impacts than were analyzed in the General Plan EIR and subsequent EIRs. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR. Future housing developed in accordance with the goals and policies of the Housing Element Update would have the effect of contributing incrementally to noise impacts. Development of future housing would be subject to environmental review pursuant to CEQA upon application for entitlement

permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. General Plan EIR Mitigation Measures 4.14-1, 4.14-2, and 4.14-3, as described below, as well as the subsequent Specific Plan EIR mitigations measures described above, would also be applicable to the development associated with implementation of the Housing Element Update. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

MM 4.14-1: Use the Federal Transit Administration vibration impact criteria, as described above under the Regulatory Setting, to evaluate the land use compatibility of sensitive uses proposed along the railroad/light-rail corridor using the best available information (e.g., High Speed Rail Program EIR) or site-specific measurements and analyses (assuming active railroad operations). Developers of sensitive uses shall demonstrate that potential impacts of existing or potential vibration have been minimized to the maximum feasible extent.

MM 4.14-2: Case studies have shown that the replacement of dense grade asphalt (standard type) with open-grade or rubberized asphalt can reduce traffic noise levels along local roadways by 2 to 3 dBA CNEL. A possible noise reduction of 2 dBA would be expected using conservative engineering assumptions, and future traffic noise increases could be mitigated to a less than significant level by repaving roadways with “quieter pavements.” To be a permanent mitigation, subsequent repaving would also have to use “quieter” pavements. Existing residential receivers located along Tasman Drive between Lafayette Street and the easternmost City limits either front the roadway (private outdoor use areas are located behind the homes) or have outdoor use areas adjacent to the roadway that may or may not be shielded by fences or noise barriers. In situations where private outdoor use areas are located adjacent to the roadway, new or larger noise barriers could be constructed to provide the additional necessary noise attenuation in private use areas. Typically, increasing the height of an existing barrier results in approximately one dBA of attenuation per one foot of additional barrier height. The design of such noise barriers would require additional analysis. Traffic calming could also be implemented to reduce noise levels expected with the project. Each five mph reduction in average speed provides approximately one dBA of noise reduction on an average basis (Leq/CNEL). Traffic calming measures that regulate speed improve the noise environment by smoothing out noise levels. Residences could also be provided with sound insulation treatments if further study finds that interior noise levels within the affected residential units would exceed 45 dBA CNEL as a result of the projected increase in traffic noise. Treatments to the homes may include the replacement of existing windows and doors with sound-rated windows and doors and the provision of a suitable form of forced-air mechanical ventilation to allow the occupants the option of controlling noise by closing the windows. The specific treatments for each affected residential unit would be identified on a case-by-case basis.

MM 4.14-3: Develop construction noise control plans that consider the following available controls in order to reduce construction noise levels as low as practical: Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology

exists; Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; Locate staging areas and construction material areas as far away as possible from adjacent land uses; Prohibit all unnecessary idling of internal combustion engines; Notify all adjacent land uses of the construction schedule in writing; Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

4.14 – Population and Housing

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Yes	Significant and Unavoidable Impact	No	No	No
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Yes	No Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Induce Population Growth. The General Plan EIR found that while over the long-term the 2010-2035 General Plan accommodates the population growth forecast by ABAG Projections 2007, and accommodates in the near-term (2014) the RHNA goal set by ABAG, the General Plan is nonetheless 'job-rich'. This means that it provides for more employment than housing and will lead to insufficient housing opportunities for all future Santa Clara workers. This is reflected in the jobs per employed resident ratio discussed above. Therefore, the General Plan EIR found that the 2010-2035 General Plan job growth (25,040 new jobs), would require substantial residential development elsewhere in the region to provide adequate housing opportunities for future workers. Based on planned job growth, roughly 3,500 housing units would need to be built elsewhere in the region to house Santa Clara workers who would have to reside outside of the City due to inadequate housing opportunities within the City. The General Plan EIR determined this to be a significant impact due to the secondary effects related to increased VMT resulting from commuting due to a shortage of residential opportunities in closer proximity to Santa Clara employment areas. These secondary effects are discussed in detail in the *Transportation*, *Air Quality*, and *Climate Change* sections, respectively, of the General Plan EIR. *Since implementation of the 2010-2035 General Plan would induce substantial population growth at other locations, the General Plan EIR determined that the impact is significant and unavoidable.*

The additional analyses regarding population and housing in the Lawrence Station Area Plan EIR, the Tasman East Specific Plan EIR, the Patrick Henry Drive Specific Plan EIR and the Freedom Circle Focus Area EIR all concluded that the addition of new housing units would incrementally lessen the City's jobs/housing imbalance, and would provide those units close to jobs and transit and would constitute a *less than significant impact.* The conclusions of the General Plan EIR would therefore remain unchanged.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, the project will not result in an increase in the severity of the imbalance between jobs and housing beyond what was analyzed in the General Plan EIR or subsequent EIRs. Impacts related to implementation of the proposed Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in significant and unavoidable impacts.*

(b) Displace Housing. The General Plan EIR found that the 2010-2035 General Plan would retain all existing housing units and could accommodate the population growth as forecast in ABAG's Projections 2007. The General Plan EIR also found that the 2010-2035 General Plan would accommodate employment growth in ways (i.e., intensification of currently planned employment lands) that would not displace existing housing or people, nor would the construction of planned infrastructure or public facilities necessary to serve future growth require the displacement of existing housing units or people. The EIRs for the Lawrence Station Area Plan EIR, the Tasman East Specific Plan EIR, the Patrick Henry Drive Specific Plan EIR and the Freedom Circle Focus Area EIR all concluded that those area plans would not displace housing, as they were proposed in existing industrial areas. *Therefore, the General Plan EIR determined that the 2010-2035 General Plan as amended by subsequent program EIRs would have no impact in terms of housing or population displacement.*

Since the proposed project does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan including subsequent amendments related to specific plans or area plans the project will not result in impacts on housing displacement beyond what was analyzed in the General Plan EIR or subsequent EIRs. Impacts related to implementation of the proposed Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would not result in impacts related to the displacement of housing.*

Cumulative Impacts

The General Plan EIR noted that the cumulative scenario includes new population and employment growth planned by the cities of Santa Clara, San Jose, Cupertino, and Sunnyvale, and all cumulative population and employment growth would occur within the cities' existing urban growth boundaries, with no expansion of urban services to rural undeveloped areas. While some new development would occur through development of the relatively few remaining vacant infill parcels found in each city, the cumulative trend would continue to predominantly be redevelopment of existing low-intensity, underutilized parcels with new urban uses. In addition, it was found that most new housing accommodated within the cumulative jurisdictions would be in a medium- or high-density attached or mixed-use format. It was further found that new job growth would largely occur on previously developed parcels in intensified forms (i.e., more employees per acre compared to existing development patterns, often with structured parking). Given the interconnected nature of the cities and the regional transportation network, most workers would travel to jobs in a city different from where they live. In essence, the cumulative projects would accommodate two new jobs for every new employed resident, exacerbating Santa Clara County's existing jobs-housing imbalance (1.2 in 2005 according to ABAG Projections 2007). The General Plan EIR found that the environmental consequences would primarily be increased regional traffic congestion and air pollution from vehicles as workers unable to live near their employment commute long distances from outlying areas with affordable housing, continuing a pervasive trend over the past several decades as job growth has outpaced housing growth in Santa Clara County. Considering both 'in process' growth and new growth caused by the 2010-2035 General Plan, the City of Santa Clara would contribute to this cumulative imbalance in 2035 by adding 39,490 residents (yielding 23,694 employed residents) and 46,180 jobs, for a jobs per employed resident ratio

of 1.95, (46,180 jobs divided by 23,694 employed residents). *Therefore, the General Plan EIR determined that this is a cumulatively considerable contribution to a significant cumulative impact that cannot be mitigated and is adverse and unavoidable. Subsequent program EIRs, including the Lawrence Station Area Plan EIR, the Tasman East Specific Plan EIR, the Patrick Henry Drive Specific Plan EIR and the Freedom Circle Focus Area EIR did not change this significance determination.*

Since the proposed project does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan including subsequent amendments related to specific plans or area plans the project will not result in an increase in the severity of the imbalance between jobs and housing beyond what was analyzed in the General Plan EIR or subsequent EIRs. *Project impacts would be similar to the General Plan EIR and would continue to be significant and unavoidable.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect on Population and Housing beyond the potential impacts already identified in the General Plan EIR and subsequent specific plan and area plan EIR's. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and the EIR's for subsequent specific plans and area plans: therefore, the proposed project would not contribute to the jobs-housing imbalance. Development of future housing would be subject to project-level environmental review pursuant to CEQA upon application for entitlement permits and would also be subject to existing mitigation measures. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No feasible mitigation exists to mitigate the significant unavoidable impact.

