

HCD Comments November 18, 2022		Response / Revision
A. <u>Review and Revision</u>		
1. <i>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).)</i>		
a.	<p>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.</p>	<p><u>Revised Chapter 13.7 Housing Element Program Accomplishments to:</u></p> <p>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</p> <p>2. Provide additional information in Table 13.7-2: Actions and Objectives describing, for each 5th Cycle action, the achievements/results, evaluation of effectiveness, and recommendations to continue, continue with modifications, or discontinue the action in the 6th Cycle Housing Element.</p>
B. <u>Housing Needs, Resources, and Constraints</u>		
1. <i>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).)</i>		
a.	<p><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.</p>	<p><u>Revised Chapter 13.3 Affirmatively Furthering Fair Housing to:</u></p> <p>1. Add statement at the end of the Fair Housing Enforcement, Education, and Outreach section stating the City's compliance with all State and federal fair housing laws and regulations and in not aware of any fair housing findings, lawsuits, enforcement actions, settlements, or judgments.</p>

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b.	<p><u>Disproportionate Housing Needs, including Displacement Risk:</u> 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.</p>	<p><u>Revised Chapter 13.3 Affirmatively Furthering Fair Housing (Disproportionate Housing Needs - Substandard Conditions section) to</u> 1. Add local knowledge regarding areas of the City where proportions of housing units needing rehabilitation may be higher than other areas.</p> <p><u>Revised Chapter 13.4 Housing Needs Assessment (People Experiencing Homelessness section) to:</u> 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.</p>
c.	<p><u>Local Data and Knowledge:</u> 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.</p>	<p>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.</p>
d.	<p><u>Other Relevant Factors:</u> 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.</p>	<p><u>Revised Chapter 13.3 Affirmatively Furthering Fair Housing to:</u> 1. Add a new section called Historic Context that provides a local example of systemic racism in private lending practices, federal loan guarantees, and local zoning and infrastructure decision and the lingering effects of those discriminatory practices.</p>

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e.	<p><u>Identified Sites and Affirmatively Furthering Fair Housing (AFFH)</u>: 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 <u>discuss how the sites improve fair housing conditions</u>. 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.</p>	<p><u>Revised Chapter 13.3 Affirmatively Furthering Fair Housing to:</u> 1. Add section called Fair Housing and Housing Resources</p>
f.	<p><u>Contributing Factors to Fair Housing Issues</u>: 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.</p>	<p><u>Revised Chapter 13.3 Affirmatively Furthering Fair Housing to:</u> 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 furthering a more integrated and balanced living pattern.</p>
<p>2. <i>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).)</i> <i>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).)</i> <i>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).)</i></p>		
a.	<p><u>Extremely Low-Income (ELI) Households</u>: 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.</p>	<p><u>Revised Chapter 13.4: Housing Needs Assessment to:</u> 1. Expand the analysis in the Extremely Low Income (ELI) Households section</p>

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b.	<u>Housing Costs</u> : 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	<u>Revised Chapter 13.4: Housing Needs Assessment to:</u> 1. Update the Housing Cost Section with current Costar data.
c.	<u>Special Housing Needs</u> : 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.	<u>Revised Chapter 13.4: Housing Needs Assessment to:</u> 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 additional 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).	<u>Revised Chapter 13.4: Housing Needs Assessment to:</u> 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.

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<p>3. <i>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).)</i></p>	
<p>a. <u>Progress toward the RHNA:</u> 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).</p>	<p><u>Revised Chapter 13.6: Housing Resources to:</u> 1. Provide additional background information on the City's progress toward the RHNA, including a revised 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.</p>
<p>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.</p>	<p><u>Revised Chapter 13.6: Housing Resources (Sites Inventory Methodology and Assumptions section) to:</u> 1. Provide additional background information demonstrating the realistic availability of specific plan sites for development during the planning period.</p>
<p>c. <u>Parcel Inventory:</u> 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.</p>	<p><u>Revised Chapter 13.6: Housing Resources (Densities Appropriate for Accommodating Lower-Income Housing section) to:</u> 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.</p>

