

Appendix A

NOP and Responses



County of Santa Clara
Department of Planning and Development
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



**NOTICE OF PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE
COUNTY OF SANTA CLARA HOUSING ELEMENT &
STANFORD COMMUNITY PLAN UPDATE**

August 8, 2022

The County of Santa Clara (“County”) will be the Lead Agency and will prepare a program-level Environmental Impact Report (EIR) regarding proposed updates to the County’s General Plan, including updates to the General Plan’s Housing Element and the Stanford Community Plan (the “Project”). The County requests your input on the scope and content of the environmental information to be included in the EIR that is germane to your agency’s statutory responsibilities in connection with the proposed Project. A brief description of the Project, its site boundary, and a summary of the potential environmental effects are provided on the following pages. Approval of the Project will require actions by the County of Santa Clara, including the preparation and certification of an EIR, adoption of a General Plan Amendment, and adoption of changes to the County’s zoning map and zoning ordinance necessary to maintain consistency with the General Plan. The EIR may also be used by your agency.

A Public Scoping/Community Meeting to solicit comments for the Notice of Preparation will be held virtually via Zoom on August 23, 2022, from 6:30 p.m. to 8:00 p.m. The zoom link for the meeting is: <https://sccgov-org.zoom.us/j/98927011384>.

The deadline for your response is **September 8, 2022**; however, an earlier response, if possible, would be appreciated. Please send your response to:

County of Santa Clara Planning Office
Attention: Bharat Singh, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing, San José CA 95110
E-mail: Planning2@pln.sccgov.org

Prepared by:

Signature _____ *Date* _____

Approved by:
Bharat Singh

DocuSigned by:
Bharat Singh

Signature 4A984F312D3A431... *Date* 8/8/2022

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, Joseph Simitian
County Executive: Jeffrey V. Smith

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Introduction

As the lead agency, the County plans to analyze the potential environmental impacts associated with proposed updates to the County's General Plan, including updates to the General Plan's Housing Element and Stanford Community Plan, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.) and its implementing regulations, the CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.). As required under CEQA, the EIR will evaluate and describe the potentially significant environmental effects ("impacts") of the Project, identify mitigation measures to avoid or reduce the significance of potential impacts, and evaluate the comparative effects of potentially feasible alternatives to the Project.

The EIR will be a program EIR, as provided for in CEQA Guidelines Section 15168, which states that a program EIR is appropriate for projects which are "... a series of actions that can be characterized as one large project" consisting of related actions. Preparation of a program-level EIR also "allows the Lead Agency to consider broad policy alternative and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts" (CEQA Guidelines §15168(b)).

Project Location

Santa Clara County is located in the San Francisco Bay Area and encompasses 1,300 square miles. The County is located at the southern end of San Francisco Bay and is the Bay Area's most populous county, with 15 cities and nearly two million people. The present urban and rural landscape of Santa Clara County is diverse, comprising a complex social and economic setting that overlays a rich historic, multi-cultural, and natural environment. Named after Mission Santa Clara, the County was established in 1777 and is one of the original counties of California. In the early 20th century, the area was promoted as the "Valley of the Heart's Delight" due to its natural beauty, including a significant number of orchards. Then in 1939, the first major technology company to be based in the area was founded. Today, the County is headquarters to approximately 6,000 high technology companies, some of which are the largest technology companies in the world.

While most of the urbanized areas in the County are under the jurisdiction of individual cities, the County maintains jurisdiction of 7,348 acres that are designated as Urban Service Areas (USAs) and are planned for eventual annexation to a city's jurisdiction. Lands owned by Stanford University and subject to the County's Stanford Community Plan comprise slightly over 4,000 acres, and the remaining 596,070 acres in the unincorporated County area comprise rural parts of the County. The County's regional location and boundaries are shown in **Figure 1**.

Project Background

Purpose of the Housing Element Update

State law requires the County to have and maintain a general plan with specific contents in order to provide a vision for the County's growth and to inform local decisions on land use and development, including

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issues such as circulation, conservation, and safety. Santa Clara County's General Plan is comprised of General Plan Books A and B, the Stanford University Community Plan, and three maps addressing land use, regional parks and scenic highways, and trails. Within Book A, the County General Plan includes Countywide policies regarding Growth and Development, Economic Well-Being, Health, Housing, Transportation, Parks and Recreation, Resource Conservation, Safety and Noise, and Governance. Within Book B, the County General Plan addresses similar issues for the Rural Unincorporated Area, as well as Urban Unincorporated Area Issues & Policies, and the South County Joint Area Plan.

The housing chapter or "element" of the General Plan is often provided under separate cover because it must be frequently updated and monitored. The County's current Housing Element was adopted in June 2014 and covers the time period from 2015 to 2022. Government Code Section 65588 requires the County to update this Housing Element by January 31, 2023. In accordance with State law, the planning period for the updated Housing Element will be January 31, 2023 to January 31, 2031.

Concurrent with the Housing Element update, the County will consider adoption of an update to the Stanford Community Plan, which was adopted in 2000, and any amendments to other elements of the General Plan required to maintain internal consistency.

Regional Housing Needs Allocation

In addition to including goals, policies, and implementation programs regarding housing issues, housing elements must include an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the County by the Association of Bay Area Governments (ABAG). This assignment is referred to as a Regional Housing Needs Allocation (RHNA).

On December 18, 2020, ABAG released its Draft Regional Housing Needs Assessment Methodology and Subregional Shares document which articulated ABAG's recommended methodology for the distribution of the regional housing need of 441,176 housing units issued by the State Department of Housing and Community Development (HCD). Based on the draft methodology, for the 6th RHNA cycle the County was allocated 3,125 units to be planned within unincorporated Santa Clara County for the term of the 6th Cycle (2023 through 2031). The allocation represents an increase of over 1,000% in the County's allocation from the last RHNA cycle.

Subsequent to issuance of the Draft RHNA, HCD approved the recommended methodology and ABAG considered appeals from 27 local jurisdictions, including the County of Santa Clara. Following public comments and appeal hearings, ABAG rejected all of the appeals except for one, which transferred units from Contra Costa County to the City of Pittsburg. The County of Santa Clara's appeal was rejected.

Subsequently, ABAG adopted the Final RHNA on December 16, 2021. **Table 1** shows the breakdown of required units in the County of Santa Clara across the four income categories.

In order to accommodate the new units, the County will have to rezone sites in both urban and rural unincorporated areas and amend other elements of the General Plan as needed to ensure that the General Plan as a whole remains consistent with the HEU.

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TABLE 1
COUNTY OF SANTA CLARA 2023-2031 RHNA ALLOCATIONS BY INCOME CATEGORIES^a

Income Group				Total
Very Low Income (VLI)	Low Income (LI)	Moderate Income (MOD)	>Moderate Income (>MOD)	
828	477	508	1,312	3,125

NOTES:

^a Household income categories are based on those established by the U.S. Department of Housing and Urban Development for use in its Section 8 Housing Choice Voucher Program. The 2022 Area Median Income (AMI) for Santa Clara County is \$168,500 for a family of four. Very Low Income households have an income less than 50% of AMI (<\$84,250) and a portion of Very Low income households qualify as Extremely Low Income, with income less than 30% of AMI (<\$50,550). Low Income households have an income less than 80% of AMI (<\$131,750). Moderate Income households have an income less than 120% of AMI (<\$202,200). Above Moderate Income households have an income over 120% of AMI (>\$202,200).

SOURCES:

Association of Bay Area Governments, *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, Adopted December 16, 2021.

Department of Housing and Community Development. 2022. *State Income Limits for 2022*. May 13, 2022.

While the law requires the County to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required to develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies.

Stanford Community Plan

Stanford lands within unincorporated Santa Clara County, also considered the Stanford Community Plan area, are subject to policies in the Stanford Community Plan (SCP), as adopted by the Board of Supervisors (Board) in 2000, and most recently amended in 2015. The development within the SCP area is currently regulated under the SCP, the 2000 General Use Permit (GUP) conditions of approval, and the 1985 Land Use Policy Agreement (Agreement) between the County of Santa Clara, the City of Palo Alto, and Stanford University.

At the direction of the Board (February, 11, 2020, Item No. 19), and as the first phase of planned work to update the County General Plan, the Administration is proposing updates to the SCP (SCP Update).

Prior updates to the SCP were proposed by the Administration and considered by the Board in tandem with the proposed adoption of a new GUP applied for by Stanford in Fall 2016. However, the 2016 GUP application was withdrawn by Stanford University on November 1, 2019 and those SCP updates were not adopted by the Board. On February 11, 2020, the Board approved recommending the Administration move forward with specified items related to implementation and updates to the SCP.

Project Description

The proposed Project would make updates to the County's General Plan, including updates to the General Plan's Housing Element, the Stanford Community Plan, and other elements as generally described below. All updates will be the subject of additional analysis and community/agency input prior to consideration by the Board of Supervisors.

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Housing Element Update

The proposed Project would adopt an updated Housing Element for the period from January 2023 to January 2031 in accordance with State law. The updated Housing Element would include goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing in unincorporated Santa Clara County. In addition, the HEU would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law. The County also proposes to create affordable housing and farmworker housing overlay zones based on the identification of High Opportunity Areas (for affordable housing), and access to amenities and services (for farmworker housing), which would facilitate more streamlined approvals for such projects.

The HEU would perpetuate the County's fundamental policies regarding growth management and the accommodation of urban development within cities' urban service areas (i.e., areas planned for urbanization). Outside of cities' urban service areas, only non-urban uses and development densities are allowed, with the goal of preserving natural resources, rural character, and agricultural lands, and minimizing population exposure to significant natural hazards such as landslides, earthquake faults, and wildfire. As a whole, the Countywide growth management policies have historically been referred to as the "joint urban development policies," held in common by the cities, County, and the County Local Agency Formation Commission (LAFCO), which controls city formation and expansion.

Keeping in mind the development principles above, the proposed HEU will identify specific sites appropriate for the development of additional housing and sufficient to meet the County's RHNA and provide an ample buffer. As appropriate, the County would rezone those areas if/as necessary to meet the requirements of State law and make changes to the County's zoning map and zoning ordinance as necessary to maintain consistency with the General Plan.

Because the County has been assigned a very large RHNA for the 6th Cycle, the County has been compelled to consider a wider range of sites than it has during past Cycles. First, in accordance with the County's General Plan and the County's longstanding commitment to concentrate development in urban areas, only the urban unincorporated areas are intended to receive urban services and infrastructure. These areas are intended to eventually be annexed to their surrounding city and for that reason the County's General Plan defers the planning for these areas to the relevant city and planning for these areas is typically covered in the relevant city's General Plan. However, the County has identified several sites that are in the Urban Services Areas, particularly in the USA the City of San José that have remained unincorporated and undeveloped, including some sites listed by the City of San José in its 4th RHNA cycle. The County is including those sites in the list of potential sites below, and is considering using those sites to meet its 6th Cycle RHNA requirement, along with proposing the requisite changes to the County's General Plan to allow for their use. Second, the County is considering reusing sites on the Stanford Campus listed by the County in its 4th RHNA cycle that have not yet been developed. And third, the County is considering using a limited number of sites within rural areas that are close to a certain number of amenities for a mix of affordable and farmworker housing. The following table lists all the potential sites identified by the County and their proposed development densities, and **Figure 2** shows their locations.