4.15 – Public Services

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Fire protection?	Yes	Less than Significant Impact	No	No	No
b) Police protection?	Yes	Less than Significant Impact	No	No	No
c) Schools?	Yes	Less than Significant Impact	No	No	No
d) Parks?	Yes	Less than Significant Impact	No	No	No
e) Other public facilities?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Fire protection. The General Plan EIR found that new growth under the 2010-2035 General Plan would result in new population and residential and commercial development in Santa Clara, which would increase demand for fire and emergency medical protection services. However, it was found that existing facilities would have the capacity to absorb additional fire personnel without expanding the existing stations. Therefore, it was found that there would be no construction activities associated with the provision of new fire and life safety services and no associated construction-related effects. Additional fire personnel would be housed in the existing facilities; however, there would be no need for expansion of the facilities. In addition, the General Plan EIR noted that the 2010-2035 General Plan includes updated policies that address fire protection and public safety. In the Specific Plan EIR for the Lawrence Station Area Plan (LSAP), it was determined that there could be Significant and Unavoidable cumulative impacts on the provision of Fire Services based on the demand created from the LSAP and from other foreseeable projects, such as the Tasman East Specific Plan. EIRs for the Tasman East Specific Plan, Patrick Henry Drive Specific Plan and the Freedom Circle Focus Area declared the impacts on the provision of Fire Services to be less than significant.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, fire protection impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in the same impacts as General Plan EIR and subsequent program EIRs.*

(b) Police protection. The General Plan EIR found that implementation of the 2010-2035 General Plan would increase the need for police services, and the additional officers would be housed in the existing facilities. The General Plan EIR found that refurbishment of the facilities would consist of reconfiguration of space and regular upgrade of furniture and equipment, but there would be no need for expansion of the facilities. Therefore, there would be no construction activities associated with the provision of new police services and no associated construction-related effects. The Lawrence Station Area Plan EIR noted that a future police substation would be incorporated into Fire Station Number 9 within the Lawrence Station neighborhood, and that impacts to Police Services would be less than significant. The Tasman East, Patrick Henry Drive and Freedom Circle EIRs all noted that any additional police services could be accommodated within existing buildings. The General Plan EIR also found that the 2010-2035 General Plan includes updated policies that address police protection and public safety. *Therefore, the General Plan EIR, along with subsequent program EIRs, determined that impacts on police protection services would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, police protection impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts.*

(c) Schools. The General Plan EIR found that the increase in population associated with new development and redevelopment allowed under the 2010-2035 General Plan would increase the demand for school and community facilities services. The General Plan EIR further found that new development projected under the 2010-2035 General Plan would fall primarily within the jurisdiction of SCUSD, and approximately 12,500 households are expected to be added to the SCUSD area, which would result in approximately 2,000 additional students. The General Plan EIR found that SCUSD has four closed school sites that could be used to serve new development. Alternatively, it was noted SCUSD may choose to modify school catchment areas or add modular classrooms to accommodate new students. It was also noted that SCUSD was also anticipating the construction of new school facilities in north San José as a result of an agreement with that city and future housing developers, and these new facilities in San José would add more capacity for new students and can reduce the number of students now in Santa Clara facilities. The General Plan EIR further noted that the Campbell Union (K-8) and Campbell Union High (9-12) school districts, which overlap, would realize approximately 500 additional households as a result of implementation of the 2010-2035 General Plan, generating approximately 38 new K-8 and 42 new 9-12 grade students. The Campbell K-8 and Campbell 9-12 districts were anticipated to be able to accommodate the relatively modest gain in students from the City by modifying school catchment areas, busing and adding modular classrooms. The General Plan EIR found that the 2010-2035 General Plan includes updated policies that address schools and community facilities, and policies and existing regulations and programs are designed to ensure that future development of new facilities within the City would not have an adverse physical effect on the existing environment. The Lawrence Station Area Plan EIR notes that there are proximate closed school facilities that could be re-opened to accommodate the estimated additional 164 students that would live in the plan area. The Tasman East and Freedom Circle EIRs also note proximate schools' capacities

and their ability to accommodate new students from their respective plan areas. Each of the other subsequent EIRs also recognizes that as required by state law (Government Code Section 65996), the project proponents for future development projects shall pay the appropriate school impact fees to SCUSD to offset the increased demands on school facilities caused by their development projects. *Therefore, the General Plan EIR, along with subsequent program EIRs determined that impacts to schools would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, schools impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts.*

(d) Parks. Potential impacts to parks and recreation facilities are discussed in section 4.16, below. The General Plan EIR found that the increase in the population associated with new development and redevelopment allowed under the 2010-2035 General Plan would increase the demand on existing parks, open space and recreation facilities. However, it was determined that the General Plan policies and existing regulations and programs were designed to ensure that increased demand associated with an increase in population would not significantly accelerate the deterioration of existing facilities. In addition, in 2014 the Santa Clara City Council adopted Ordinance No. 1928 adding City Code Chapter 17.35 (“Park and Recreational Land”) to Title 17 (“Development”) of the Santa Clara City Code to help mitigate the impacts of new housing development growth on existing parkland subject to the provisions of the State of California Quimby Act and Mitigation Fee Act. Chapter 17.35 requires new residential developments to provide adequate park and recreational facilities and/or pay a fee in-lieu of parkland dedication at the discretion of the City. Subsequent program EIRs, including the Lawrence Station Area Plan EIR, the Tasman East Specific Plan EIR, the Patrick Henry Drive EIR and the Freedom Circle Focus Area EIR reinforce this requirement. *As such, it was determined that the General Plan, as amended by later Specific Plans, would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities and impacts to parks would be less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, parks impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts.*

(e) Other Public Facilities. The General Plan EIR noted that additional library facilities may be needed to meet the demand from the addition of approximately 33,000 new residents anticipated as a result of the 2010-2035 General Plan. Given that the large Central Park Library facility is located in the southern portion of the City, it is relatively close to, and could serve, anticipated new development along El Camino Real, Homestead Road, Kiely Boulevard and Stevens Creek Boulevard. However, it was found that new library facilities may be needed to serve the anticipated development in the northern portion of the City. The General Plan EIR found that new growth as a result of implementation of the 2010-2035 General Plan would increase the demand for arts, cultural and community facilities; however, it was found that this future demand would not exceed the existing service capacity or generate the need for additional facilities particularly when the City can optimize the use of streets or other existing neighborhood amenities for community events. The General Plan EIR determined that General Plan policies and existing regulations and programs would ensure that future development of new facilities within the City would not have an adverse physical effect on the existing environment.

The Lawrence Station EIR notes that development under the LSAP would add approximately 9,415 new residents to the City, increasing Santa Clara City Library's (SCCL) service population by approximately 7.7 percent. This increase in service population would slightly effect SCCL's existing service ratios, but not to the extent that would require new or expanded library facilities.

The Tasman East Specific Plan EIR indicates that residential development at buildout would result in approximately 12,285 new residents in Santa Clara. The City does not currently have service ratios or other performance objectives for library services. The residents generated by the project would slightly reduce the library-space-per-resident ratio and library-items-per-resident ratio by 9.4 percent, from 0.85 to 0.77 square feet of library space per resident and from 3.69 to 3.36 items (e.g., books and audio/visual volumes) per resident.

The Patrick Henry Drive Specific Plan and Freedom Circle Focus Area EIRs also recognize incremental increases in library usage from new residential uses associated with the respective plans. None of the EIRs identify a new significant impact regarding library services.