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<p>d. <u>Suitability of Nonvacant Sites</u>: 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.</p>	<p><u>Revised Chapter 13.6: Housing Resources to:</u> 1. Provide additional analysis in the Realistic Capacity and Suitability of Nonvacant Sites section to demonstrate the potential for additional development on non-vacant sites.</p>	
<p>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.</p>	<p><u>Revised Chapter 13.6: Housing Resources to:</u> 1. Provide additional analysis in the Realistic Capacity and Suitability of Nonvacant Sites section to demonstrate that existing uses are not an impediment to additional residential development.</p>	
<p>f. <u>Availability of Infrastructure</u>: 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.</p>	<p><u>Revised Chapter 13.5: Constraints to:</u> 1. Revise text in Environmental and Infrastructure Constraints 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.</p>	

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<p>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.</p>	<p><u>Revised Chapter 13.5: Constraints to:</u> 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.</p>	
<p>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.</p>	<p>The City will submit a copy of the Electronic Sites Inventory to HCD as Appendix B to the adopted Housing Element.</p>	
<p>i. <u>Zoning for a Variety of Housing Types:</u></p>		
<p><i>Emergency Shelters:</i> 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.</p>	<p><u>Revised Chapter 13.5 Constraints to:</u> 1. Include in the Emergency Shelters section a description of the City's Zoning Ordinance 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 Commercial districts, the MU-VHD Mixed Use district, and the LI Light Industrial district.</p> <p><u>Revised Chapter 13.2: Housing Plan to:</u> 1. Include a discrete objective that the Zoning Ordinance update will allow a variety of housing types by right, including emergency shelters.</p>	

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<p><i>By Right Permanent Supportive Housing:</i> 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.</p>	<p><u>Revised Chapter 13.5: Constraints to:</u> 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.</p> <p><u>Revised Chapter 13.2: Housing Plan to:</u> 1. Include a discrete objective that the Zoning Ordinance update will allow a variety of housing types by right, including permanent supportive housing.</p>
<p><i>Employee Housing:</i> 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.</p>	<p><u>Revised Chapter 13.5 Constraints to:</u> 1. Correctly label a section Employee Housing that describes how the City's Zoning Ordinance update will treat employee housing for six or fewer employees as a single-family structure and will be permitted in the same manner as other dwellings of the same type in the same zone.</p> <p><u>Revised Chapter 13.2: Housing Plan to:</u> 1. Include a discrete objective that the Zoning Ordinance update will allow a variety of housing types by right, including employee housing.</p>
<p><i>Low Barrier Navigation Centers:</i> 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.</p>	<p><u>Revised Chapter 13.5: Constraints to:</u> 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 permitted by right in mixed-use zones and non-residential zones permitting multi-unit uses.</p> <p><u>Revised Chapter 13.2: Housing Plan to:</u> 1. Include a discrete objective that the Zoning Ordinance update will allow a variety of housing types by right, low barrier navigation centers.</p>

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<p>4. <i>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).)</i></p>	
<p>a.</p> <p><u>Land Use Controls</u>: 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.</p>	<p><u>Revised Chapter 13.5: Constraints (Parking Standards section) to</u></p> <p>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.</p> <p>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.</p> <p><u>Revised Chapter 13.2: Housing Plan (Action 3) to</u></p> <p>1. Include 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 Are Plan.</p> <p><u>Revised Chapter 13.2: Housing Plan (Action 9) to:</u></p> <p>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).</p>

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<p>b.</p> <p>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.</p>	<p><u>Revised Chapter 13.5: Constraints (Density Bonus section) to</u> 1. Include additional language stating that the City's Zoning Ordinance 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.</p> <p><u>Revised Chapter 13.2: Housing Plan (Action 9) to</u> 1. Include an objective that the Zoning Ordinance update will bring the City into compliance with SDBL, including recently adopted legislation that goes into effect in 2023.</p>
<p>c.</p> <p><u>Fees and Exaction:</u> 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.</p>	<p><u>Revised Chapter 13.5: Constraints (Planning and Development Fees section) to:</u> 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.</p>
<p>d.</p> <p><u>Local Processing and Permit Procedures:</u> 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.</p>	<p><u>Revised Chapter 13.5 Constraints (Architectural Review Process section) to:</u> 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.</p>