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**TABLE 2
HOUSING OPPORTUNITY SITES INVENTORY**

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan
			Low	High	Low	High		
245-01-003	13.0	Urban (San Jose)	80	100	1,040	1,300	A - Agricultural	Neighborhood/Community Commercial (San Jose)
245-01-004	2.3	Urban (San Jose)	80	100	186	232	A - Agricultural	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
277-06-025	0.4	Urban (San Jose)	20	30	7	11	R1-n2 – Residential (Burbank)	Mixed Use Commercial/West San Carlos Urban Village
277-07-027	0.1	Urban (San Jose)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-07-028	0.1	Urban (San Jose)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-07-029	0.2	Urban (San Jose)	40	80	7	14	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-08-029	0.1	Urban (San Jose)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-08-030	0.1	Urban (San Jose)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-08-031	0.2	Urban (San Jose)	40	80	7	14	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-12-027	0.3	Urban (San Jose)	40	80	12	25	CG - General Commercial	Urban Village/West San Carlos Urban Village
277-12-029	0.3	Urban (San Jose)	40	80	12	25	CG - General Commercial	Urban Village/West San Carlos Urban Village
282-02-037	2.5	Urban (San Jose)	60	100	90	150	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose)
282-03-016	3.5	Urban (San Jose)	60	100	210	350	R1-8 - SF Housing	Public Quasi-Public (San Jose)
419-12-044	0.8	Urban (San Jose)	40	80	31	62	CG - General Commercial	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
599-01-064	0.7	Urban (San Jose)	60	100	44	74	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
599-39-047	0.6	Urban (San Jose)	40	80	22	45	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
601-07-066	1.5	Urban (San Jose)	5	8	7	12	R1 - SF Housing	Residential Neighborhood (San Jose)
601-25-119	1.9	Urban (San Jose)	10	20	19	38	R1 - SF Housing	Public Quasi-Public (San Jose)
612-21-004	0.8	Urban (San Jose)	5	8	4	7	R1-6 - SF Housing	Residential Neighborhood (San Jose)
142-04-036	17	Urban (Stanford)	Varies		700	900	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)
142-04-036a	8.0	Urban (Stanford)	70	90	560	720	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)

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**TABLE 2
 HOUSING OPPORTUNITY SITES INVENTORY**

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan
			Low	High	Low	High		
142-04-036b	6.0	Urban (Stanford)	70	90	420	540	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)
790-06-017	1.0	Rural (Gilroy)	5.2	16	5	16	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-06-018	4.2	Rural (Gilroy)	5.2	16	22	67	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-006	1.1	Rural (Gilroy)	5.2	16	6	18	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-008	3.4	Rural (Gilroy)	5.2	16	18	54	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-009	18.4	Rural (Gilroy)	5.2	16	96	294	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-010	2.3	Rural (Gilroy)	5.2	16	12	37	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-09-011	2.9	Rural (Gilroy)	5.2	16	15	47	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-10-007	2.3	Rural (Gilroy)	5.2	16	12	36	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-001	5.5	Rural (Gilroy)	5.2	16	28	88	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-002	2.6	Rural (Gilroy)	5.2	16	13	41	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-003	1.0	Rural (Gilroy)	5.2	16	2	16	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-004	0.4	Rural (Gilroy)	5.2	16	2	7	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-005	0.4	Rural (Gilroy)	5.2	16	2	7	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)

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**TABLE 2
HOUSING OPPORTUNITY SITES INVENTORY**

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan
			Low	High	Low	High		
790-17-006	0.4	Rural (Gilroy)	5.2	16	2	7	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-007	1.2	Rural (Gilroy)	5.2	16	6	19	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-008	1.2	Rural (Gilroy)	5.2	16	6	19	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-009	2.5	Rural (Gilroy)	5.2	16	13	39	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
790-17-010	9.3	Rural (Gilroy)	5.2	16	48	148	A-20Ac - Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
726-19-003	2.7	Rural (Morgan Hill)	5	7	13	19	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-004	1.0	Rural (Morgan Hill)	5	7	5	7	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-005	1.5	Rural (Morgan Hill)	5	7	8	11	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-010	4.1	Rural (Morgan Hill)	16	24	65	97	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-013	1.5	Rural (Morgan Hill)	16	24	24	35	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-19-014	1.3	Rural (Morgan Hill)	16	24	21	31	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-28-003	3.7	Rural (Morgan Hill)	6	16	22	59	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-28-004	2.5	Rural (Morgan Hill)	5	7	13	18	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-28-005	2.5	Rural (Morgan Hill)	5	7	13	18	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-28-006	2.5	Rural (Morgan Hill)	5	7	13	18	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)

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**TABLE 2
 HOUSING OPPORTUNITY SITES INVENTORY**

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan
			Low	High	Low	High		
								Medium (Morgan Hill)
726-29-001	15.9	Rural (Morgan Hill)	5	7	80	111	A-20Ac-sr - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-29-002	3.8	Rural (Morgan Hill)	5	7	19	26	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
726-29-003	3.7	Rural (Morgan Hill)	5	7	7	10	A-20Ac - Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
728-33-009	14.2	Rural (Morgan Hill)	6	16	85	277	A-20Ac - Agriculture	Agriculture Large Scale (County)
TOTAL UNITS					4,091	6,192		
RHNA Allocation					3,125			
San Jose Sites					1,715	2,388		
Gilroy Sites					312	959		
Morgan Hill Sites					385	685		
Rural Area Housing Sites					1,562	2,734		
Stanford university Sites					1,680	2,160		
Farmworker/Affordable Housing Sites					222	502		

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Stanford Community Plan Update

The SCP Update recommends a coordinated approach to housing and circulation policy and implementation measures. This approach will result in Stanford University providing the housing needed to accommodate future growth of academic or academic support uses directly on campus or other contiguous Stanford land-grant lands. This approach also expands the previous housed population from “students and faculty” to “undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers.” The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in Vehicle Miles Traveled (VMT), as well as other negative impacts associated with commuting and local trips.

The following list includes additional SCP Updates under consideration:

- Limitation of future GUP approvals to a maximum of 10 years;
- Relocation of the “possible future school site” designation;
- Requiring any increase in total academic space over the allowance in the existing SCP to require a Community Plan amendment and GUP application;
- Extension of the Academic Growth Boundary for 99 years, subject to the four-fifths vote required to modify;
- Establishment of new campus design guidelines;
- Incorporation of Health Element updates; and
- Other changes suggested by staff, including policies based on graduate student housing affordability, municipal services, and childcare.

Other Amendments to the General Plan

In addition to the amendments that would take place within the General Plan’s Housing Element and Stanford Community Plan, a number of amendments to other elements of the General Plan would be required to fully conform those elements to changes made in the Housing Element and Stanford Community Plan Update.

The County would amend its Land Use Element and General Plan Land Use Designations map as needed to reflect the Housing Sites Inventory and would make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element.

Required Project Approvals

In addition to certification of an EIR, the County Board of Supervisors would consider adoption of one or more resolutions making amendments to the County’s General Plan, including:

- An update of the County’s Housing Element for the planning period from January 2023 to January 2031 in accordance with State law;
-

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- An update of the Stanford Community Plan as described above;
- Other amendments needed to ensure internal consistency between the elements of the General Plan.

In addition, the County Board of Supervisors would consider adoption of changes to the County’s zoning map and zoning ordinance necessary to maintain consistency with the General Plan.

Potential Environmental Effects of the Housing Element and Stanford Community Plan Update

The environmental analyses and technical sections presented in the Draft EIR will describe the existing conditions in the County. Relevant federal, State, and local laws and regulations, including the County’s current General Plan goals and policies, will be summarized.

The methods of analysis and any assumptions that are important to understand the conclusions of the analysis will be described, along with the standards of significance used to determine impacts of the Project. The standards for determining impact significance will be based on existing State and federal rules, regulations, and laws, County ordinances and policies, and past practices. The standards will be used to determine whether an impact is significant and the effectiveness of a recommended mitigation. Feasible mitigation measures will be identified for each significant impact. The description of mitigation measures will identify the specific actions to be taken, the timing of the action, and the parties responsible for implementation of the measure.

At this time, it is anticipated that the following issues/technical sections will be addressed in the EIR:

- | | |
|---------------------------------------|----------------------------------|
| • Aesthetics/Light and Glare | • Land Use and Planning |
| • Agricultural and Forestry Resources | • Mineral Resources |
| • Air Quality | • Noise and Vibration |
| • Biological Resources | • Population and Housing |
| • Cultural Resources | • Public Services and Recreation |
| • Energy | • Transportation |
| • Geology and Soils | • Tribal and Cultural Resources |
| • Greenhouse Gas Emissions | • Utilities and Service Systems |
| • Hazards and Hazardous Materials | • Wildfire |
| • Hydrology and Water Quality | |

In order to provide a “range of reasonable alternatives”, as required by CEQA Guidelines section 15126.6, the EIR will examine alternatives to the Project, including the required No Project Alternative.

Public Scoping Meeting

A Public Scoping/Community Meeting to solicit comments for the Notice of Preparation will be held virtually via Zoom on August 23, 2022, from 6:30 p.m. to 8:00 p.m. The zoom link for the meeting is: <https://sccgov-org.zoom.us/j/98927011384>.

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The deadline for your response is September 8, 2022; however, an earlier response, if possible, would be appreciated. Please send your response to:

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Attention: Bharat Singh, Principal Planner
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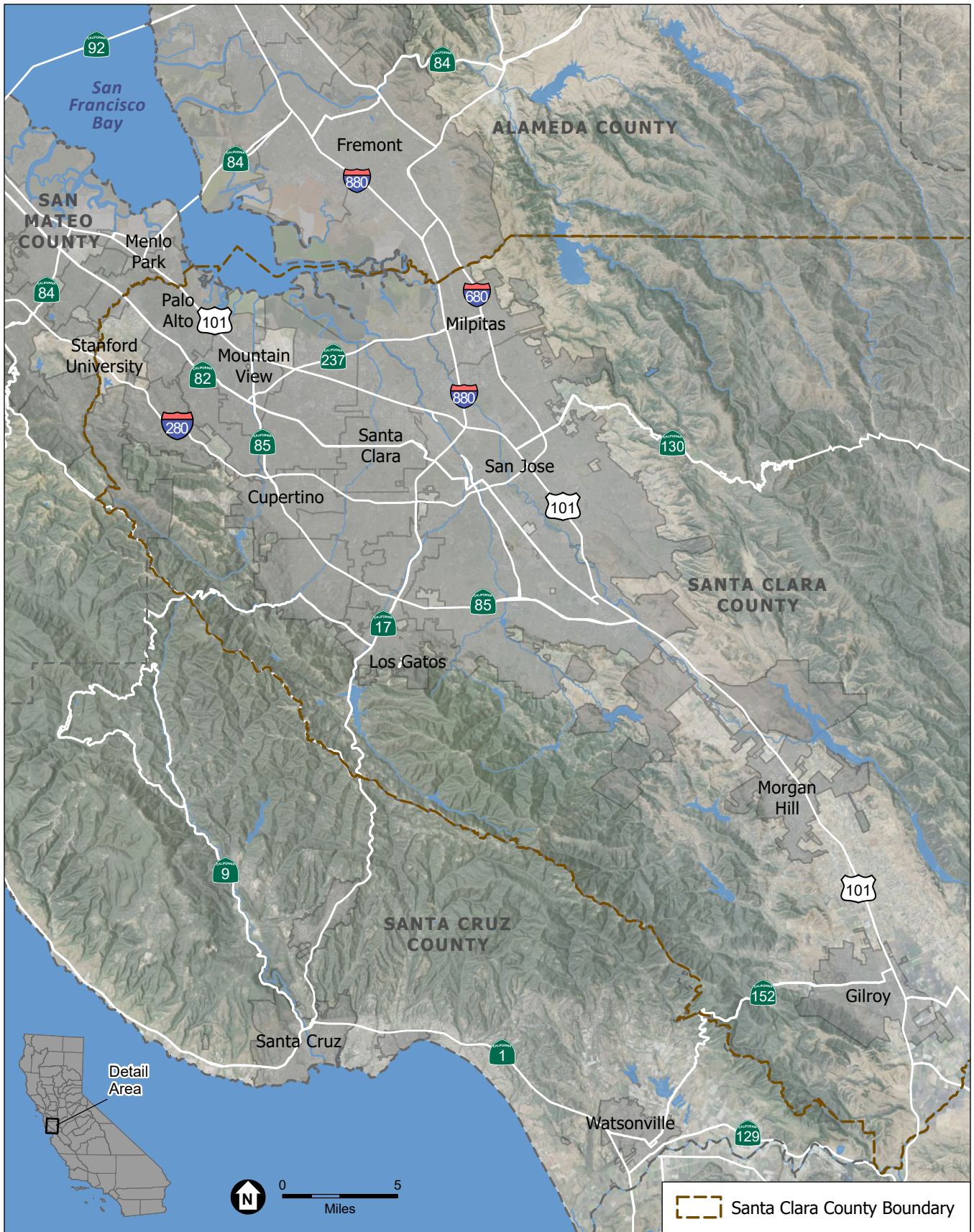
Submitting Comments

The County welcomes all input on the scope and content of the EIR in response to this Notice of Preparation, and especially welcomes responses that will assist the County in:

1. Identifying significant environmental issues;
2. Identifying and evaluating potential alternatives to the proposed Project or mitigation measures that could avoid or reduce significant impacts; and
3. Confirming which agencies will be a responsible and/or trustee agency for this Project or subsequent implementing actions and providing information germane to these agencies' statutory responsibilities as they relate to the County's analysis of potential effects.