Therefore, the General Plan EIR as addended by subsequent program EIRs determined that impacts to other public facilities would be less than significant.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent EIRs related to specific plans or area plans, public facilities impacts related to implementation of the Housing Element Update would be similar to the General Plan EIR and subsequent EIRs. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts.*

Cumulative Impacts

The General Plan EIR noted that public services are generally provided by local governments for areas within their jurisdictions and are not provided on a regional basis. It was also noted that law enforcement and fire protection and emergency services are provided by local governments or fire protection districts for areas within their jurisdiction, supplemented by mutual aid agreements between agencies to pool resources. Public schools are provided by school districts to residential areas within their jurisdictions. While districts may cross city jurisdictional boundaries, school services are still provided at the local, rather than regional, level. As with the other public services, libraries are also generally provided by local governments for areas within their jurisdiction, and services are not provided on a regional basis. Social services are generally provided by counties, and not on a regional basis. Neighborhood parks and recreational services are generally provided by local governments for areas within their jurisdiction. The General Plan EIR determined that the 2010-2035 General Plan would not substantially impact the use of the other jurisdictions' libraries, parks and recreation facilities in the region, although Santa Clara residents are also residents of Santa Clara County and would continue to take advantage of County parks, trails, and other recreational facilities, funded in part by Santa Clara resident taxes. *Therefore, the General Plan EIR determined that the cumulative regional impacts of the 2010-2035 General Plan associated with law enforcement, fire and emergency, schools, library, social, and neighborhood parks and recreation services would be less than significant.*

Since the proposed project does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent amendments related to specific plans or area plans, the project will not result in an increase in demand for public services or facilities beyond what was analyzed in the General Plan EIR or subsequent EIRs. Project cumulative impacts would be similar to those evaluated in the General Plan EIR and less than

significant. *Therefore, implementation of the proposed Housing Element Update would result in less than significant impacts.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect on Public Services beyond the potential impacts already identified in the General Plan EIR and subsequent specific plan and area plan EIR's. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and the EIR's for subsequent specific plans and area plans. Therefore, the proposed project would not generate an additional demand for open space and recreational facilities. Development of future housing would be subject to project-level environmental review pursuant to CEQA upon application for entitlement permits and would also be subject to existing mitigation measures. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.16 – Recreation

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Yes	Less than Significant Impact	No	No	No
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Increased Park Use/ Substantial Physical Deterioration. The General Plan EIR found that the increase in the population associated with new development and redevelopment allowed under the 2010-2035 General Plan would increase the demand on existing parks, open space and recreation facilities. However, it was determined that the General Plan policies and existing regulations and programs were designed to ensure that increased demand associated with an increase in population would not significantly accelerate the deterioration of existing facilities. *Therefore, the General Plan EIR determined that impacts to recreation facilities would be less than significant.*

Since the proposed project does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent amendments related to specific plans or area plans, the project will not result in an increase in demand for parklands and park facilities beyond what was analyzed in the General Plan EIR or subsequent EIRs. Project impacts would be similar to those evaluated in the General Plan EIR. *Therefore, the proposed project would have a less than significant impact.*

(b) Include or Require Recreational Facilities. The General Plan EIR found that new development and redevelopment allowed under the 2010-2035 General Plan would require additional parkland and recreation facilities in the City. However, the General Plan EIR determined that the General Plan policies and existing regulations and programs were designed to ensure that future development of parkland within the City would not have an adverse physical effect on the existing environment. This includes the 2014 adoption of Ordinance No. 1928 adding City Code Chapter 17.35 (“Park and Recreational Land”) to Title 17 (“Development”) of the Santa Clara City Code to help mitigate the impacts of new housing development growth on existing parkland subject to the provisions of the State of California

Quimby Act and Mitigation Fee Act. Chapter 17.35 requires new residential developments to provide adequate park and recreational facilities and/or pay a fee in-lieu of parkland dedication at the discretion of the City. Subsequent program EIRs, including the Lawrence Station Area Plan EIR, the Tasman East Specific Plan EIR, the Patrick Henry Drive EIR and the Freedom Circle Focus Area EIR reinforce this requirement. *As such, it was determined that the General Plan, as amended by later Specific Plans would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities and impacts to parks would be less than significant.*

Since the proposed project does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent amendments related to specific plans or area plans, the project will not result in an increase in demand for parklands and park facilities beyond what was analyzed in the General Plan EIR or subsequent EIRs. Project impacts would be similar to those evaluated in the General Plan EIR. *Therefore, the proposed project would have a less than significant impact.*

Cumulative Impacts

The General Plan EIR did not analyze cumulative recreation impacts. Since the proposed project does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent amendments related to specific plans or area plans, the project will not result in a cumulative increase in demand for parklands and park facilities beyond what was analyzed in the General Plan EIR or subsequent EIRs. Project cumulative impacts would be similar to those evaluated in the General Plan EIR. *Therefore, the proposed project would have a less than significant impact.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect on Open Space and Recreation beyond the potential impacts already identified in the General Plan EIR and subsequent specific plan and area plan EIR's. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and the EIR's for subsequent specific plans and area plans. Therefore, the proposed project would not generate an additional demand for open space and recreational facilities. Development of future housing would be subject to project-level environmental review pursuant to CEQA upon application for entitlement permits and would also be subject to existing mitigation measures. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.17 – Transportation

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Conflict with a program plan, ordinance or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities?	Yes	Significant and Unavoidable	No	No	No
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	Yes	Less than Significant	No	No	No
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No	Not Examined	No	No	No
d) Result in inadequate emergency access?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) **Circulation Plan Consistency.** The General Plan EIR found that despite the 2010-2035 General Plan's overall land use-transportation efficiency, future development would nonetheless generate substantial additional traffic volumes that would cause congestion along certain roadway segments within the City's jurisdiction, adjoining cities and freeway segments for which, in most cases, no feasible mitigation (i.e., ability to add new travel lanes) exists. Operating levels of City roadway segments would degrade below City Level of Service standards. *Therefore, the General Plan EIR determined that the impact would be significant and unavoidable with respect to Level of Service/congestion.*

The General Plan EIR also found that implementation of the 2010- 2035 General Plan would result in the degrading of the operating levels of County Congestion Management Program (CMP) roadway segments beyond the then current County CMP Levels of Service standard, which was also determined to be a significant and unavoidable impact with respect for which there is no feasible mitigation.

The General Plan EIR also found that the increased motor vehicle traffic and increased congestion from the 2010 - 2035 General Plan would result in increased transit travel times on transit corridors which

was considered a significant impact. The Findings of Fact also referenced General Plan Policy 5.8.3-P3 as a means to address this potential impact:

> "Support transit priority for designated Bus Rapid Transit, or similar transit service, through traffic signal priority, bus queue jump lanes, exclusive transit lanes and other appropriate techniques."

However, it was determined that there are no feasible mitigation measures to reduce this impact because the feasibility of transit-only lanes would be evaluated in more detailed studies and the effect of these policies is not fully known, including potential secondary impact. *Therefore, the impact was considered significant and unavoidable.*

The Tasman East Specific Plan also includes the following mitigation measures to address traffic congestion, that, in some cases reduce localized impacts to some road, to less than significant, but overall, still resulted in significant and unavoidable impacts:

- Tasman East SP EIR – See Mitigation Measures 1.1:9, 1.2:10, 1.3:11, 1.4:37, 3.1:1, 3.2:9, 3.3:10, and 3.4:37.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent amendments related to specific plans or area plans, the project will not result in an increase in the number or length of vehicle trips beyond what was analyzed in the General Plan EIR or subsequent EIRs. Project impacts would be similar to the General Plan EIR. *Therefore, the proposed project would result in a significant and unavoidable impact on the circulation system.*

(b) **CEQA Guidelines Section 15064.3(b).** Although the CEQA Guidelines did not, as it now does, require the analysis of Vehicle Miles Travelled (VMT) when the General Plan EIR was certified, potential VMT impacts were actually evaluated in the EIR. The EIR noted that the total VMT generated under the 2010-2035 General Plan for the City of Santa Clara was estimated to be 3.74 million vehicle-miles per day (or a net increase of 552,227 vehicle miles compared to existing conditions). It was also found that the resulting average VMT per service population (residents and jobs) would be 12.2 vehicle miles per day under the 2010-2035 General Plan, which represents a reduction of approximately 15.3 percent per service population compared to existing conditions at the time. The General Plan EIR further noted that this reflects that the general plan Focus Areas would include development of new complementary land uses that are in close proximity to each other, provide more opportunities for shorter trips that encourage walking and bicycling, and utilize higher densities of development that support enhanced transit service. At a citywide performance level, the General Plan EIR found that the 2010-2035 General Plan more efficiently links land uses and the transportation system network in that VMT and VMT per service population are dropping compared to existing conditions, VMT growth is less than population growth, non-auto travel mode shares increase, and trip length is virtually unchanged. The General Plan EIR found that all of these indicators suggest the 2010-2035 General Plan is an efficient, well-balanced plan from a land use-transportation standpoint compared to existing conditions.

