

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
THE CITY OF SANTA CLARA, CALIFORNIA ADOPTING A
GENERAL PLAN AMENDMENT TO UPDATE THE HOUSING
ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-
2031 WITH REVISIONS RESPONDING TO REQUESTS FROM THE
STATE DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT**

BE IT RESOLVED BY 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; and

WHEREAS, 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 July 1, 2022, the City posted a Public Review Draft Housing Element and requested public comment for a 30-day review period, and on August 22, 2022, after responding to public comments, 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 HCD's findings letter; and

WHEREAS, on January 24, 2023, the City published a revised draft Housing Element with the changes required by HCD 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, on January 23, 2023, the Planning Commission opened the public hearing to consider the proposed General Plan Amendment, and then due to technical difficulties continued the hearing to January 26, 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 26, 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 26, 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; and

WHEREAS, on January 26, 2023, the Planning Commission adopted Resolution No. 23-003, recommending the City Council adopt a General Plan Amendment to update the Housing Element of the General Plan for the period of 2023-2031; and

WHEREAS, on January 31, 2023, the City Council adopted Resolution No. 23-9188, adopting an Addendum to the General Plan Environmental Impact Report, for adoption of the 6th Cycle Housing Element (2023-2031); and

WHEREAS, on January 31, 2023, the City Council adopted Resolution No. 23-9189, adopting 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; and

WHEREAS, on March 28, 2023, HCD provided the City its findings on the City's Adopted Housing Element, requesting additional updates to the document, and in response, the Housing Element has been further revised to address HCD's comments; and

WHEREAS, on April 20, 2023, HCD and City staff had a meeting to discuss HCD's findings letter; 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 May 10, 2023, for the May 24, 2023 Planning Commission meeting and the June 6, 2023 City Council meeting; and

WHEREAS, on May 24, 2023, the Planning Commission opened the public hearing to consider the proposed General Plan Amendment, and then continued the hearing to June 14, 2023; and

WHEREAS, on June 2, 2023, HCD and City staff had an additional meeting to discuss the City's proposed revisions to address HCD's findings letter; and

WHEREAS, on June 7, 2023, the City published a draft of the revisions to the Adopted Housing Element with the changes requested by HCD, and solicited additional public comment on the draft; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 14, 2023, at the conclusion of which, the Planning Commission determined that the proposed revisions to the previously adopted 6th Cycle Housing Element would not result in any new or substantially more severe impacts than previously identified in the General Plan EIR, as addended; and

WHEREAS, there are no new policies proposed by the Housing Element Update that would generate new or substantially more significant environmental impacts; moreover, the revised inventory identifies slightly fewer sites than in the Housing Element adopted in January 2023, and so any impacts are likely to be slightly reduced. As such, the General Plan EIR and Addendum remain sufficient for the environmental analysis of the proposed Housing Element; and

WHEREAS, on June 14, 2023, the Planning Commission conducted a duly and properly noticed public hearing, reviewed the revisions to the previously adopted 6th Cycle 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, and recommended that the City Council adopt the revised 6th Cycle Housing Element; and

WHEREAS, on June 27, 2023, the City Council conducted a duly noticed public meeting to review the revisions to the previously adopted 6th Cycle 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 to take public testimony on the subject.

NOW THEREFORE, BE IT FURTHER RESOLVED BY 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 City Council 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 City Council finds, based on substantial evidence in the record, that the existing uses on sites contained within the Sites Inventory are likely to be discontinued during the planning period and therefore will not impede planned residential development and can be utilized toward demonstrating adequate sites to accommodate the RHNA during the planning period. That substantial evidence includes:

- A. A letter from the Eric Morley, Planning Consultant for the Pearlman Family, owners of the Pearlman site located at 4633-4699 Old Ironsides Drive, dated April 24, 2023 indicating the Pearlmans' participation in the Patrick Henry Drive Specific Plan process, and their continued interest in developing residential uses on the property within the timeframe of the Housing Element;
- B. A phone conversation between Andrew Crabtree, Community Development Director, and Peter Tsai of Sobrato on April 25, 2023 regarding The Sobrato Organization's continuing interest in developing residential uses on the Thermo Fisher site (3450 Central Expressway) within the Lawrence Station Area. The existing industrial building tenant has a buy-out in their lease that would allow for the residential development to move forward at any time in the next 8 years.
- C. Evidence from the Marriott Center Owners Association changing their CC&R's to make redevelopment easier on their site (4701 Patrick Henry Drive), within the Patrick Henry Drive Specific plan area (RTC20-1051, approved by the City Council on November 17, 2020);

- D. The continued, sustained interest in development along the El Camino corridor as evidenced by the following approved residential projects under construction along the corridor: Villa Bella, located at 1890 El Camino Real (56 residential units, File No. PLN2015-11361), 3035 El Camino Real (48 total units, File No. PLN2018-13265); and Clara Gardens (120 units, all affordable, File No. PLN21-15294). This sustained interest in development along the El Camino will be facilitated by rezoning of the El Camino corridor as a result of the Zoning Code Update.
- E. Continued interest in development in the Tasman East Specific Plan area, as evidenced by development applications totaling more than 4,300 units out of the 4,500 approved in the original specific plan. The City is currently processing a Specific Plan Amendment for Tasman East to allow for the development of 1,500 additional units within the plan area.
- F. Regular, consistent participation on a monthly basis by 11 separate ownership groups during the preparation of the Patrick Henry Drive Specific Plan. Those groups represent 100% of the Patrick Henry Drive parcels included in the Sites and Pipeline Projects inventory of the 6th Cycle Housing Element Update.

4. The City Council approves the 6th Cycle Housing Element Update (2023-2031) in its entirety as provided in Attachment 1, 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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5. 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 REGULAR MEETING
THEREOF HELD ON THE 27th DAY OF JUNE, 2023, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. 2023-2031 Housing Element

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