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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.	<u>Revised Chapter 13.5: Constraints (Planned Development section) to:</u> 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.	<u>SB 35 Streamlined Ministerial Approval Process:</u> The element must clarify whether there are written procedures to implement SB 35 (Chapter 366, Statutes of 2017) and add or modify programs to establish a procedure if necessary.	<u>Revised Chapter 13.5: Constraints to:</u> 1. Add section called SB 35 Streamlining <u>Revised Chapter 13.2: Housing Plan (Action 3) to:</u> 1. Include an objective that by March 2023, an SB 35 checklist and written procedures for processing SB 35 applications will be created.
g.	<u>Zoning and Fees Transparency:</u> 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).	<u>Revised Chapter 13.5: Constraints to:</u> 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.	<u>Housing for Persons with Disabilities (Reasonable Accommodation):</u> 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.	<u>Revised Chapter 13.5: Constraints (Reasonable Accommodation section) to:</u> 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.	<p><u>Inclusionary Housing Requirements</u>: 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.</p>	<p><u>Revised Chapter 13.5: Constraints (Inclusionary Housing section) to</u></p> <ol style="list-style-type: none"> 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.
<p>5. <i>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).)</i></p>		
a.	<p>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:</p> <p>Evaluate the risk of conversion, including ownership type and any known conditions that may lead to potential conversion.</p> <p>Estimate and compare the total cost for producing, replacing and preserving the units at-risk.</p> <p>Identify public and private nonprofit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units.</p> <p>Identify and consider the of use of federal, state and local financing and subsidy programs.</p>	<p><u>Revised Chapter 13.4: Housing Needs Assessment (At-Risk Housing Analyses section) to:</u></p> <ol style="list-style-type: none"> 1. Include updated data and analysis <p><u>Revised Chapter 13.2: Housing Plan (Action 5) to:</u></p> <ol style="list-style-type: none"> 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		
<p>1. <i>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).)</i></p>		
a.	<p>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).</p>	<p><u>Revised Chapter 13.2 Housing Plan (Implementing Actions) to:</u></p> <ol style="list-style-type: none"> 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.	<p>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:</p>	<p><u>Revised Chapter 13.2 Housing Plan (Implementing Actions) to:</u></p> <ol style="list-style-type: none"> 1. Include specific commitments to clear outcomes or deliverables
	<p>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.</p>	<p><u>Revised Chapter 13.2 Housing Plan (Action 1) to:</u></p> <ol style="list-style-type: none"> 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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	<p>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.</p>	<p><u>Revised Chapter 13.2: Housing Plan (Action 3) to:</u></p> <ol style="list-style-type: none"> 1. Include a discrete objective to 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. 2. Added an ongoing objective to monitor the risk of conversion of NOAH
<p><i>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).)</i></p>		
a.	<p>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.</p>	<p>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.</p>
b.	<p>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".</p>	<p><u>Revised Chapter 13.5 Constraints to:</u></p> <ol style="list-style-type: none"> 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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<p>3. <i>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).)</i></p>		
a.	<p>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.</p>	<p><u>Revised Chapter 13.5 Constraints to:</u> 1. Include additional background and analysis of potential governmental and non-governmental constraints and how those constraints would be addressed through programs such as with the Zoning Ordinance update.</p>
b.	<p>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.</p>	<p><u>Revised Chapter 13.2 Housing Plan (Action 1) to:</u> 1. Include a discrete objective that the Zoning Ordinance update will acknowledge shared housing (including but not limited to group homes and residential care facilities) for 7 or more residents separately enumerating residential shared housing (including but not limited to group homes and residential care facilities) with 6 or fewer residents.</p>

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<p>4. <i>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).)</i></p>	
<p>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.</p>	<p><u>Revised Chapter 13.3 Affirmatively Furthering Fair Housing to:</u> 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 targeting.</p>
<p>5. <i>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).)</i></p>	
<p>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.</p>	<p><u>Revised Chapter 13.2 Hosuing Plan (Action 1) to:</u> 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.</p>

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D. Quantified Objectives		
1.	<i>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).)</i>	
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.	<i>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).)</i>	
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 Other General Plan Elements section)
F. Public Participation		
1.	<i>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).)</i>	
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.