The Lawrence Station Area Plan EIR analyzed VMT for the purposes of its Air Quality analysis and determined that the LSAP could potentially contribute to a larger increase in VMT growth in the plan area than population growth. With no way to accurately measure population growth in the study area (because there were no residences at the time), that impact was found to be significant and unavoidable.

The LSAP EIR also indicated that, "It should be noted, however, that the LSAP as a [Transit-Oriented Development] TOD is located in close proximity to transit and employment centers and would reduce VMT trips when compared to suburban projects that contribute to sprawl."

By 2021, CEQA required VMT analyses for development projects, and both the Patrick Henry Drive Specific Plan and the Freedom Circle Focus Area were analyzed for Vehicle Miles Traveled. Both projects meet the criteria to qualify as a transit supportive project because they meet the criteria established by the City related to proximity to transit, density, multimodal transportation networks, transit-oriented design elements, parking, and affordable housing. Both were therefore exempt from a quantitative analysis of VMT and impacts from VMT were determined to be *less than significant.*

Therefore, the General Plan EIR determined that the impact on vehicle miles of travel would be less than significant. Subsequent program EIRs containing VMT analyses for the purpose of transportation impacts also concluded that transportation impacts would be less than significant.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan, including subsequent amendments related to specific plans or area plans, the project will not result in an increase in VMT beyond what was analyzed in the General Plan EIR or subsequent EIRs. Project impacts would be similar to those evaluated in the General Plan EIR and less than significant. *Therefore, the proposed Housing Element Update would result in a less than significant VMT impact.*

(c) **Design Hazards.** The General Plan EIR did not directly analyze potential impacts from design features hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses. The General Plan EIR did not identify any existing or potential design hazards that could occur as the result of implementation of the General Plan. In addition, potential roadway and circulation design hazards more typically occur with site specific development proposal instead of plan/programs like a general plan. When development proposal applications are submitted to the City they are review for potential design and circulation hazards and are subject to City regulations and standards related to project access and roadway design.

The Tasman East Specific Plan EIR indicated that the project design does not include sharp curves or dangerous intersections that could result in safety hazards within the Plan Area; nor does the project propose incompatible uses. The Specific Plan would have an interconnected street network and all streets would be designed to accommodate emergency vehicles and concluded that impacts from design features would be *less than significant.*

In the Patrick Henry Drive Plan EIR, the transportation analysis notes the, "Conflicts between modes would be reduced through better accommodations, including Specific Plan elements such as new and/or improved sidewalks, bike lanes, and more accessible and comfortable bus stops. The Specific Plan proposes an improved internal roadway network designed to accommodate vehicular traffic that is balanced with other modes (including walking, cycling, micro-mobility, and transit)."

Freedom Circle: When detailed site plans for future development projects are submitted, project-related roadway designs would be subject to City review, which would ensure adequacy of circulation patterns and safety standards; reduce potential conflicts between vehicles, pedestrians, bicyclists, and buses; and remove potential hazards due to design features (i.e., insufficient sightlines or distances) or incompatible uses. Therefore, this impact would be *less than significant.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations, or circulation or related policies, the project will not result in an increase in potential design

hazard beyond what was analyzed in the General Plan EIR or subsequent EIRs. Project impacts would be similar to those evaluated in the General Plan EIR and less than significant. *Therefore, the proposed project would not result in impacts related to design hazards.*

(d) **Emergency Access.** The General Plan EIR did not specifically analyze impacts related to inadequate emergency access. However, the General Plan EIR found that increased motor vehicle traffic and increased congestion associated with implementation of the General Plan could result in increased emergency response times, and increased vehicle traffic associated with the 2010-2035 General Plan could result in increased traffic congestion as described under Impacts 4.12-1 through 4.12-5. This congestion, anticipated mainly during the morning and evening commute periods, would result in decreased travel speeds and increased emergency vehicle response times on key routes in the City. To mitigate the impact of the 2010-2035 General Plan on emergency vehicle response times, the General Plan included a prerequisite policy 5.1.1-P5. *With implementation of this policy, the General Plan EIR determined that the impact would be less than significant.*

Since the proposed project does not include any changes to general plan land use designations, or circulation or related policies, the project will not result in an increase in potential design hazards beyond what was analyzed in the General Plan EIR or subsequent EIRs: project impacts would be similar to those evaluated in the General Plan EIR and less than significant. Therefore, the proposed project would not result in impacts related to emergency access.

Cumulative Impacts

The General Plan EIR determined that under cumulative conditions, which assumes build-out of all planned growth in the region, including the City's Draft General Plan, regional roadways and highways would experience levels of service in excess of those identified by responsible agencies, for which no feasible mitigation exists. *These cumulative impacts, and the City's contribution to them under the General Plan, were determined to be significant and unavoidable.*

Since the proposed project does not include any changes to general plan land use designations, or circulation or related policies, the project will not result in an increase in cumulative impacts beyond what was analyzed in the General Plan EIR or subsequent EIRs. Project impacts would be similar to those evaluated in the General Plan EIR and significant and unavoidable. *Therefore, the proposed project would not result in cumulative transportation impacts.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect on Transportation beyond the potential impacts already identified in the General Plan EIR and subsequent specific plan and area plan EIR's. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and the EIR's for subsequent specific plans and area plans. Therefore, the proposed project would not generate any additional vehicle trips or VMT. Development of future housing would be subject to project-level environmental review pursuant to CEQA upon application for entitlement permits and would also be subject to existing mitigation measures. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

MM 4.12-1: **Adopt Prerequisite Policy 5.1.1-P5.** Prior to the implementation of Phase II[iv] and III of the 2010-2035 General Plan, evaluate appropriate measures to maintain emergency response time standards.

[iv] Note that Policy 5.1.1-P5 was modified as part of the 2014 General Plan Update, which was adopted with a MND. As modified, the Policy now directs the evaluation of appropriate measures to maintain emergency response time standards prior to the implementation of Phase III, rather than Phases II and III.

4.18 – Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a Cultural Native American tribe, and that is:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Listed or eligible for listing in the California Register of Historical resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	No	Not Examined	No	No	No
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No	Not Examined	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Listed or Eligible Historical Resources. The General Plan EIR did not specifically evaluate impacts to Tribal cultural resources because it was not required by CEQA until the passage of Assembly Bill 52 (AB 52) in 2014, which requires consultation between lead agencies and Tribal representatives for projects within Tribal territory. However, the General Plan EIR found that implementation of General Plan policies and programs, including application of the California Historic Building Code and the City's Combining Historic Districts, the City's design review process, and referral of projects involving historic resources to the Historical and Landmarks Commission, would serve to minimize historic resources impacts. T*he General Plan EIR further determined implementation of General Plan policies and existing programs would reduce the impact to cultural resources to less than significant with respect to Tribal*

Cultural Resources. There were no known tribal historical resources that were identified in the General Plan EIR.