The deadline for your response is **September 8, 2022**; however, an earlier response, if possible, would be appreciated. Please send your response to:

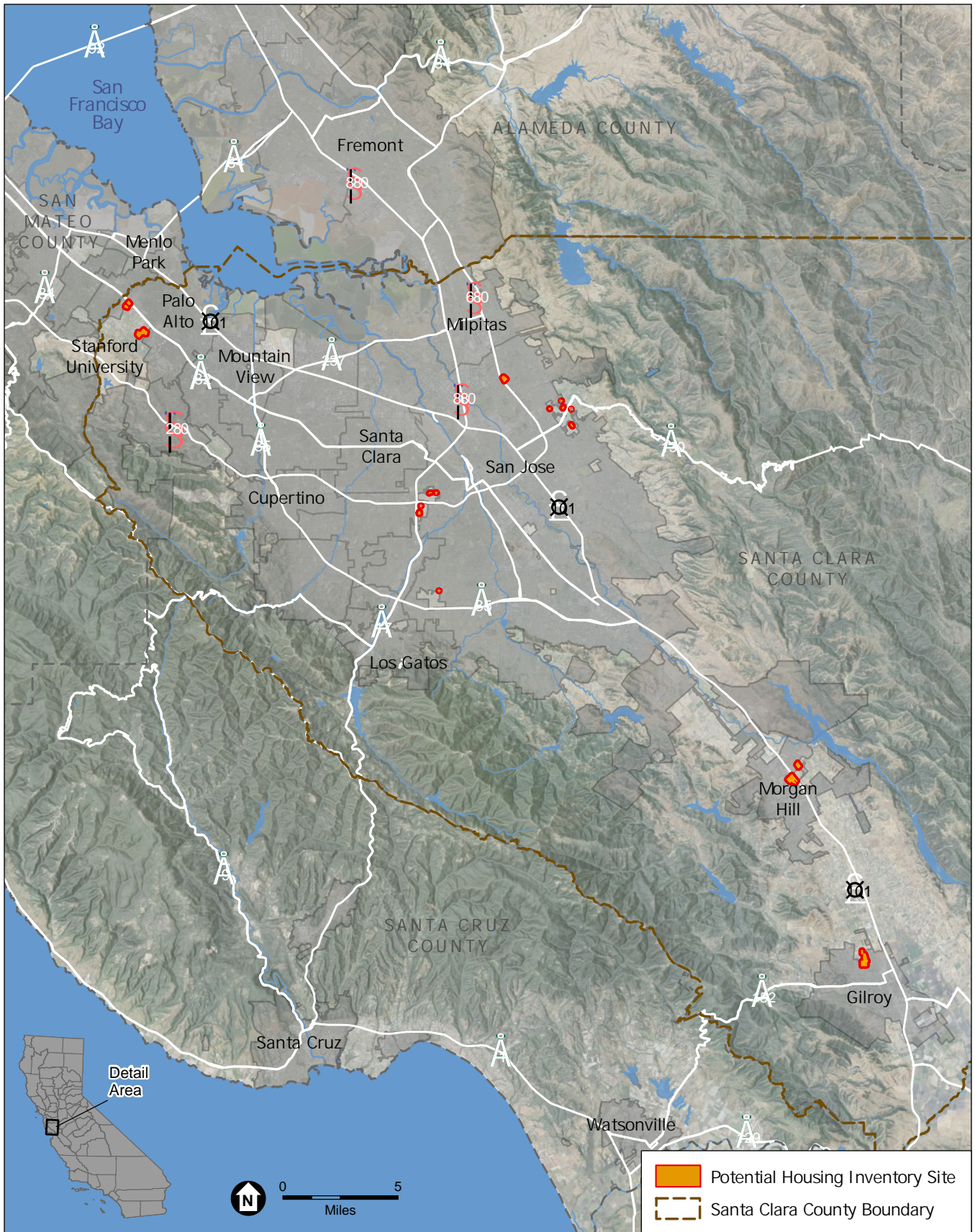
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SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

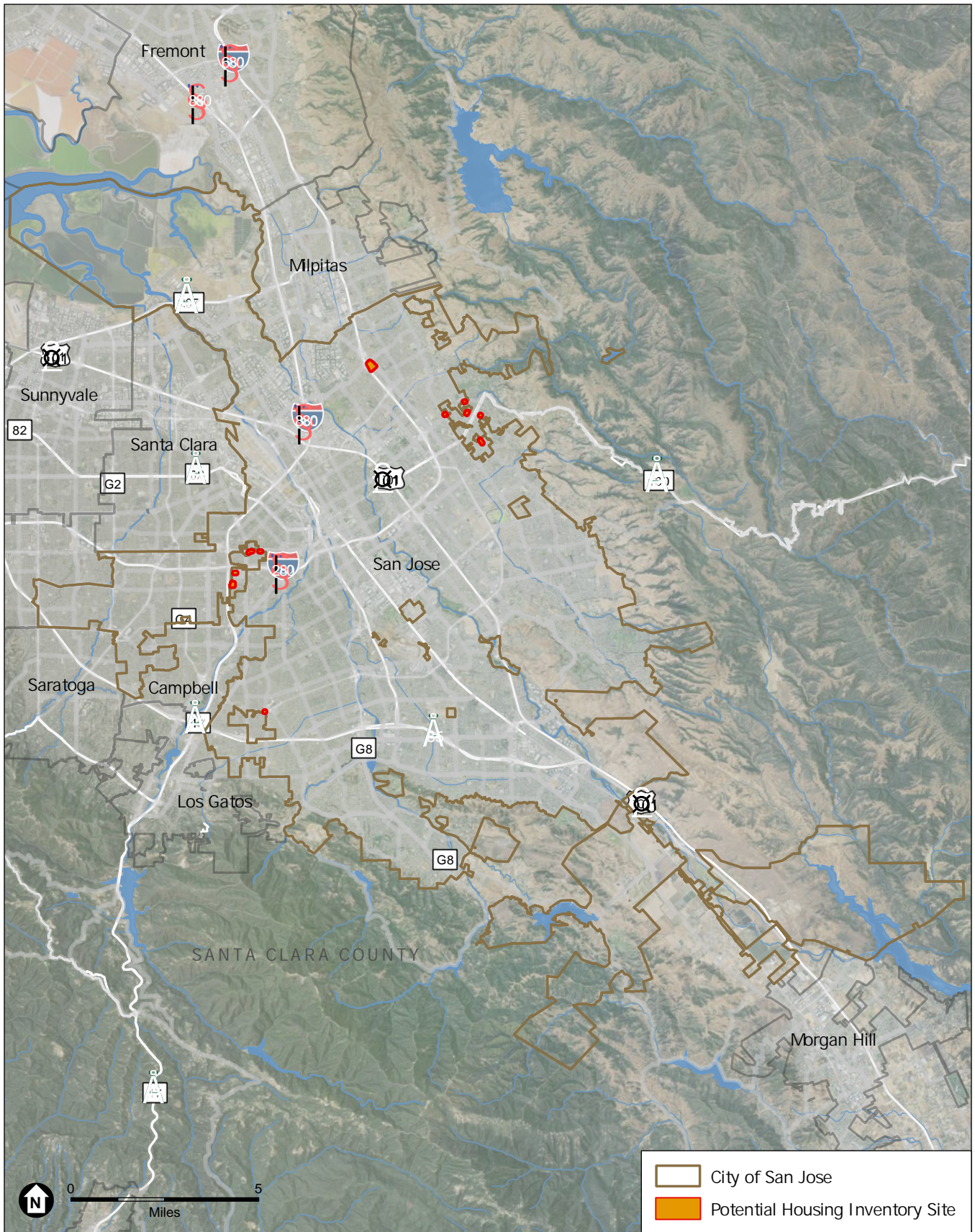
Figure 1
Regional Location Map



SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2
Housing Opportunity Sites Overview

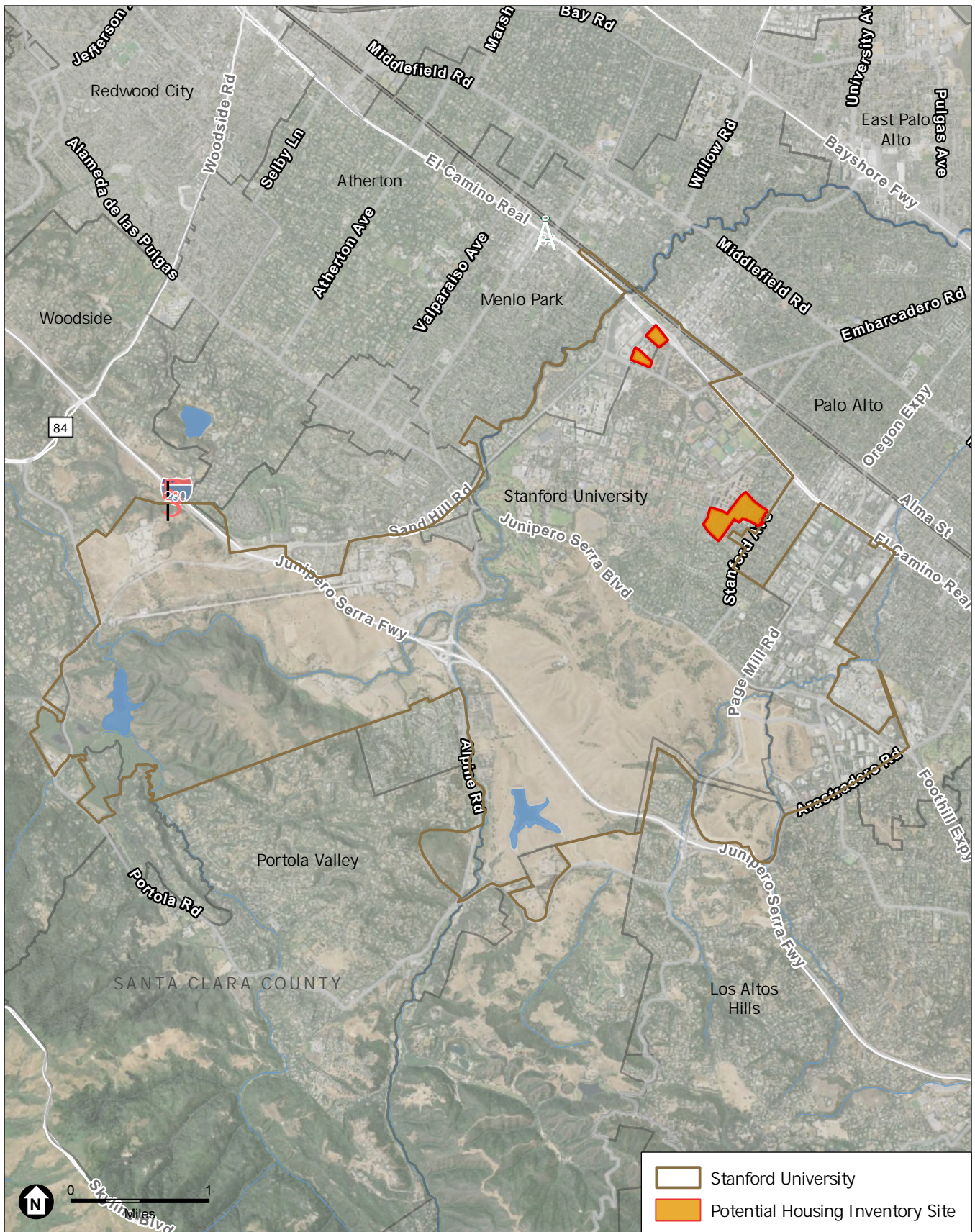


SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2a
Housing Opportunity Sites in San Jose



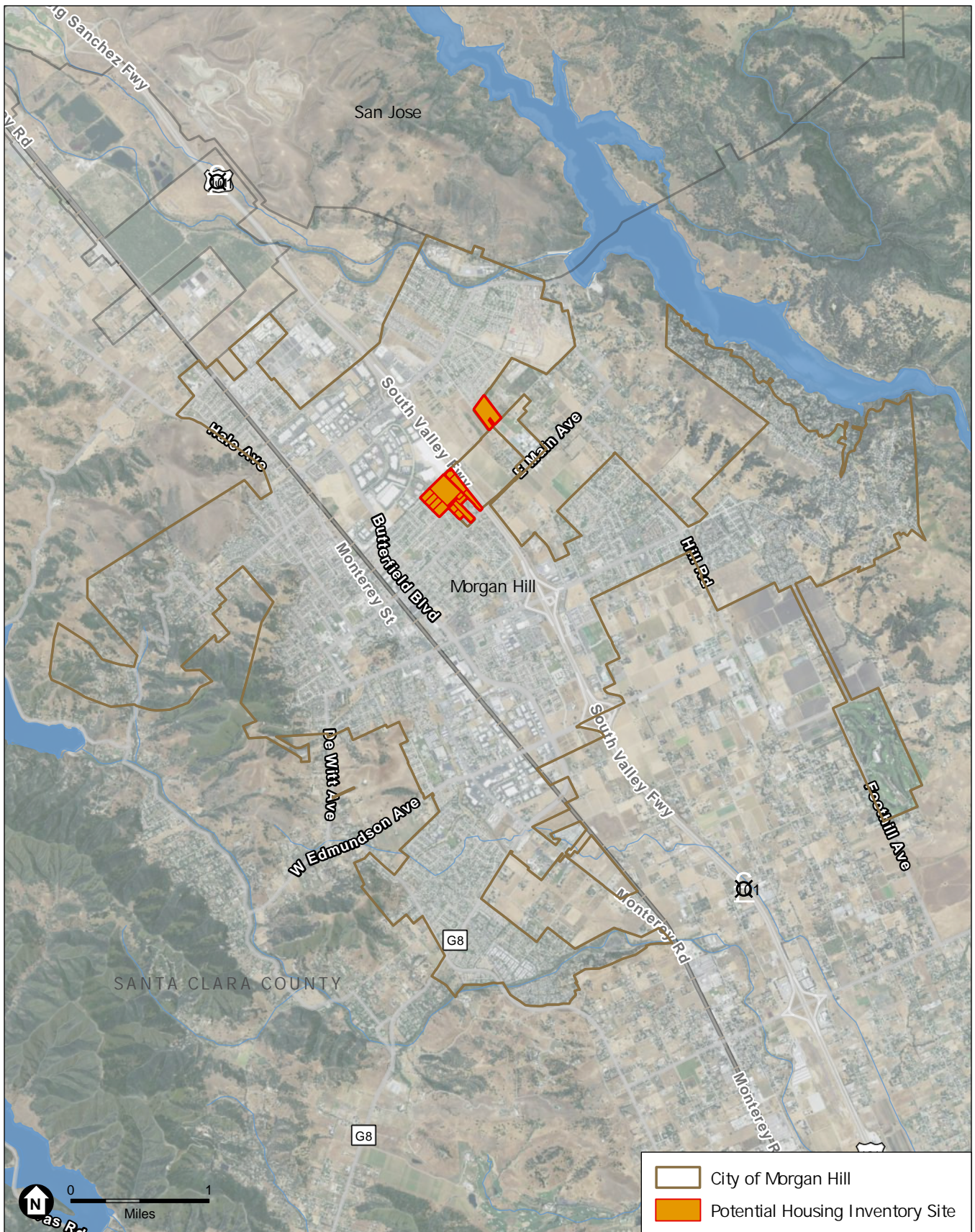


SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2b
Housing Opportunity Sites at Stanford University