Since the proposed project does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan including subsequent amendments related to specific plans or area plans, project impacts would be similar to the General Plan EIR and subsequent EIRs. *Impacts related to resources listed or eligible for listing in the California Register of Historical resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) would be less than significant as a result of the proposed project.*

(b) Significant Tribal Resources. The General Plan EIR did not specifically evaluate impacts to Tribal cultural resources because it was not required by CEQA until the passage of Assembly Bill 52 (AB 52) in 2014, which requires consultation between lead agencies and Tribal representatives for projects within Tribal territory. In addition, the General Plan EIR found that the potential for project-level impacts to unidentified and unrecorded tribal cultural places remains moderate to high. It was also found that future excavation and grading activities could result in impacts to human remains. However, the General Plan EIR found that 2010-2035 General Plan includes a range of policies to ensure the protection of cultural resources and thus, impacts to cultural resources were found to be less than significant. *Therefore, the General Plan EIR determined impacts to cultural resources would be less than significant. Similarly, subsequent EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA found that impacts would be less than significant with incorporation of mitigation measures. Therefore, subsequent EIRs have determined that this impact is less than significant and the following subsequent EIR mitigation measures will apply to the proposed Housing Element Update:*

- *Patrick Henry Drive SP – see mitigation measure 7-2*
- *Freedom Circle Drive- see mitigation measure 7-4*

Since the proposed project does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan including subsequent amendments related to specific plans or area plans, project impacts would be similar to the General Plan EIR and subsequent EIRs and would be less than significant (or less than significant with mitigation). Therefore, impacts to tribal cultural resources would not occur as a result of the proposed project. In addition, all future discretionary proposals will be subject to the current requirements of AB 52 (2014) and SB 18 (2004).*Therefore, impacts to tribal cultural resources would not occur as a result of the proposed project.*

Cumulative Impacts

The General Plan EIR did not specifically evaluate cumulative impacts related to Tribal cultural resources because it was not required by CEQA until the passage of Assembly Bill 52 (AB 52) in 2014, which requires consultation between lead agencies and Tribal representatives for projects within Tribal territory. However, the General Plan EIR found that Projects in the City and other cumulative projects would implement mitigation that avoids or substantially lessens potentially significant impacts to cultural resources, as required by State law. These mitigation strategies would typically involve pre-construction identification surveys; significance evaluations; consultation with tribal descendant communities; culturally and legally appropriate treatment of human remains; archaeological construction monitoring; resource documentation; and data recovery for unavoidable impacts. These mitigation strategies would generally avoid or substantially lessen the severity of impacts to tribal cultural resources. *Therefore, the General Plan EIR determined that the City's contribution to cumulative impacts associated with cultural resources is less than cumulatively considerable.*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan including subsequent amendments related to specific plans or area plans, project impacts would be similar to the General Plan EIR and subsequent EIRs. *Therefore, cumulative impacts to tribal cultural resources would be less than significant with incorporation of mitigation.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect on any tribal cultural resource. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR. Development of future housing would be subject to environmental review pursuant to CEQA, as well as AB 52 and SB 18 requirements upon application for entitlement permits. Projects found to be not exempt from CEQA would be subject to analysis and mitigation, if required. No new significant impacts and no substantial increase in the severity of previously identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.19 – Utilities and Service Systems

Would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	No	Not Examined	No	No	No
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Yes	Less than Significant Impact	No	No	No
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's Projected demand in addition to the provider's existing commitments?	Yes	Less than Significant Impact	No	No	No
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Yes	Less than Significant with Mitigation Incorporated	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) Utility Infrastructure. The General Plan EIR not specifically analyze impacts related to relocation or construction of storm water drainage, electric power, natural gas, or telecommunications facilities. *However, as shown in the responses below, the General Plan EIR found that impacts related to water and wastewater treatment facilities would be less than significant.* In addition, project impacts with respect to stormwater drainage, electric power, natural gas and telecommunications facilities would be no greater than those that would occur under the General Plan EIR (and Subsequent EIRs) because the proposed project does not include any changes to general plan land use designations, including changes that would increase the growth capacity of the General Plan. *Therefore, impacts to utility infrastructure from the proposed project would be less than significant and similar to impacts analyzed in the General Plan EIR and subsequent amendments.*

(b) Sufficient Water Supplies. The General Plan EIR noted that new development under the 2010-2035 General Plan would increase water demand within the City. However, it was also noted that the City's Water Utility had determined that there would be sufficient water supplies to provide service to the City for the 2010-2035 General Plan under normal and single critical dry year scenarios. In the event of a multiple dry year event and the loss of supply from SFPUC, the General Plan EIR found that there is a projected shortfall of 0.6 percent or 193 afy in the year 2035, and the City plans to meet future demand growth by pumping additional groundwater, relying on more recycled water, and increased conservation. Future pumping by the City of Santa Clara, in combination with the multiple other users of the Santa Clara Sub-Basin, would not be expected to contribute to cumulative groundwater pumping impacts, i.e., withdrawals above the basin's safe yield, given the Water District's reasonably foreseeable recharge and groundwater management programs. However, should the District's recharge program be affected by reduced availability of imported water, there is the potential for future cumulative groundwater basin demand to exceed the aquifer's safe yield. These impacts were considered potentially significant by the General Plan EIR*. However, with the application of Mitigation Measure 4.7-1 which address the potential for groundwater overdraft, the General Plan EIR determined that impacts to water supplies would be less than significant. Similarly, subsequent EIRs for the Patrick Henry Drive SP and the Freedom Circle FFA found that impacts would be less than significant with incorporation of mitigation measures. Therefore, the following subsequent EIR mitigation measures will apply to the proposed Housing Element Update:*

- *Patrick Henry Drive SP – see mitigation measure 18-1*
- *Freedom Circle Drive- see mitigation measure 18-5*

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan including subsequent amendments related to specific plans or area plans, project impacts would be similar to the General Plan EIR and subsequent EIRs. *Therefore, impacts to water supplies would be less than significant with incorporation of mitigation.*

(c) Wastewater Treatment Capacity. The General Plan EIR found that future projected wastewater flows would increase but remain within the City's allocation of capacity at the San Jose/Santa Clara Water Pollution Control Plant (WPCP), now called the "Regional Wastewater Facility" (RWF). It was also found that sanitary sewer conveyance capacity would need to be increased at select locations throughout the City to serve the increased wastewater flows from new development. The General Plan EIR noted that it is a City requirement that new industrial, commercial, and major residential development be reviewed to determine projected wastewater load and available sewer capacity before zoning approval or permits are approved and, to the extent that additional sewer collection system improvements may be identified as necessary to serve the development, such improvements will

become the responsibility of the project applicants. *Therefore, the General Plan EIR determined that impacts to wastewater services would be less than significant.*

The Freedom Circle EIR found that project wastewater would exceed the exceed the current combined wastewater capacity of the Northside and Rabello pump stations (46.1 million gallons per day or mgd) by 0.2 mgd (for a total of 46.3 mgd), which represents a *cumulative wastewater impact*. Therefore, the proposed Freedom Circle Focus Area Plan contribution to cumulative pump station capacity at the Northside and Rabello pump stations was determined to be a significant cumulative impact. *However, with implementation of Mitigation Measure 18-5 which, requires individual developments to make fair share contributions wastewater pump station improvements, potential impacts are less than significant.*

(d, e) Solid Waste Infrastructure/Regulations. The General Plan EIR noted that new development allowed under the General Plan would generate solid waste that can be accommodated under the existing landfill disposal contract through 2024. However, it was also noted that the City has no specific plan for disposing of solid waste beyond 2024, including waste generated by existing uses, but will undertake a process to identify a solution prior to 2024. Since no solution to this issue was identified when the EIR was certified this issue was considered significant. The City further determined that there were no feasible measures to reduce this impact and determined that it the impacts was significant and unavoidable. Both the EIR and the findings adopting the EIR indicated that an expansion of the Newby Island landfill was being evaluated and that the City also owns property outside its jurisdiction that could potentially provide this service. In addition, Prerequisite Policy 5.1.1-P22[v] requires the re-evaluation of landfill capacity. This assessment could also examine the City's progress on attaining recycling goals in order to evaluate whether there is a continuing long-term need for solid waste capacity. The City found this impact to be significant and unavoidable.

Since the proposed Housing Element Update does not include any changes to general plan land use designations or policies that would increase the growth capacity of the General Plan including subsequent EIRs related to specific plans or area plans, project impacts would be similar to the General Plan. *Therefore, impacts related to solid waste infrastructure from the proposed project would significant and unavoidable.*

Cumulative Impacts

As discussed above the General Plan EIR found that there were potential cumulative impacts with respect to water supply and solid waste. *Potential impacts to water supply were determined to be less than significant with mitigation and potential impacts to solid waste capacity were determined to be significant, adverse and unavoidable.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect on utilities and services. The RHNA allocation described in the Housing Element Update would be within the amount of residential development analyzed within the General Plan EIR and the EIR's for subsequent specific plans and area plans. Development of future housing would be subject to project-level environmental review pursuant to CEQA upon application for entitlement permits and would also be subject to existing mitigation measures. No new significant impacts and no substantial increase in the severity of previously

[v] After the 2014 General Plan amendments, this policy was renumbered 5.5.1-P21, and directs the City to identify solid waste disposal faciltieis to serve development in Phase III of the General Plan.

identified impacts associated with the proposed Housing Element Update would occur. Likewise, there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation are required.

Applicable General Plan EIR Mitigation Measures

MM 4.7-1: To prevent a cumulatively considerable contribution to a potential future overdraft of the Santa Clara Sub-Basin, the City shall update the forecast groundwater pumping supply quantities every five years with each UWMP to align water supply availability with the water demand associated with each General Plan Phase. Future Santa Clara UWMPs will be coordinated with the Water District and implement alternative sources (i.e., recycled water and increased conservation) if cumulative groundwater pumping, based on all water retailers UWMPs, would exceed the Santa Clara Sub-Basin safe yield. With implementation of this program mitigation measure, potential future impacts associated with supplying future development envisioned by the General Plan would be reduced to a less than significant level.

4.20 – Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No	Not Examined	No	No	No
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	No	Not Examined	No	No	No
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities), that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No	Not Examined	No	No	No
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No	Not Examined	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

Please note that none of the impacts in this section were evaluated in the General Plan EIR because this impact area was added to the Appendix G of the CEQA Guidelines in 2019 and thus post-dates the EIR. In addition, the Wildfire section of Appendix G applies only to areas within or near State responsibility areas or lands classified as very high fire hazard severity zones and these conditions do

not apply to the City of Santa Clara. The General Plan EIR also indicates that there are no wildfire hazards in the City of Santa Clara (See Page 409).

(a) Impairment of Emergency Plans. The General Plan EIR did not examine this potential impact. However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara, and further fount that it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. In addition, the proposed project will not result in any changes to general plan land use designations or circulation policies that could increase potential impacts beyond those analyzed in the General Plan EIR. *Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.*

(b) Pollutant Concentrations from Wildfire. The General Plan EIR did not examine this potential impact. *However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara. In addition, the City is predominantly flat with no areas with steep slopes or wildland interface areas. Therefore, the proposed project would not expose persons to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire.*

(c) Installation or Maintenance of Associated Infrastructure. The General Plan EIR did not examine this potential impact. *However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara and the City is not within or near* a Very High Fire Hazard Severity Zone. The City has been largely built out and the necessary infrastructure is in place to support the proposed project. Project roadways would connect to the existing roadway system in the area and utility connections would be made for sewer and electric services. No wildlands exist in the vicinity of the project site, and the development of the site would not result in any hazards related to wildland fires. The project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. *Therefore, impacts related to installation or maintenance of associated infrastructure would be less than significant.*

(d) Post-Fire Slope Instability or Drainage Changes. The General Plan EIR did not examine this potential impact. *However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara*. The City is not located within or near a Very High Fire Hazard Severity Zone and is relatively flat. Because no wildlands exist in the vicinity of the City, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Development of the proposed project would comply with the California Uniform Building Code for grading and drainage. *Therefore, impacts related to post-fire slope instability or drainage changes would be less than significant.*

Cumulative Impacts

The General Plan EIR did not examine potential cumulative wildfire impacts. *However, Section 4.13, Hazards, of the General Plan EIR found that there are no wildfire hazards in the City of Santa Clara and the City is not within or near a Very High Fire Hazard Zone. Therefore, the proposed project would not result in cumulative wildfire impacts.*

Conclusion

The proposed Housing Element Update would not have a substantial adverse effect with respect to Wildfire as the City is not within or near a state responsibility area or Very High Fire Hazard Zone, built out, predominantly flat and does not contain areas that are within a wildland/urban interface. Likewise,

there is no new information of substantial importance requiring new analysis or verification. The Housing Element Update does not propose substantial changes that require major revisions to the General Plan EIR, and no new mitigation measures are required. As such, no subsequent environmental analysis and no new mitigation is required.

Applicable General Plan EIR Mitigation Measures

No applicable General Plan EIR mitigation measures.

4.21 – Mandatory Findings of Significance

	Effect Examined in General Plan EIR?	Conclusion in General Plan EIR and Subsequent EIRs?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Yes	Less than Significant with Mitigation Incorporated	No	No	No
b) Does the project have impacts that are individually limited, but cumulatively considerable?	Yes	Significant and Unavoidable	No	No	No
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Yes	Less than Significant Impact	No	No	No

Proposed Project in Relation to the General Plan EIR and Subsequent Amendments

(a) **Significant Biological or Cultural Impacts.** The results of the preceding analysis indicate that the proposed Housing Element Update will have less than significant impacts to sensitive biological, historical, archaeological, and paleontological resources with incorporation of mitigation. Impacts to scenic vistas, scenic resources, and visual character will be less than significant. Considering the programmatic level of analysis will not authorize any development plan, redevelopment of any existing sites, or construction of new infrastructure, and will not change existing City land use policy regarding locations or intensities of development, and it will not result in any effects that would degrade the quality of the environment beyond such impacts already analyzed in the General Plan EIR and subsequent Specific Plan EIR's. *Therefore, the City finds that impacts related to degradation of the environment will be less than significant and no new mitigation is required.*

(b) Cumulative Impacts. Cumulative effects resulting from full implementation of City land use policies were evaluated in the General Plan EIR and subsequent Specific Plan EIR's. The proposed Housing

Element Update will not change any of these policies and does not propose any specific development or redevelopment project that could contribute to short-term or long-term cumulative impacts that were not addressed sufficiently in the General Plan EIR and subsequent Specific Plan EIR's. The proposed Housing Element Update does not include any changes to land use designations and thus is consistent with the project analyzed in the General Plan EIR and subsequent EIRs. The City hereby finds that the proposed Housing Element Update's individual contribution to potentially significant cumulative impacts is not considerable and no additional mitigation is required.

(c) Substantial Adverse Effects on Human Beings. As supported by the preceding environmental evaluation, the proposed Housing Element Update will not result in substantial adverse effects on human beings. It has been determined through analysis supported by substantial evidence that the proposed Housing Element Update has been determined to have little or no adverse impacts on people or the environment as evaluated in the 20 preceding environmental topics. The City hereby finds that direct and indirect impacts on human beings will be less than significant and no additional mitigation is required.

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5 Applicable General Plan EIR Mitigation Measures

The following General Plan EIR mitigation measures are applicable to the proposed Housing Element Update:

AIR QUALITY

MM 4.10-1: Policy 5.1.1-P25 should be added to the Prerequisite section as follows:

> Policy 5.1.1-P25: Prior to the implementation of Phase II,[vi] the City will include a Community Risk Reduction Plan (CRRP) for acceptable TAC concentrations consistent with the BAAQMD CEQA Guidelines, including risk and exposure reduction targets, measures to reduce emissions, monitoring procedures, and a public participation process.

Policy 5.10.5-P34 should be added to the Safety section as follows:

> Policy 5.10.5-P34: Include minimum setbacks of 500 feet for roadways with average daily trips of 100,000 or more and 100 feet for railroad tracks for new residential or other uses with sensitive receptors, unless a project-specific study identifies measures such as, site design, tiered landscaping, air filtration systems, windows design to reduce exposure, demonstrating that the potential risks can be reduced to acceptable levels.

MM 4.10-2: Policy 5.10.5-P35 should be added to the Safety section as follows:

> Policy 5.10.5-P35: Establish minimum buffers between odor sources and new residential or other uses with sensitive receptors, consistent with the BAAQMD guidelines, unless a project-specific study demonstrates that these risks can be reduced to acceptable levels.

BIOLOGICAL RESOURCES

MM 4.9-1: **Congdon's Tarplant Program Mitigation:** On parcels with ruderal grasslands, surveys will be conducted prior to future development to document the presence/absence of Congdon's tarplant. In the event the species is present, the project design will incorporate an adequate buffer, as determined by a qualified biologist, to ensure the Congdon's tarplant is not threatened by development.