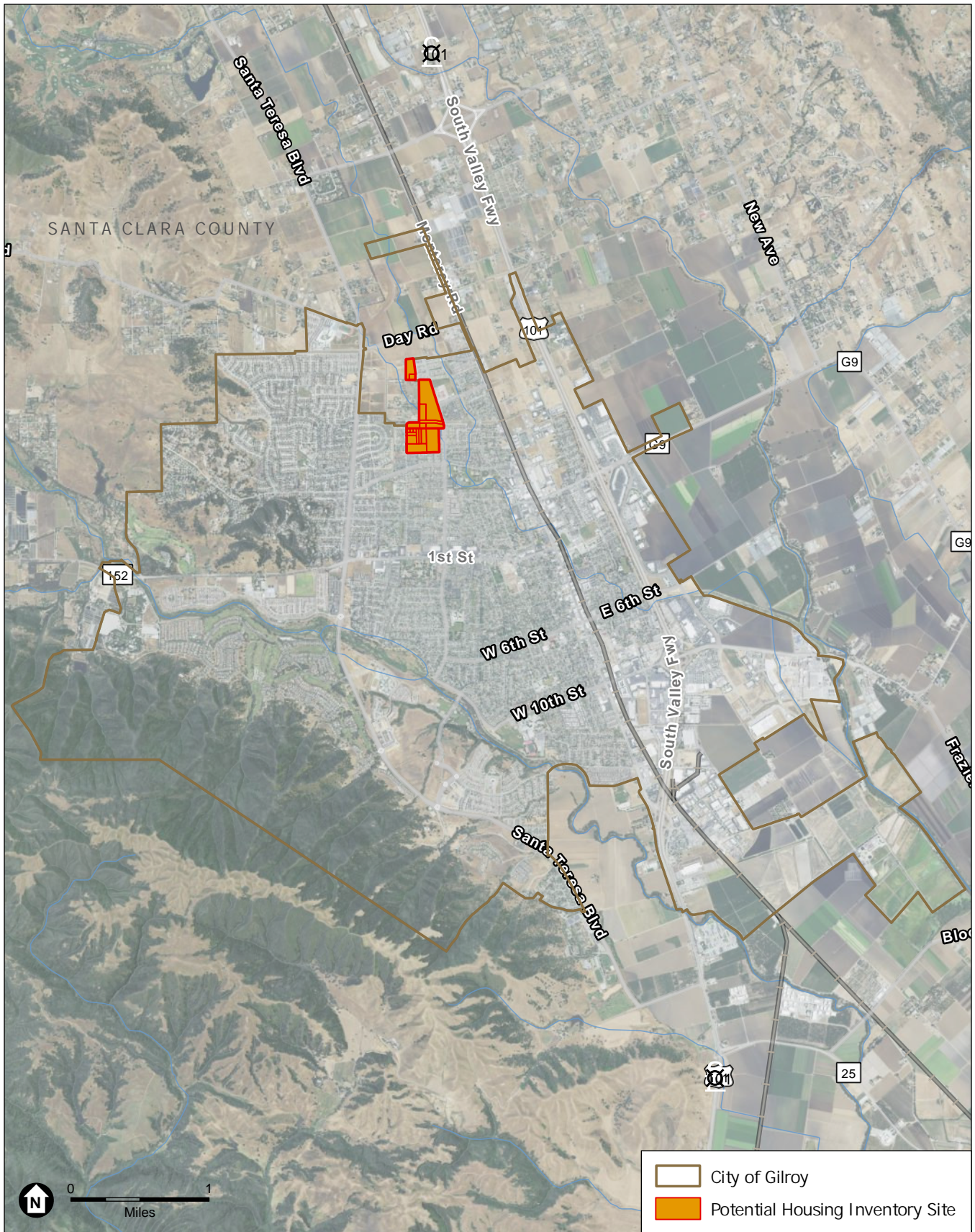


SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2c
Housing Opportunity Sites in Morgan Hill





SOURCE: Esri, 2022; County of Santa Clara, 2022; ESA, 2022

County of Santa Clara Housing Element Update NOP

Figure 2d
Housing Opportunity Sites in Gilroy

County of Santa Clara
Department of Planning and Development
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San José, California 95110



**REVISED NOTICE OF PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE
COUNTY OF SANTA CLARA HOUSING ELEMENT &
STANFORD COMMUNITY PLAN UPDATE**

March 21, 2023

On August 8, 2022, the County of Santa Clara issued a Notice of Preparation (NOP) for preparation of a program-level Environmental Impact Report (EIR) for the County's Housing Element Update and Stanford Community Plan Update (the "Project"). Since that time, the Project has been refined to remove housing opportunity sites on unincorporated county parcels adjacent to the Cities of Gilroy and Morgan Hill from the County's site inventory. In addition, one large housing opportunity site, consisting of an unincorporated county "island" in the City of San José, has been added to the site inventory. All other Project elements as presented in the original NOP remain unchanged. Based on the Project changes, this revised NOP is being issued.

As before, the County requests your input on the scope and content of the environmental information to be included in the EIR that is germane to your agency's statutory responsibilities in connection with the proposed Project. A brief description of the revised Project, its site boundaries, and a summary of the potential environmental effects are provided on the following pages. Approval of the Project will require actions by the County of Santa Clara, including the preparation and certification of an EIR, adoption of a General Plan amendment, and adoption of changes to the County's zoning map and zoning ordinance necessary to maintain consistency with the General Plan. The EIR may also be used by your agency.

The deadline for your response is **April 20, 2023, at 5:00 p.m.**; however, an earlier response, if possible, would be appreciated. Please send your response to:

County of Santa Clara Planning Office
Attention: Michael Meehan, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing, San José CA 95110
E-mail: Planning2@pln.sccgov.org


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In addition to providing written comments on the NOP, the County will provide three opportunities for the public to receive information and provide verbal comments as part of scheduled meetings, during which the Project will be presented to policymakers and the public. These meetings are as follows, and information on attendance is provided for each:

- San Martin Planning Advisory Committee, March 22, 2023. This meeting will be held at the South County Office Building, 80 West Highland Avenue, San Martin, CA 95046. This meeting cannot be attended remotely.
- County Planning Commission, March 23, 2023. This meeting will be held at the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, 1st Floor, San José, CA 95110. This meeting cannot be attended remotely.
- Board of Supervisors Regular Meeting, 9:30am, April 18, 2023. This meeting will be held at the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, 1st Floor, San José, CA 95110. The meeting can also be attended remotely. The zoom link for the meeting will be posted in the agenda, which will become [available at this webpage](#).

Prepared by:

Michael Meehan


DocuSigned by:

Signature

3/21/2023

Date

Approved by:

Leza Mikhail

DocuSigned by:

Signature

3/21/2023

Date

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Introduction

As the lead agency, the County plans to analyze the potential environmental impacts associated with proposed updates to the County's General Plan, including updates to the General Plan's Housing Element and Stanford University Community Plan (SCP), pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.) and its implementing regulations, the CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.). As required under CEQA, the EIR will evaluate and describe the potentially significant environmental effects ("impacts") of the Project, identify mitigation measures to avoid or reduce the significance of potential impacts, and evaluate the comparative effects of potentially feasible alternatives to the Project.

The EIR will be a program EIR, as provided for in CEQA Guidelines Section 15168, which states that a program EIR is appropriate for projects which are "... a series of actions that can be characterized as one large project" consisting of related actions. Preparation of a program-level EIR also "allows the Lead Agency to consider broad policy alternative and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts" (CEQA Guidelines §15168(b)).

Project Location

Santa Clara County is in the San Francisco Bay Area and encompasses 1,300 square miles. The County is located at the southern end of San Francisco Bay and is the Bay Area's most populous county, with 15 cities and nearly two million people. The present urban and rural landscape of Santa Clara County is diverse, comprising a complex social and economic setting that overlays a rich historic, multi-cultural, and natural environment. Named after Mission Santa Clara, the County was established in 1777 and is one of the original counties of California. In the early 20th century, the area was promoted as the "Valley of the Heart's Delight" due to its natural beauty, including a significant number of orchards. In 1939, the first major technology company to be based in the area was founded. Today, the County is headquarters to approximately 6,000 technology companies, some of which are the largest technology companies in the world.

While most of the urbanized areas in the County are under the jurisdiction of individual cities, the County maintains jurisdiction over 7,348 acres that are designated as Urban Service Areas (USAs) and are planned for eventual annexation to a city's jurisdiction. Lands owned by Stanford University and subject to the County's SCP comprise slightly over 4,000 acres, and the remaining 596,070 acres in the unincorporated County area comprise rural parts of the County.

Project Background

Purpose of the Housing Element Update

State law requires the County to have and maintain a General Plan with specific contents to provide a vision for the County's growth and to inform local decisions on land use and development, including issues such as circulation, conservation, and safety.

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State law (Government Code Section 65588) requires the County to update the Housing Element every eight years, while making any changes to other components of the General Plan needed to maintain internal consistency and comply with State law, as well as undertaking related changes to the County's Zoning Ordinance. The Housing Element was last updated in 2015 and covers the "fifth cycle" planning period from 2014 through 2022. In accordance with State law, the planning period for the "sixth cycle" updated Housing Element will be from 2023 through 2031.

The housing chapter or "element" of the General Plan must be updated and monitored more frequently than other elements. The County's current Housing Element was adopted in June 2014 and covers the planning period from 2015 through 2022.

Concurrent with the Housing Element update, the County will consider adoption of any amendments to other components of the General Plan required to maintain internal consistency, including an update to the SCP, which was adopted in 2000.

Regional Housing Needs Allocation

In addition to including goals, policies, and implementation programs regarding housing issues, housing elements must include an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the County by the Association of Bay Area Governments (ABAG). This assignment is referred to as a Regional Housing Needs Allocation (RHNA).

On December 18, 2020, ABAG released its Draft Regional Housing Needs Assessment Methodology and Subregional Shares document which articulated ABAG's recommended methodology for the distribution of the regional housing need of 441,176 housing units issued by the State Department of Housing and Community Development (HCD). Based on the draft methodology, the County was assigned 3,125 units to be planned within unincorporated Santa Clara County for the term of the planning period from 2023 through 2031 ("6th Cycle"). This assignment represents an increase of 1,028 percent from the last RHNA cycle.

Following issuance of the Draft RHNA, HCD approved the recommended methodology and ABAG considered appeals from 27 local jurisdictions, including the County of Santa Clara. Following public comments and appeal hearings, ABAG rejected all appeals except for one, which transferred units from Contra Costa County to the City of Pittsburg, which had recently annexed an area of unincorporated Contra Costs County. The County of Santa Clara's appeal was rejected.

Subsequently, ABAG adopted the Final RHNA on December 16, 2021. Table 3-1 shows the breakdown of required units in the County of Santa Clara across the four income categories. The County's RHNA allocation must be addressed in the HEU.

To accommodate the new units, the County will also have to rezone sites in urban unincorporated areas and amend other components of the General Plan as needed to ensure that the General Plan remains consistent with the HEU.

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TABLE 1
COUNTY OF SANTA CLARA 2023-2031 RHNA ALLOCATIONS BY INCOME CATEGORIES^a

Income Group				Total
Very Low Income (VLI)	Low Income (LI)	Moderate Income (MOD)	>Moderate Income (>MOD)	
828	477	508	1,312	3,125

NOTES:

^a Household income categories are based on those established by the U.S. Department of Housing and Urban Development for use in its Section 8 Housing Choice Voucher Program. The 2022 Area Median Income (AMI) for Santa Clara County is \$168,500 for a family of four. Very Low Income households have an income less than 50% of AMI (<\$84,250) and a portion of Very Low income households qualify as Extremely Low Income, with income less than 30% of AMI (<\$50,550). Low Income households have an income less than 80% of AMI (<\$131,750). Moderate Income households have an income less than 120% of AMI (<\$202,200). Above Moderate Income households have an income over 120% of AMI (>\$202,200).

SOURCES:

Association of Bay Area Governments, *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, Adopted December 16, 2021.

Department of Housing and Community Development. 2022. *State Income Limits for 2022*. May 13, 2022.

In addition to the RHNA assignment noted above, the HEU must also include a housing unit “buffer” to ensure that if one or more of the identified housing sites are developed at lower densities than projected, or with non-housing uses, or not developed at all, there will be remaining capacity elsewhere in the County to provide an ongoing supply of sites for housing during the eight-year planning period/cycle of the Housing Element. If there were no buffer and an identified housing site developed with a non-housing project or developed at a density less than that anticipated in the Housing Element, then the County could be obliged to identify new housing opportunity sites and amend the Housing Element prior to the end of the planning period/cycle.