MM 4.9-2: **Burrowing Owl Program Mitigation:** Future development on parcels with ruderal grasslands will include the following standard measures to reduce potential WBO impacts to a less than significant level:

1. Determine Burrowing Owl Presence

[vi] Note that Policy 5.1.1-P25 was modified as part of the 2014 General Plan Update, which was adopted with a MND. As modified, the Policy now directs the preparation of the CRRP prior to implementation of Phase III, rather than Phase II

a. Breeding Season Surveys

Standardized surveys are necessary to determine presence (or presumed absence) of burrowing owls for the purposes of inventory, monitoring, avoidance of take, and determining appropriate mitigation. In California the breeding season begins as early as February 1 and continues through August 31. The California Burrowing Owl Consortium (Consortium) survey protocol specifies a multi-phase approach, which is recommended in order to adequately evaluate burrowing owl use of an area and to inform the CEQA process. The Department recommends that the Consortium survey protocol for breeding season surveys be adhered to (4 survey visits spread evenly (roughly every 3 weeks) during the peak of the breeding season, from April 15-July 15) The habitat assessment, intensive burrow surveys and burrowing owl surveys should include the area within 150 meters of the project boundaries (approximately 500 feet).

b. Non-Breeding Season Surveys (Including Winter)

Surveys during the non-breeding season (September 1- January 31) are recommended by the Department but are not generally required because burrowing owls are much more difficult to detect during the non-breeding season, and the number or type of surveys that would be needed to detect presence then has not been studied or quantified. Negative results during any nonbreeding season surveys are not conclusive proof that owls do not use the site. Because of this complication, the DFG recommends breeding season surveys as the first step, but project applicants should consult with the Department if burrowing owls have been documented on the project site during the non-breeding season.

2. Avoid Impacts (destruction, disturbance) to Individual Owls

d. Pre-Construction Surveys for Owl Presence

Pre-construction surveys (usually initiated during the non-breeding season) are necessary for assessing owl presence at a site within a short time period before site modification is scheduled to begin. Pre-construction surveys are supplemental to the existing breeding season survey protocol (4 survey visits spread evenly during the peak of the breeding season, from April 15- July 15). Initial pre-construction surveys should be conducted no more than 30 days prior to ground-disturbing activities (for example, disking, clearing, grubbing, grading). Generally, at a minimum, 4 survey visits on at least 4 separate days will be necessary, The time lapse between surveys and site disturbance should be as short as possible and will be determined by DFG based on specific project conditions but generally should not exceed 7 days. Additional surveys are necessary when the initial disturbance is followed by periods of inactivity or the development is phased spatially and/or temporally over the project area. Biologists conducting pre-construction surveys should expend enough effort, based on the above criteria, to assure with a high degree of certainty that take of owls will not occur once site modification and grading activities begin. The report should be submitted to the DFG for review.

e. Buffer Zones Around Occupied Burrows (Year-Round)

Buffer zones to protect burrowing owls from direct disturbance should be implemented pursuant to the Consortium Guidelines and the Department's Staff Report (1995).

Generally, the buffers recommended in these reports for protecting burrowing owls from disturbance is 75 meters (250 feet) from occupied burrows during the breeding season and 50 meters (160 feet) from occupied burrows during the non-breeding season. Consultation with the Department may result in site-specific buffer specifications, on a case-by-case basis.

f. Passive Relocation

If construction will directly impact occupied burrows, eviction of owls should occur outside the nesting season to prevent injury or mortality of individual owls. No burrowing owls will be evicted from burrows during the nesting season (1 February through 31 August) unless evidence indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season). Relocation of owls during the non-breeding season will be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. These one-way doors will then be removed and the burrows backfilled immediately prior to the initiation of grading. Furthermore, should the Valley HCP, once adopted, include a regional WBO mitigation program that would be available to future projects in Santa Clara, future projects may have a feasible option to mitigate for their individual impacts to loss of WBO foraging and/or nesting habitat by participating in the Valley HCP's program.

NOISE

MM 4.14-1: Use the Federal Transit Administration vibration impact criteria, as described above under the Regulatory Setting, to evaluate the land use compatibility of sensitive uses proposed along the railroad/light-rail corridor using the best available information (e.g., High Speed Rail Program EIR) or site-specific measurements and analyses (assuming active railroad operations). Developers of sensitive uses shall demonstrate that potential impacts of existing or potential vibration have been minimized to the maximum feasible extent.

MM 4.14-2: Case studies have shown that the replacement of dense grade asphalt (standard type) with open-grade or rubberized asphalt can reduce traffic noise levels along local roadways by 2 to 3 dBA CNEL. A possible noise reduction of 2 dBA would be expected using conservative engineering assumptions, and future traffic noise increases could be mitigated to a less than significant level by repaving roadways with "quieter pavements." To be a permanent mitigation, subsequent repaving would also have to use "quieter" pavements. Existing residential receivers located along Tasman Drive between Lafayette Street and the easternmost City limits either front the roadway (private outdoor use areas are located behind the homes) or have outdoor use areas adjacent to the roadway that may or may not be shielded by fences or noise barriers. In situations where private outdoor use areas are located adjacent to the roadway, new or larger noise barriers could be constructed to provide the additional necessary noise attenuation in private use areas. Typically, increasing the height of an existing barrier results in approximately one dBA of attenuation per one foot of additional barrier height. The design of such noise barriers would require additional analysis. Traffic calming could also be implemented to reduce noise levels expected with the project. Each five mph reduction in average speed provides approximately one dBA of noise reduction on an average basis (Leq/CNEL). Traffic calming measures that regulate speed improve the noise environment by smoothing out noise levels. Residences could also be provided

with sound insulation treatments if further study finds that interior noise levels within the affected residential units would exceed 45 dBA CNEL as a result of the projected increase in traffic noise. Treatments to the homes may include the replacement of existing windows and doors with sound-rated windows and doors and the provision of a suitable form of forced-air mechanical ventilation to allow the occupants the option of controlling noise by closing the windows. The specific treatments for each affected residential unit would be identified on a case-by-case basis.

MM 4.14-3: Develop construction noise control plans that consider the following available controls in order to reduce construction noise levels as low as practical: Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists; Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; Locate staging areas and construction material areas as far away as possible from adjacent land uses; Prohibit all unnecessary idling of internal combustion engines; Notify all adjacent land uses of the construction schedule in writing; Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

TRANSPORTATION

MM 4.12-1: **Adopt Prerequisite Policy 5.1.1-P5.** Prior to the implementation of Phase II[vii] and III of the 2010-2035 General Plan, evaluate appropriate measures to maintain emergency response time standards.

UTILITIES AND SERVICE SYSTEMS

MM 4.7-1: To prevent a cumulatively considerable contribution to a potential future overdraft of the Santa Clara Sub-Basin, the City shall update the forecast groundwater pumping supply quantities every five years with each UWMP to align water supply availability with the water demand associated with each General Plan Phase. Future Santa Clara UWMPs will be coordinated with the Water District and implement alternative sources (i.e., recycled water and increased conservation) if cumulative groundwater pumping, based on all water retailers UWMPs, would exceed the Santa Clara Sub-Basin safe yield. With implementation of this program mitigation measure, potential future impacts associated with supplying future development envisioned by the General Plan would be reduced to a less than significant level.

[vii] Note that Policy 5.1.1-P5 was modified as part of the 2014 General Plan Update, which was adopted with a MND. As modified, the Policy now directs the evaluation of appropriate measures to maintain emergency response time standards prior to the implementation of Phase III, rather than Phases II and III.

6 References

6.1 – List of Preparers

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- Pamela Steele, Principal
- Bob Prasse, Director of Environmental Services
- Cameron Hile, Senior Analyst

6.2 – Persons and Organizations Consulted

None.