The need for the HEU to include a substantial buffer is increasingly important because of new rules in the Housing Accountability Act’s “no net loss” provisions. California State Senate Bill 166 (2017) adopted Government Code section 65589.5, which requires that the land inventory and site identification programs in the Housing Element always include sufficient sites to accommodate unmet RHNA. This means that if a housing site is identified in the Housing Element as having the potential for housing development that could accommodate lower-income units but is actually developed with units at a higher income level, or with fewer units than expected, or with non-residential uses, then the locality must either: 1) identify and rezone, if necessary, an adequate substitute site; or 2) demonstrate that the land inventory already contains an adequate substitute site. An adequate buffer will be critical to ensure that the County remains compliant with these provisions without having to identify and rezone sites prior to the end of the planning period on January 31, 2031.

While State law requires the County to include an inventory of housing sites and requires the County to zone those sites for multifamily housing, the County is not required to develop housing on these sites. Future development on the identified sites will be up to the property owners and will be largely dependent on market forces and (in the case of affordable housing) available subsidies and other incentives. Nonetheless, this EIR considers potential impacts of development that may result from adoption of the HEU, including rezoning of potential housing sites to allow housing and/or mixed-use developments, and related actions to encourage housing production including, but not limited to, changes in allowable

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densities, changes in development standards, and adoption of incentives such as a density bonus for the creation of affordable housing.

Purpose of the Stanford University Community Plan Update

Stanford lands within unincorporated Santa Clara County, also considered the SCP area, are subject to policies in the SCP, as adopted by the Board of Supervisors (Board) in 2000, and most recently amended in 2015. Development within the SCP area is currently regulated under the SCP, the 2000 General Use Permit (GUP) conditions of approval, and the 1985 Land Use Policy Agreement (Agreement) between the County of Santa Clara, the City of Palo Alto, and Stanford University.

At the direction of the Board (February 11, 2020, Item No. 19), and as the first phase of planned work to update the County General Plan, the Administration is proposing updates to the SCP (SCP update).

Prior updates to the SCP were proposed by the Administration and considered by the Board in tandem with the proposed adoption of a new GUP applied for by Stanford in Fall 2016. However, the 2016 GUP application was withdrawn by Stanford University on November 1, 2019, and those SCP updates were not adopted by the Board. On February 11, 2020, the Board approved recommending the Administration move forward with specified items related to implementation and updates to the SCP.

Three of the unincorporated sites identified in the HEU as appropriate and likely locations for residential development within the 2023-2031 planning period are within the SCP area. An update to the SCP is therefore also proposed as part of this Project and the other subject of this EIR.

This integrated approach will result in Stanford University providing the housing needed to accommodate future growth of academic and academic support uses directly on campus or other contiguous Stanford land-grant lands. This approach also expands the previous housed population from “students and faculty” to “undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers.” The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in vehicle miles traveled (VMT), as well as other negative impacts associated with commuting and local trips.

Project Description

The proposed Project would make updates to the County’s General Plan to comply with State law, reflect current conditions, and prepare for future anticipated growth of the County, including updates to the General Plan’s Housing Element, and the SCP.

Housing Element Update

The proposed HEU would adopt an updated Housing Element for the sixth cycle planning period of 2023 through 2031, in accordance with State law. The updated Housing Element would include goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing in unincorporated Santa Clara County. In addition, the HEU would identify sites appropriate for the development of multifamily housing, and the County would

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rezone those sites as necessary to meet the requirements of State law. The County proposes to create an overlay zone based on the identification of High Opportunity Areas for affordable housing and access to amenities and services.

The HEU would further the County's fundamental policies regarding growth management and the accommodation of urban development within cities' USAs (i.e., areas planned for urbanization). Outside of cities' USAs, only non-urban uses and development densities are allowed, with the goal of preserving natural resources and agricultural lands and minimizing population exposure to significant natural hazards such as landslides, earthquake faults, and wildfire. The Countywide growth management policies have historically been referred to as the "joint urban development policies," held in common by the cities, County, and the County Local Agency Formation Commission (LAFCO), which controls city formation and expansion.

Keeping in mind the development principles and statutory requirements above, the proposed HEU will identify specific sites appropriate for the development of additional housing and sufficient to meet the County's RHNA and provide an ample buffer. As appropriate, the County would rezone those areas as necessary to meet the requirements of State law and make changes to the County's zoning map and Zoning Ordinance as necessary to maintain consistency with the General Plan.

Because the County's 6th Cycle RHNA assignment increased dramatically from past cycles, the County has been compelled to consider a wider range of sites than it has in the past. The County's sites identified for the 6th Cycle are located either: (1) within urban unincorporated "islands" that are surrounded entirely by the City of San José, or (2) on the Stanford University campus. This strategy is consistent with the County's General Plan and the County's longstanding commitment to concentrate development in urban areas, where development can benefit from urban services and infrastructure.

The San José sites have long been intended for annexation to San José, and historically, the County's General Plan has conferred the planning for these areas to the City of San José and its General Plan. The County has identified several sites that are in the City's USA that have remained unincorporated and undeveloped, including some sites listed by the City in its 4th RHNA cycle. In observance of the County's disproportionately high RHNA assignment, the City has not selected any of the unincorporated sites for its 6th Cycle site inventory. The County is therefore including such sites in its HEU site inventory, along with proposing the requisite changes to the County General Plan. The County is also re-listing sites on the Stanford Campus that were listed by the County in its 4th RHNA cycle but that have not yet been developed. **Table 2** lists all the potential sites identified by the County and their proposed development densities, and **Figures 1 through 8** show their locations.

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**TABLE 2
HOUSING OPPORTUNITY SITES INVENTORY**

APN	Size (acres)	Urban/Rural	Potential Density (du/ac)		Potential Units		Existing Zoning	Existing General Plan	Site/Area Name
			Low	High	Low	High			
245-01-003	13	Urban (San José)	80	100	1,040	1,300	A - Agricultural	Neighborhood/Community Commercial (San José)	Hostetter Station
245-01-004	2.3	Urban (San José)	80	100	186	232	A - Agricultural	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Hostetter Station
277-06-025	0.4	Urban (San José)	60	100	22	36	R1-n2 – Residential (Burbank)	Mixed Use Commercial/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-027	0.1	Urban (San José)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-028	0.1	Urban (San José)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-07-029	0.2	Urban (San José)	40	80	7	14	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-029	0.1	Urban (San José)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-030	0.1	Urban (San José)	40	80	4	7	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-08-031	0.2	Urban (San José)	40	80	7	14	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-027	0.3	Urban (San José)	40	80	12	25	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
277-12-029	0.3	Urban (San José)	40	80	12	25	CG - General Commercial	Urban Village/West San Carlos Urban Village	Parkmoor/Burbank Neighborhood
282-02-037	1.5	Urban (San José)	60	100	90	150	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José)	Fruitdale/Santa Clara Valley Medical Center
282-03-016	3.5	Urban (San José)	60	100	210	350	R1-8 - SF Housing	Public Quasi-Public (San José)	Fruitdale/Santa Clara Valley Medical Center
419-12-044	0.8	Urban (San José)	10	20	8	16	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Cambrian Park
599-01-064	0.7	Urban (San José)	20	30	15	22	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Alum Rock/East Foothills
599-39-047	0.6	Urban (San José)	40	80	22	45	CN - Neighborhood Commercial	Neighborhood/Community Commercial (San José) Unplanned Urban Village	Alum Rock/East Foothills

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601-07-066	1.5	Urban (San José)	5	8	7	12	R1 - SF Housing	Residential Neighborhood (San José)	Alum Rock/East Foothills
601-25-119	1.9	Urban (San José)	5	8	10	15	R1 - SF Housing	Public Quasi-Public (San José)	Alum Rock/East Foothills
612-21-004	0.8	Urban (San José)	5	8	4	7	R1-6 - SF Housing	Residential Neighborhood (San José)	Alum Rock/East Foothills
649-24-013	43.5	Urban (San José)	25	35	1,088	1,523	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
649-23-001	70.5	Urban (San José)	25	35	1,762	2,467	A – Agricultural	Private Recreation and Open Space	Pleasant Hills
142-04-036	40	Urban (Stanford)	17.5	22.5	700	900	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Escondido Village
142-04-036a	8	Urban (Stanford)	70	90	560	720	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site A
142-04-036b	6	Urban (Stanford)	70	90	420	540	A1 - General Use Special Purpose Base District	Major Educational & Institutional Uses (County)	Quarry Site B
TOTAL UNITS						6,198	8,441		
RHNA Allocation						3,125			
San José Sites						4,518	6,281		
Stanford University Sites						1,680	2,160		

Stanford University Community Plan Update

The SCP update recommends a coordinated approach to housing and circulation policy and implementation measures. This approach will result in Stanford University providing the housing needed to accommodate future growth of academic and academic support uses directly on campus or other contiguous Stanford land-grant lands. This approach also expands the previous housed population from “students and faculty” to “undergraduate students, graduate students, faculty, staff, postgraduate fellows, and other workers.” The call to provide all needed housing to accommodate future development on campus and enhance the coordination between housing policies and transportation policies will facilitate a reduction in VMT, as well as other negative impacts associated with commuting and local trips.

The following list includes additional updates to the SCP under consideration:

- Limitation of future GUP approvals to a maximum of 10 years;
- Relocation of the “possible future elementary school site” designation;
- Requiring any increase in total academic space over the allowance in the existing SCP to require a Community Plan amendment and GUP application;
- Extension of the Academic Growth Boundary for 99 years, subject to a four-fifths Board vote required to modify;
- Establishment of new campus design guidelines;
- Incorporation of policies from the County's 2014 Health Element update; and
- Other changes suggested by staff, including policies based on graduate student housing affordability, municipal services, and childcare.

Other Amendments to the General Plan

In addition to the amendments that are being made to the General Plan’s Housing Element and SCP, amendments to other components of the General Plan are required to fully conform with changes made in the Housing Element and SCP.

The County would amend its General Plan Land Use map as needed to reflect the housing opportunity sites inventory and would make any corresponding changes to other components of the General Plan needed to ensure internal consistency.

Required Project Approvals

The proposed HEU is subject to review and certification by HCD. Following review by HCD, adoption and implementation of the HEU would require a series of interrelated planning and regulatory approvals by the County of Santa Clara, as Lead Agency. Specifically, the County would need to take the following approval actions:

- Certification of the EIR pursuant to CEQA;
-

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- Adoption of one or more resolutions amending the General Plan to update the Housing Element, update the SCP, update the General Plan Land Use map, and make any corresponding changes to other components of the General Plan needed to maintain internal consistency; and
- Adoption of an ordinance amending County Zoning Ordinance and the County Zoning Map.

The proposed actions would require review and recommendation by the Planning Commission, followed by consideration and action by the Board.

Potential Environmental Effects of the Housing Element and Stanford Community Plan Update

The environmental analyses and technical sections presented in the Draft EIR will describe the existing conditions in the County. Relevant federal, State, and local laws and regulations, including the County's current General Plan goals and policies, will be summarized.

The methods of analysis and any assumptions that are important to understand the conclusions of the analysis will be described, along with the standards of significance used to determine impacts of the Project. The standards for determining impact significance will be based on existing State and federal rules, regulations, and laws, County ordinances and policies, and past practices. The standards will be used to determine whether an impact is significant and the effectiveness of a recommended mitigation. Feasible mitigation measures will be identified for each significant impact. The description of mitigation measures will identify the specific actions to be taken, the timing of the action, and the parties responsible for implementation of the measure.

At this time, it is anticipated that the following issues/technical sections will be addressed in the EIR:

- | | |
|---------------------------------------|----------------------------------|
| • Aesthetics/Light and Glare | • Land Use and Planning |
| • Agricultural and Forestry Resources | • Mineral Resources |
| • Air Quality | • Noise and Vibration |
| • Biological Resources | • Population and Housing |
| • Cultural Resources | • Public Services and Recreation |
| • Energy | • Transportation |
| • Geology and Soils | • Tribal and Cultural Resources |
| • Greenhouse Gas Emissions | • Utilities and Service Systems |
| • Hazards and Hazardous Materials | • Wildfire |
| • Hydrology and Water Quality | |

To provide a "range of reasonable alternatives," as required by CEQA Guidelines section 15126.6, the EIR will examine alternatives to the Project, including the required No Project Alternative.

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Public Scoping Meeting

In addition to providing written comments on the NOP, the County will provide three opportunities for the public to receive information and provide verbal comments as part of scheduled meetings during which the Project will be presented to policymakers and the public. These meetings are as follows, and information on attendance is provided for each:

- San Martin Planning Advisory Committee, March 22, 2023. This meeting will be held at the South County Office Building, 80 West Highland Avenue, San Martin, CA 95046. This meeting cannot be attended remotely.
- County Planning Commission, March 23, 2023. This meeting will be held at the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, 1st Floor, San José, CA 95110. This meeting cannot be attended remotely.
- Board of Supervisors Regular Meeting, 9:30am, April 18, 2023. This meeting will be held at the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, 1st Floor, San José, CA 95110. The meeting can also be attended remotely. The zoom link for the meeting will be posted in the agenda, which will become [available at this webpage](#).

Submitting Comments

The County welcomes all input on the scope and content of the EIR in response to this Notice of Preparation, and especially welcomes responses that will assist the County in:

1. Identifying significant environmental issues;
2. Identifying and evaluating potential alternatives to the proposed Project or mitigation measures that could avoid or reduce significant impacts; and
3. Confirming which agencies will be a responsible and/or trustee agency for this Project or subsequent implementing actions and providing information germane to these agencies' statutory responsibilities as they relate to the County's analysis of potential effects.

The deadline for your response is **April 20, 2023, at 5:00 p.m.**; however, an earlier response, if possible, would be appreciated. Please send your response to:

County of Santa Clara Planning Office
Attention: Michael Meehan, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing, San José CA 95110
E-mail: Planning2@pln.sccgov.org

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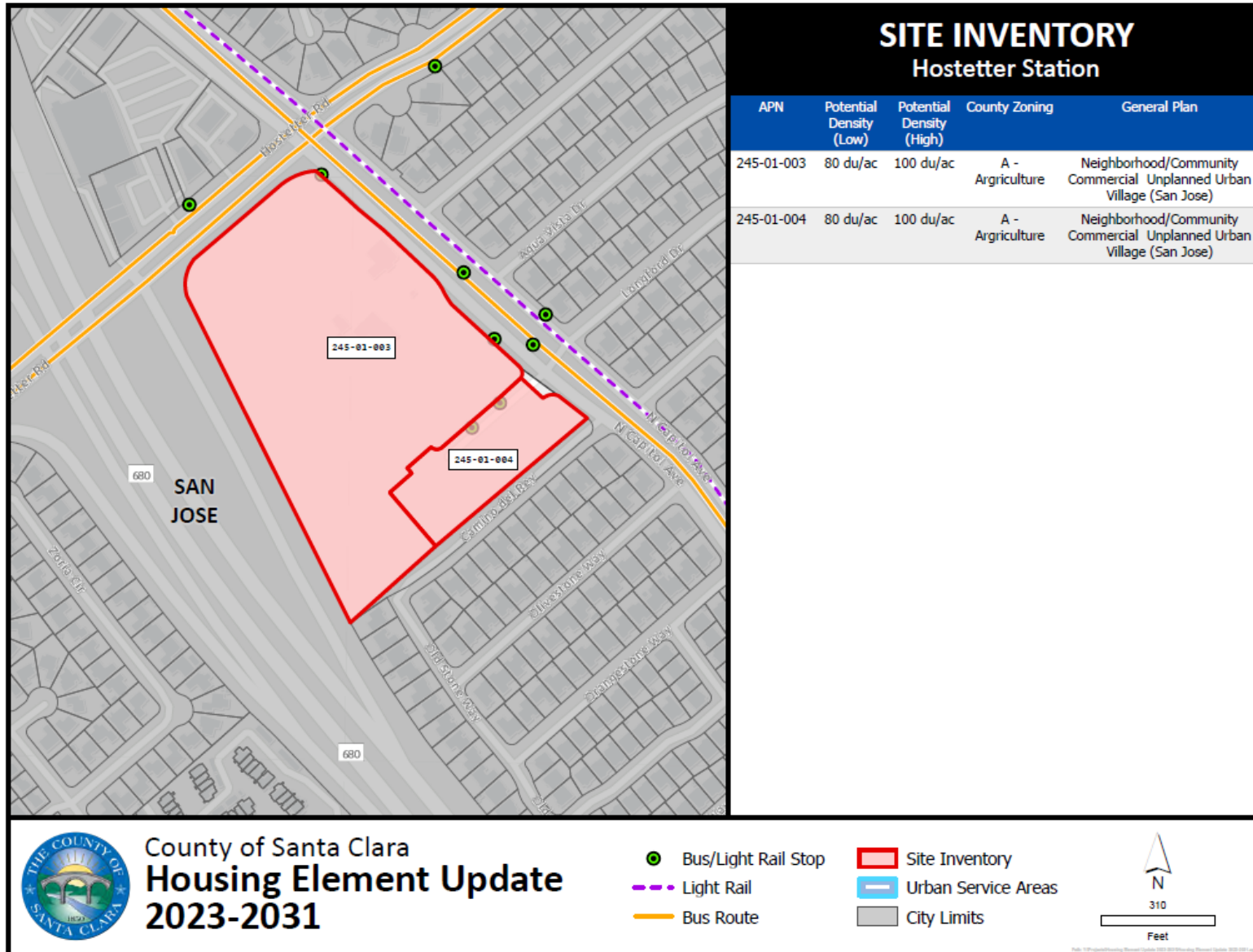


Figure 1

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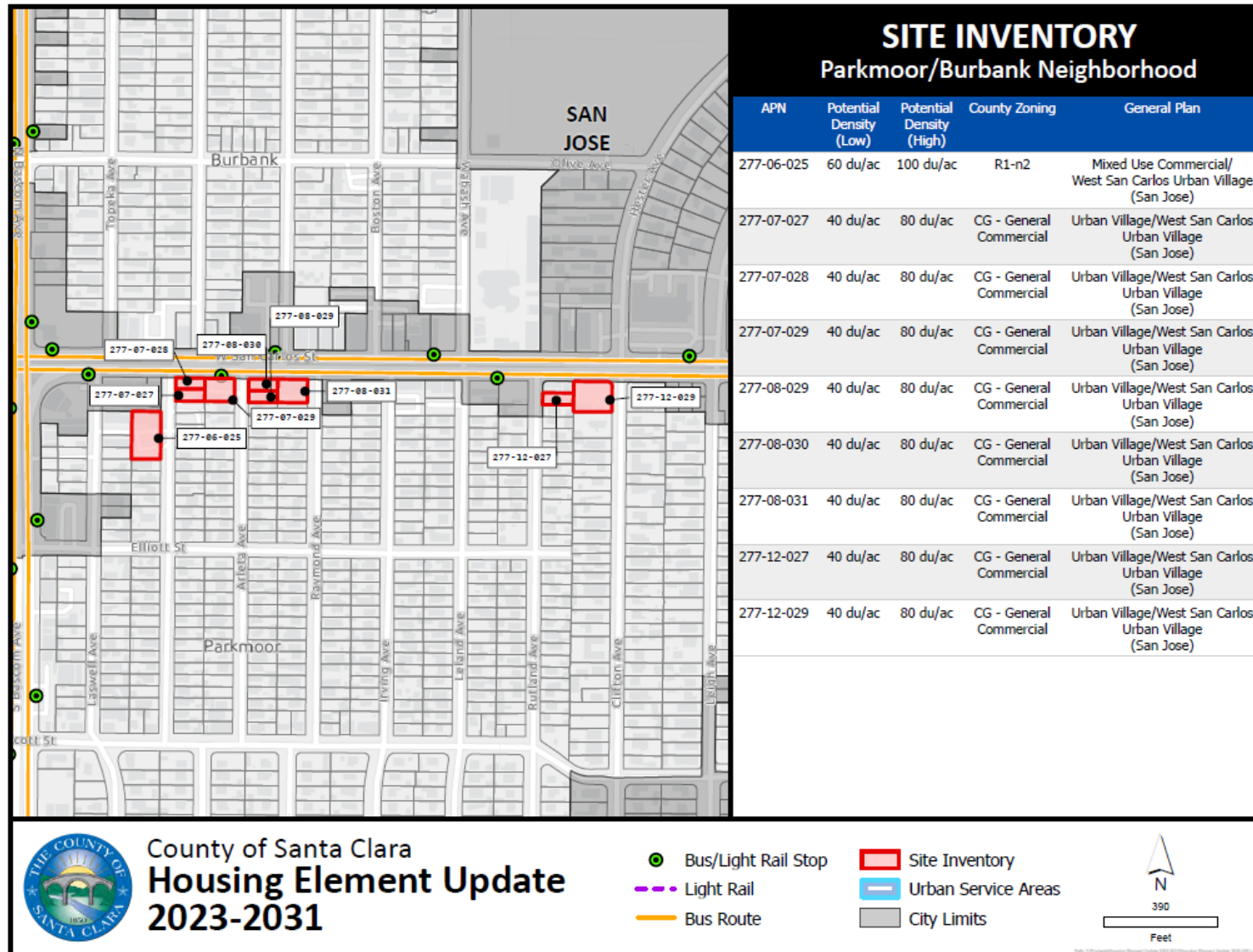


Figure 2

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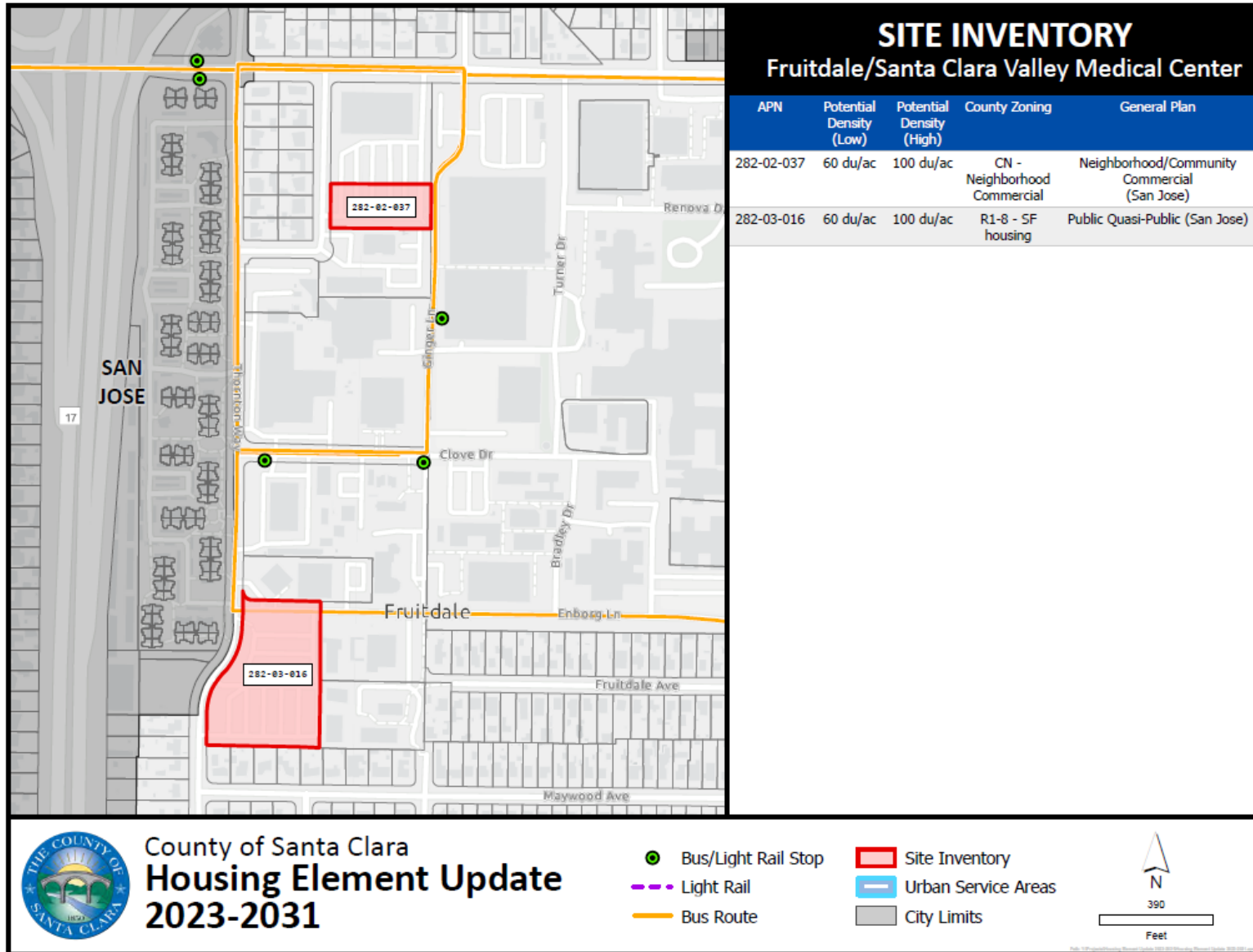