6.3 – Bibliography

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RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA TO ADOPT AN ADDENDUM TO THE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, FOR ADOPTION OF THE 6TH CYCLE HOUSING ELEMENT (2023-2031)

WHEREAS, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the California legislature has found that "California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives." (Gov. Code Section 65589.5.); and

WHEREAS, the legislature has further found that "Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration." (Gov. Code Section 65589.5.); and

WHEREAS, the legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that "In 2018, California ranked 49th out of the 50 states in housing units per capita… California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years"; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Santa Clara (City) regional housing need allocation (RHNA) of 11,632 housing units, comprised of 2,872 very-low income units, 1,653 low-income units, 1,981 moderate-income units, and 5,126 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Santa Clara has prepared its Housing Element Update for the years 2023-2031 (the Housing Element); and

WHEREAS, as provided in Government Code Section 65350 et. seq., the Housing Element constitutes a General Plan Amendment; and

WHEREAS, the Project approvals will include a resolution approving the Addendum to the General Plan EIR; and a resolution approving the General Plan Amendment (collectively, the "Approvals");

WHEREAS, the City has prepared an Addendum to the 2010-2035 General Plan Environmental Impact Report adopted by the City Council on November 16, 2010, and to the environmental review documents that were prepared for subsequent amendments to the General Plan that affected housing development in the City, including but not limited to the December 2013 Climate Action Plan Negative Declaration; the February 2016 Mission Town Center EIR; the 2016 Related Santa Clara EIR; the November 2016 Lawrence Station Area Plan EIR; the July 2018 575 Benton Project Addendum; the July 2019 Gateway Crossings EIR; the March 2022 Patrick Henry Drive Specific Plan EIR; the June 2022 Climate Action Plan Addendum; and the June 2022 Freedom Circle Future Focus Area EIR (collectively, the "Subsequent Documents"), all of which provide environmental clearance for all of the units in the 6th cycle Housing Sites Inventory;

WHEREAS, a notice of the public hearing on the proposed General Plan Amendment was published in the Santa Clara Weekly, a newspaper of general circulation for the City, on December 11, 2022, for the January 11, 2023 Planning Commission Meeting and the January 31, 2023 City Council meeting; and

WHEREAS, on January 11, 2023, the Planning Commission opened the public hearing to consider the proposed General Plan Amendment, and then continued the hearing to January 23, 2023; and

WHEREAS, the Planning Commission reviewed the Addendum to the General Plan EIR, in accordance with the requirements of CEQA, along with the City Staff report pertaining to the

Project, and all evidence received at a duly noticed public hearing on January 23, 2023. All these documents and evidence are incorporated herein by reference into this Resolution; and

WHEREAS, on January 23, 2023, the Planning Commission conducted a public hearing, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed Addendum to the General Plan EIR.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1 That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby finds that the Addendum to the General Plan EIR has been completed in compliance with CEQA.

3. That the Planning Commission hereby finds that the Addendum to the General Plan EIR has been presented to the Commission, which reviewed and considered the information and analysis contained therein, and that the Addendum represents the independent judgment of the Commission.

4. That the Planning Commission hereby finds that the proposed General Plan Amendments do not involve substantial changes to the General Plan that would require major revisions to the previous EIR or Subsequent Documents.

5. That the Planning Commission hereby finds that there is no substantial change in circumstances as a result of modifications to the General Plan that would require major revisions to the previous EIR and Subsequent Documents or cause new or substantially more severe significant impacts.

6. That the Planning Commission hereby finds that there is no new information of substantial importance that identifies new or more intense significant impacts than those identified in the General Plan EIR and Subsequent Documents.

7. Based on the findings set forth in this Resolution and the evidence in the City Staff Report, the Planning Commission hereby recommends that the City Council approve the Addendum to the General Plan EIR, in accordance with CEQA for the Project.

8. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A SPECIAL MEETING THEREOF HELD ON THE 23RD DAY OF JANUARY, 2023, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____

ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT A GENERAL PLAN AMENDMENT TO UPDATE THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 TO COMPLY WITH STATE HOUSING ELEMENT LAW.

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the California legislature has found that "California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives." (Gov. Code Section 65589.5.); and

WHEREAS, the legislature has further found that "Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration." (Gov. Code Section 65589.5.); and

WHEREAS, the legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that "In 2018, California ranked 49th out of the 50 states in housing units per capita… California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years"; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Santa Clara (City) regional housing need allocation (RHNA) of 11,632 housing units, comprised of 2,872 very-low income units, 1,653 low-income units, 1,981 moderate-income units, and 5,126 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Santa Clara has prepared its Housing Element Update for the years 2023-2031 (the Housing Element); and

WHEREAS, as provided in Government Code Section 65350 et. seq., the Housing Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5, the City of Santa Clara referred the Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission, to cities abutting Santa Clara's borders and to Santa Clara County; to local school districts; to the Santa Clara Valley Water District and San Francisco Public Utilities Commission; and to other entities listed. No California Native American tribe requested consultation; and

WHEREAS, State law requires that the City take meaningful steps to promote and affirmatively further fair housing (Gov. Code Section 65583(c)(5)); and

WHEREAS, State law requires that the City make zoning available for all types of housing, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

WHEREAS, the Housing Element must be adopted to comply with State law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

WHEREAS, the preparation, adoption, and implementation of the Housing Element and Zoning Code Update requires a diligent effort to include all economic segments of the community; and

WHEREAS, the City conducted extensive community outreach over the last 20 months, including 27 meetings and activities that included community meetings/events, stakeholder workshops, meetings/interviews with residents, and City task force meetings and study sessions; and

WHEREAS, in accordance with Government Code Section 65585 (b), on August 22, 2022, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on October 12, 2022, HCD and City staff had an introductory meeting, which included an informal conversation and feedback from HCD about the City's Initial Draft Housing Element; and

WHEREAS, on November 18, 2022, the City received a letter from HCD stating that while the draft Housing Element addresses many statutory requirements, revisions will be necessary to fully comply with State Housing Element Law (Article 10.6 of the Government Code); and

WHEREAS, on November 29, 2022, HCD and City staff had a meeting to discuss HCDs findings letter; and

WHEREAS, on January 13, 2023, the City published a revised draft Housing Element with the changes required by HCD (see Exhibit A – HCD Comments and Reponses) and requested public comment on the draft; and

WHEREAS, a notice of the public hearing on the proposed General Plan Amendment was published in the Santa Clara Weekly, a newspaper of general circulation for the City, on December 11, 2022, for the January 11, 2023 Planning Commission Meeting and the January 31, 2023 City Council meeting; and

WHEREAS, on January 11, 2023, the Planning Commission opened the public hearing to consider the proposed General Plan Amendment, and then continued the hearing to January 23, 2023; and

WHEREAS, the City has prepared an Addendum to the 2010-2035 General Plan Environmental Impact Report adopted by the City Council on November 16, 2010, and to the environmental review documents that were prepared for subsequent amendments to the General Plan that affected housing development in the City, all of which provide environmental clearance for all of the units in the 6th cycle Housing Sites Inventory; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 23, 2023, at the conclusion of which, the Planning Commission determined that the proposed 6th Cycle Housing Element would not result in any new or substantially more severe impacts than previously identified in the General Plan EIR and recommended that the City Council approve the Addendum to the 2010 - 2035 General Plan EIR prepared for the Housing Element Update; and

WHEREAS, on January 23, 2023, the Planning Commission conducted a duly and properly noticed public hearing, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.

2. General Plan Amendment Findings. That the Planning Commission hereby finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:

   A. The proposed Amendment is deemed to be in the public interest, in that the proposed Amendment is consistent and compatible with the rest of the City's General Plan and any implementation programs that may be affected, in that the Housing Element is consistent with the General Plan's Land Use and Circulation policies, and does not increase development capacity under the General Plan, as amended.

   B. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA), in that the impacts of the Housing Element

are disclosed by the General Plan EIR as addended by subsequent amendments to the General Plan that affected housing development in the City, including but not limited to the December 2013 Climate Action Plan Negative Declaration; the February 2016 Mission Town Center EIR; the 2016 Related Santa Clara EIR; the November 2016 Lawrence Station Area Plan EIR; the July 2018 575 Benton Project Addendum; the July 2019 Gateway Crossings EIR; the March 2022 Patrick Henry Drive Specific Plan EIR; the June 2022 Climate Action Plan Addendum; and the June 2022 Freedom Circle Future Focus Area EIR (collectively, the "Subsequent Documents").

C. The potential impacts of the proposed General Plan Amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that the Housing Element creates a policy framework that provides opportunities for the development of housing in the City through the year 2031. The impacts of the Housing Element have been disclosed through the CEQA process, and the Planning Commission has determined that any impacts from the Housing Element are within the scope of the General Plan EIR, as addended.

3. The Planning Commission recommends that approval of the 6th Cycle Housing Element Update (2023-2031) in its entirety as provided in Attachment B, attached hereto, plus any non-substantive edits or corrections made as directed by the State Department of Housing and Community Development after their review of the adopted 2023-2031 Housing Element or Addendum to the 2010 General Plan Update EIR.

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4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A SPECIAL MEETING THEREOF HELD ON THE 23rd DAY OF JANUARY, 2023, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____

ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:
1. City of Santa Clara Housing Element

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