Figure 3

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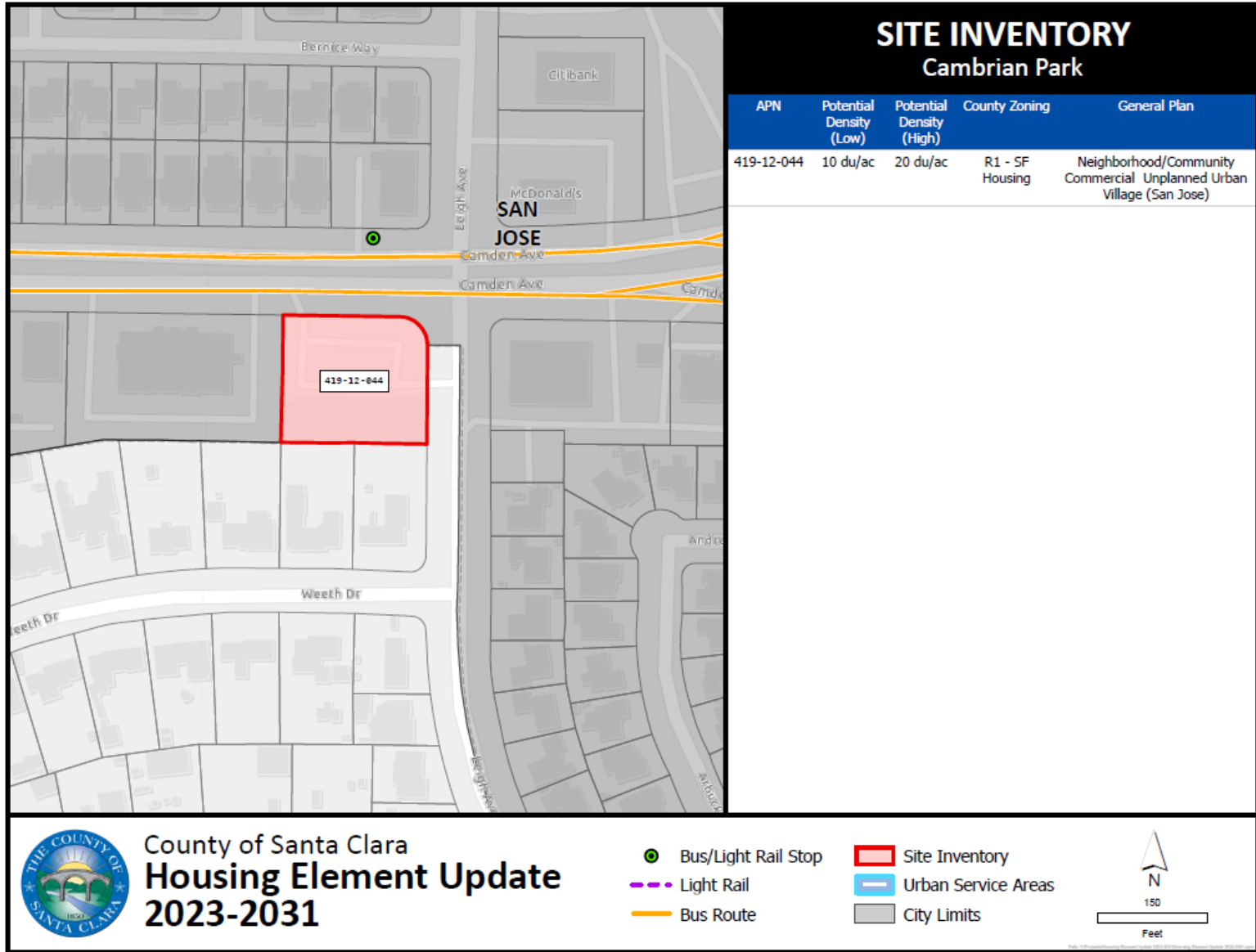


Figure 4

Santa Clara County Housing Element Update & Stanford Community Plan Update EIR
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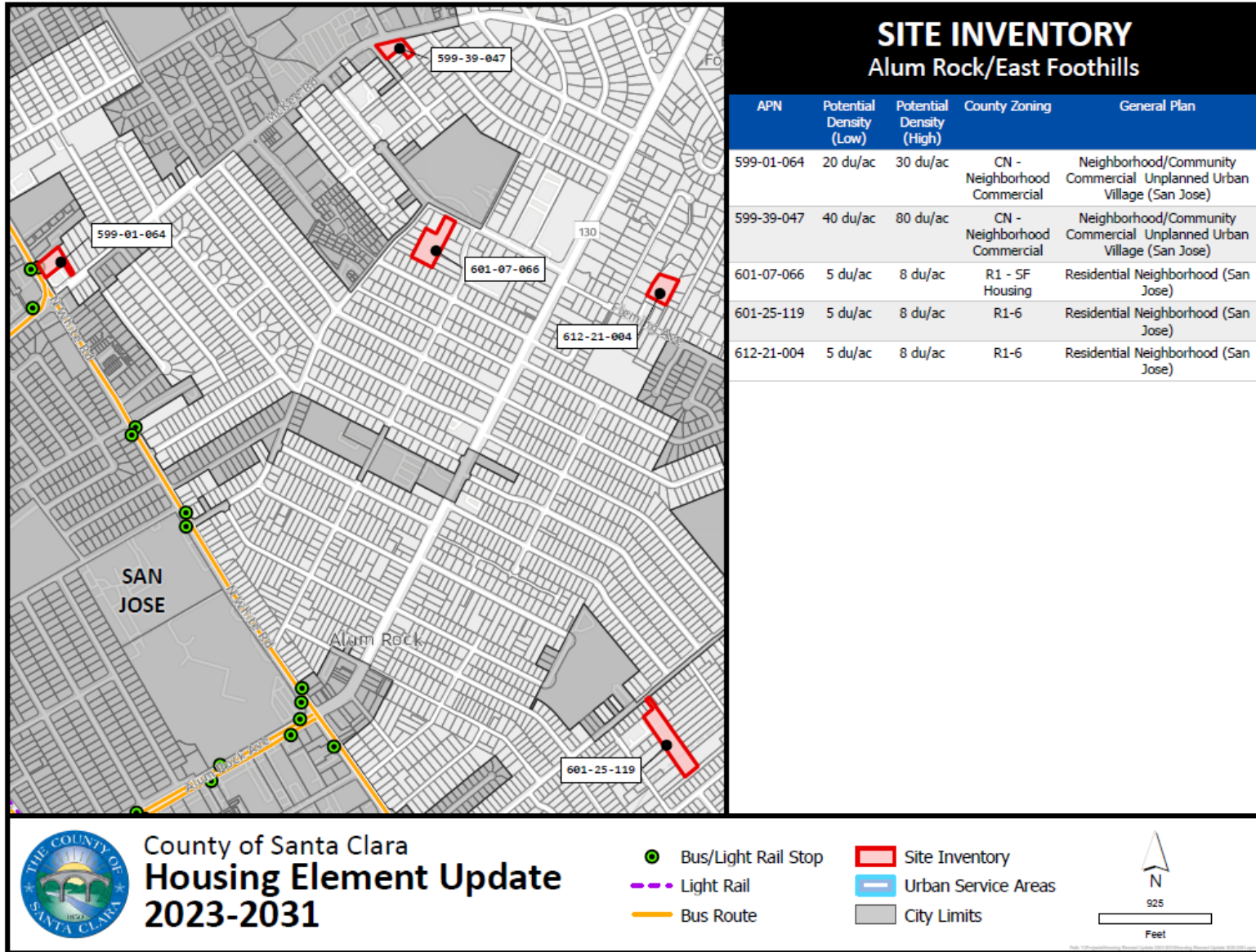


Figure 5

Santa Clara County Housing Element Update & Stanford Community Plan Update EIR
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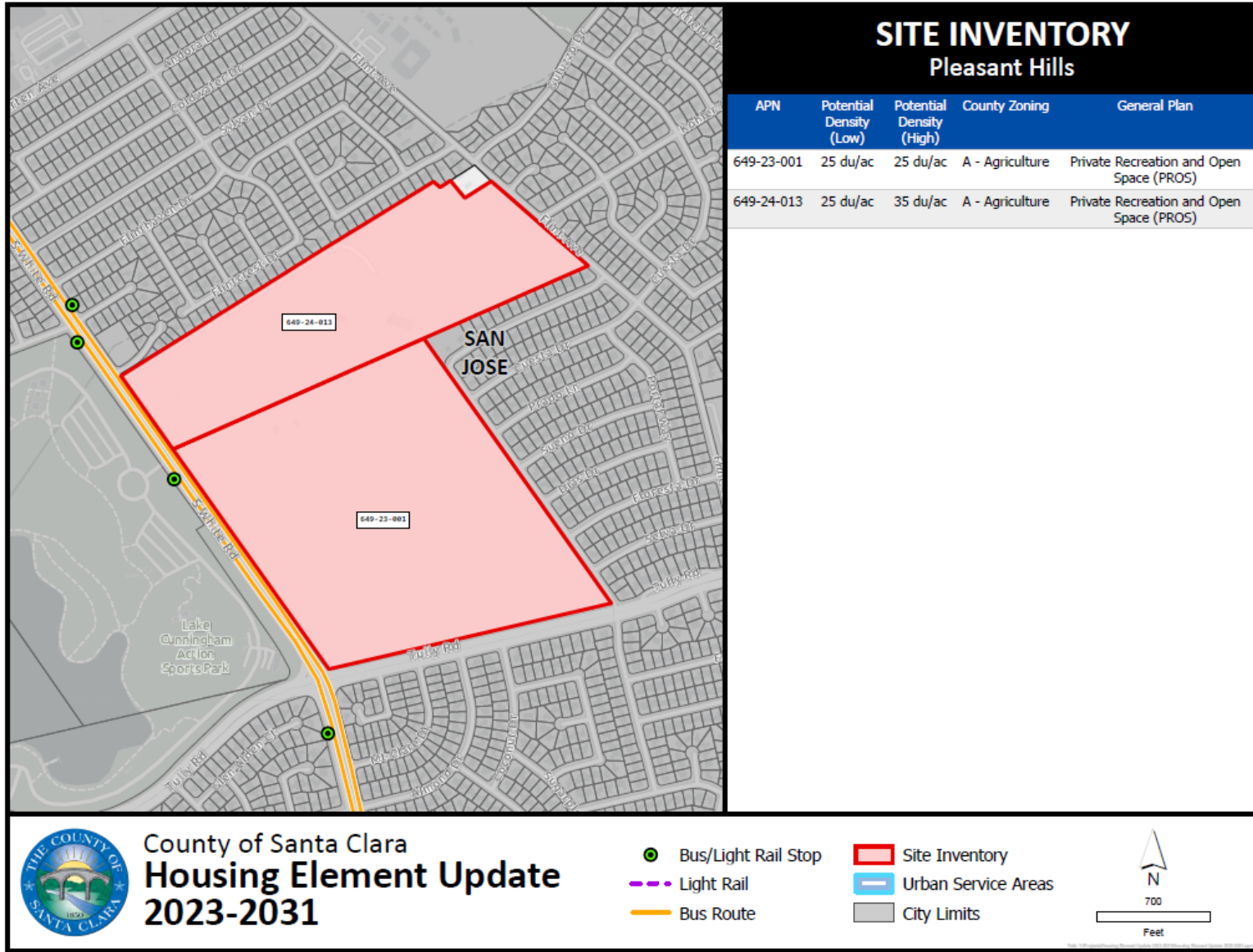


Figure 6

Santa Clara County Housing Element Update & Stanford Community Plan Update EIR
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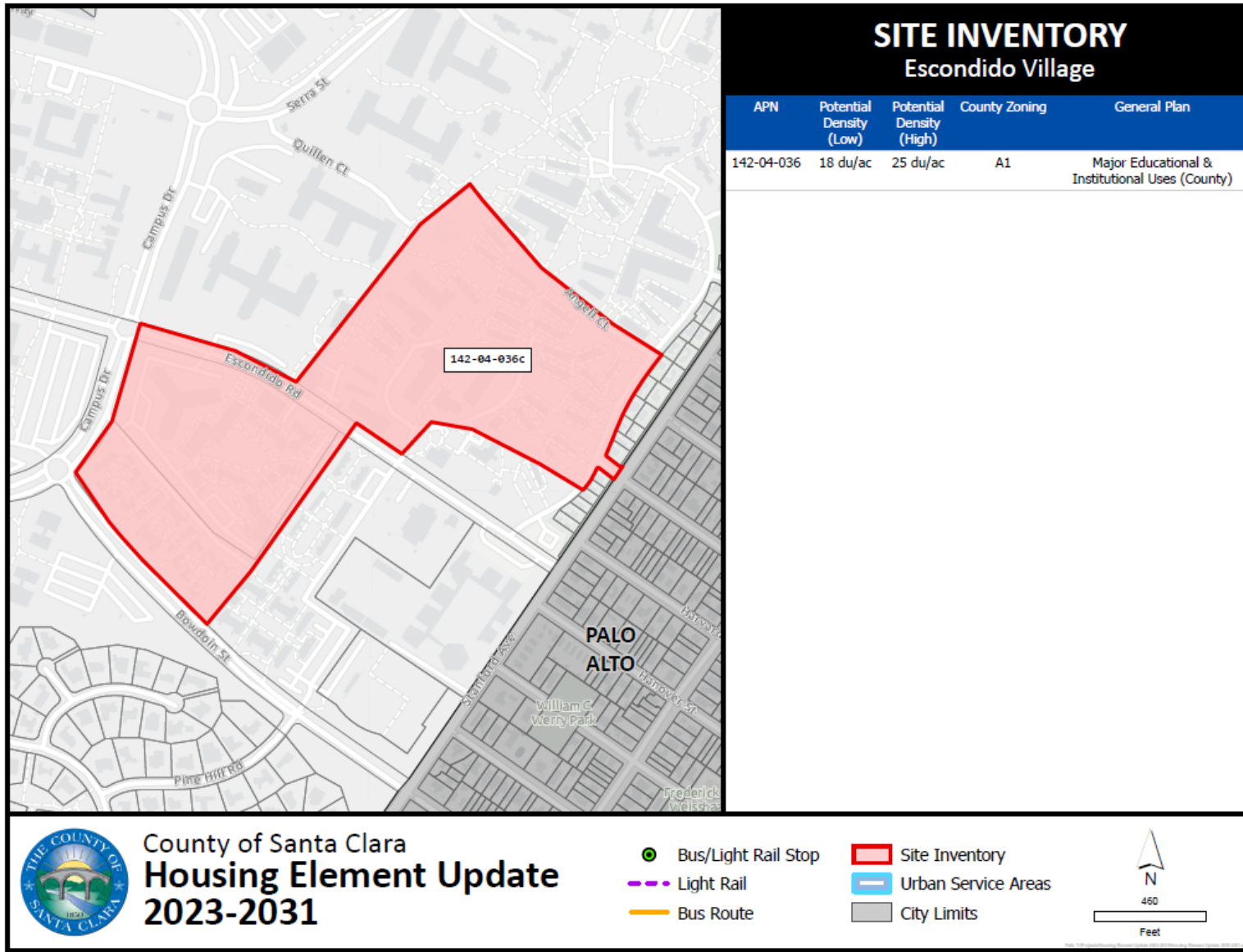


Figure 7

Santa Clara County Housing Element Update & Stanford Community Plan Update EIR
REVISED Notice of Preparation
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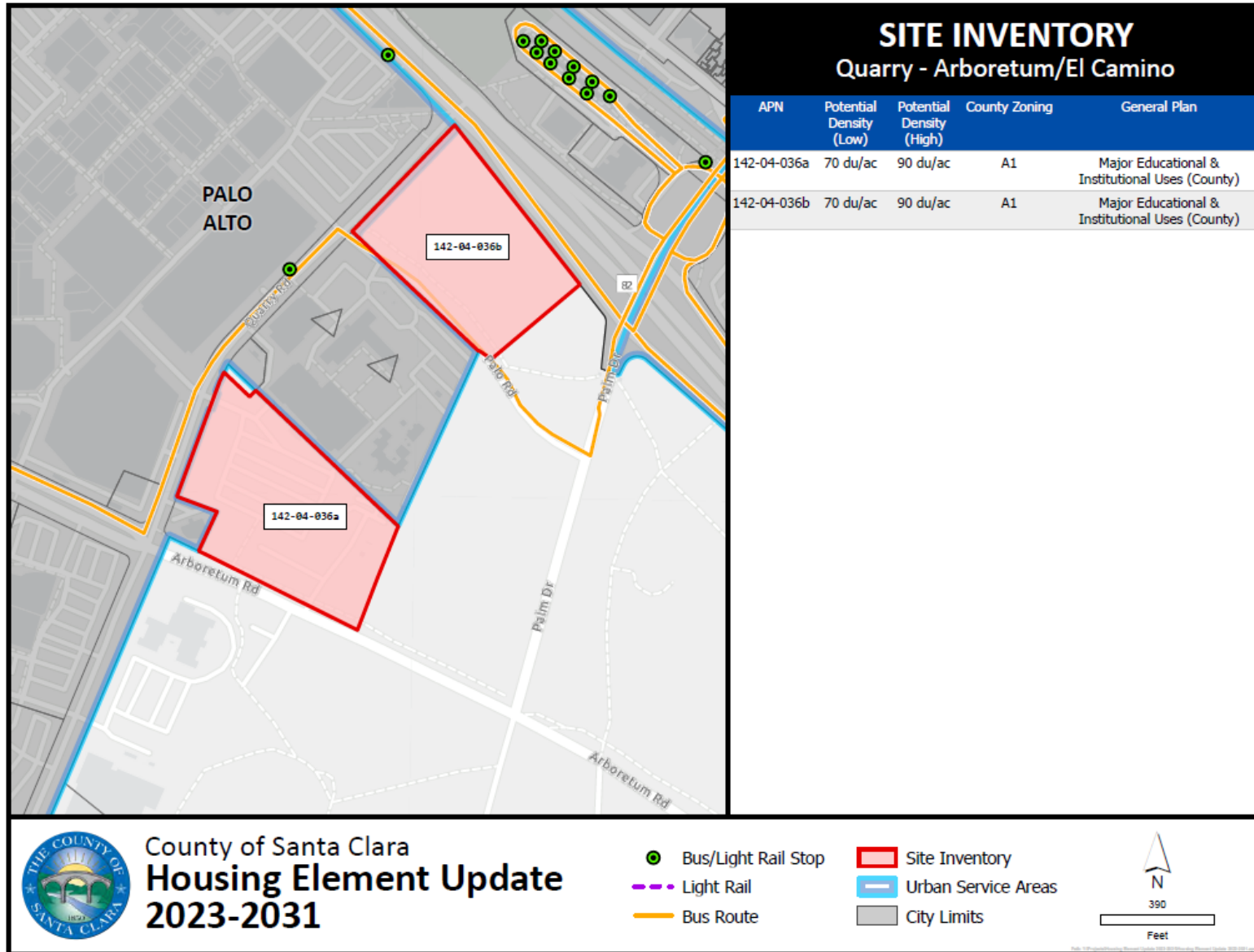


Figure 8



NATIVE AMERICAN HERITAGE COMMISSION

August 24, 2022



Bharat Singh
County of Santa Clara
70 West Hedding St., 7th Floor, East Wing
San Jose, CA 95110

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**Raymond C.
Hitchcock**
Miwok/Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

**Re: 2022080196, County of Santa Clara 6th Cycle Housing Element Update & Stanford
Community Plan Update Project, Santa Clara County**

Dear Bharat Singh:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

Luke Evans

From: Singh, Bharat <bharat.singh@pln.sccgov.org>
Sent: Tuesday, August 16, 2022 11:52 AM
To: Farr, Jeremy
Cc: Gibson, Kelly; Negrete, Valerie; Tran, Lara; Luke Evans
Subject: RE: HEU: County of Santa Clara Housing Element Update - CEQA Notice of Preparation

Hi Jeremy,

Thank you for your email. Transportation and accessibility has been a concern brought up by a few stakeholders. We have utilized public transit as a factor in selecting sites, but it may also be helpful to understand how the Countywide Trails Master Plan would provide greater access to amenities.

Best,

Bharat

From: Farr, Jeremy <jeremy.farr@PRK.SCCGOV.ORG>
Sent: Tuesday, August 16, 2022 11:03 AM
To: Singh, Bharat <bharat.singh@pln.sccgov.org>
Cc: Gibson, Kelly <kelly.gibson@PRK.SCCGOV.ORG>
Subject: FW: HEU: County of Santa Clara Housing Element Update - CEQA Notice of Preparation

Hi Bharat,

Thank you for including the Parks Department on the Housing Element stakeholder meetings and other outreach efforts. We received the CEQA NOP a couple weeks ago. We don't have any comments but wanted to make you aware of some future trail routes identified in the County's Countywide Trails Master Plan that are near areas of potential growth. Our Associate Planner, Kelly Gibson, did a quick check and identified recreational trails in the email chain below.

If possible, it would be great if we could encourage regional trails, alternative transportation, and recreation as a component of the Housing Element update. Thank you and let me know if you have any questions.

Jeremy Farr, Principal Planner

Santa Clara County Parks
298 Garden Hill Dr., Los Gatos, CA 95032
Office: (408) 355-2360 | Cell: (408) 992-5325



From: Gibson, Kelly <kelly.gibson@PRK.SCCGOV.ORG>
Sent: Tuesday, August 9, 2022 10:54 AM
To: Farr, Jeremy <jeremy.farr@PRK.SCCGOV.ORG>
Cc: Brosseau, Kimberly <Kimberly.Brosseau@PRK.SCCGOV.ORG>; Coates-Maldoon, Rebecca <rebecca.coates-maldo@PRK.SCCGOV.ORG>
Subject: RE: HEU: County of Santa Clara Housing Element Update - CEQA Notice of Preparation

I reviewed this project and the 54 parcels considered for housing throughout the County.

1. There are several site locations in unincorporated San Jose that are not adjacent to any CWTMP routes or County Parks.
2. There are three site locations with CWTMP routes adjacent to one or more parcels at the site, but not located near any County Parks.
 - Stanford University: developed O6 (Stanford Perimeter Trail) and undeveloped C1 (San Francisquito Creek/Los Trancos Creek Trail)
 - Gilroy: developed C32/O2 (West Branch Llagas Creek Trail/ West Branch Llagas Creek Trail Extension) and undeveloped O21 (Lions Creek Trail Extension)
 - Morgan Hill: undeveloped C25 (Main Street Trail)

Would you like me to write a comment letter?

Kelly Gibson

Associate Planner

Santa Clara County Parks
298 Garden Hill Drive
Los Gatos, CA 95032

parkhere.org



From: Planning <Planning2@pln.sccgov.org>

Sent: Monday, August 8, 2022 1:00 PM

Subject: HEU: County of Santa Clara Housing Element Update - CEQA Notice of Preparation



County of Santa Clara Housing Element Update

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT & STANFORD COMMUNITY PLAN UPDATE

The County of Santa Clara ("County") will be the Lead Agency and will prepare a program-level Environmental Impact Report (EIR) regarding proposed updates to the County's General Plan, including updates to the General Plan's Housing Element and the Stanford Community Plan (the "Project"). The County requests your input on the scope and content of the environmental information to be included in the EIR that is germane to your agency's statutory responsibilities in connection with the proposed Project. A brief description of the Project, its site boundary, and a summary of the potential environmental effects are provided on the following pages. Approval of the Project will require actions by the County of Santa Clara, including the preparation and certification of an EIR, adoption of a General Plan Amendment, and

adoption of changes to the County's zoning map and zoning ordinance necessary to maintain consistency with the General Plan. The EIR may also be used by your agency.

A Public Scoping/Community Meeting to solicit comments for the Notice of Preparation will be held **virtually via Zoom on August 23, 2022, from 6:30 p.m. to 8:00 p.m.** The zoom link for the meeting is: <https://sccgov-org.zoom.us/j/98927011384>

The **deadline for your response is September 8, 5:00 p.m.**; however, an earlier response, if possible, would be appreciated.

Please send your response to:

County of Santa Clara Department Planning & Development

Attention: Bharat Singh, Principal Planner

County Government Center

70 West Hedding, 7th Floor, East Wing, San José CA 95110

E-mail: Planning2@pln.sccgov.org

Luke Evans

From: Luke Evans
Sent: Wednesday, August 24, 2022 8:15 PM
To: Luke Evans
Subject: Moore, Vicki 2022-08-24

From: Vicki Moore <vickimoore1345@gmail.com>
Sent: Wednesday, August 24, 2022 3:47 PM
To: Planning <Planning2@pln.sccgov.org>
Subject: [EXTERNAL] Questions and concerns regarding County Housing Element EIR

Dear Bharat,

Thank you for holding the Scoping meeting for the County's HEU EIR.

I have the following questions that I request be addressed as part of the scope of the County's HEU EIR. They related to County General Plan policies and other growth and development policies and practices and the potential to set precedents that have been outside of the scope of County policies for many decades.

1. How can the County provide urban services to the Morgan Hill and Gilroy parcels without changing its longstanding General Plan policy that the County doesn't allow urban development in rural unincorporated areas? The fact that many of the parcels have development on three sides and are within Morgan Hill's urban service area is not a rationale for supporting housing in those lands outside an urban service area. And whether or not the parcels have been actively used for agriculture is also not a rationale.
2. If the urban service area needs to be extended to the Morgan Hill and Gilroy parcels before they can be developed, what's to keep the cities from simply annexing those parcels once they are in their urban service areas? Once the properties are within the cities' USA's, LAFCO approval for their annexation is no longer required. And if they don't annex those parcels, then isn't the County just creating new, very tiny unincorporated islands through its Housing Element Update?
3. Since extension of city USAs to include the Morgan Hill and Gilroy parcels would require LAFCO approval, why would LAFCO ever agree to a policy that might result in creating new unincorporated islands? LAFCO has no particular incentive to do this – and neither the County nor either of the cities can do unilaterally. And, if somehow LAFCO agreed to expand the cities' USA's to include these parcels, there's no reason the cities couldn't just annex the parcels and process whatever development takes place on them through their own development review and approval processes.
4. The County General Plan states that land uses at Stanford are governed by the General Use Permit. Are the three Stanford sites the County lists as candidate RHNA sites consistent with the current General Use Permit? If not, will the GUP need to be amended before Stanford can build them? Or will these sites, if developed with housing, count toward the housing requirements in the next GUP? My understanding is that the General Use Permit (GUP) is the guiding document when it comes to land use policy at Stanford – not the Stanford Community Plan. That would mean that unless the proposed development is in the GUP, it can't take place, regardless of what the Community Plan says.
5. It was stated that the density of development proposed by the County in most of the unincorporated sites within San Jose's USA are mostly consistent with San Jose's General Plans. If the County proposes more than the San Jose General Plan allows, then the County would need to amend that longstanding County General Plan policy. Is that one of the General Plan amendments referred to in the EIR scoping document? Would the County need to adopt exceptions to the General Plan policies for these specific urban unincorporated pockets?

6. Will all of the housing planned for development in urban pockets remain in the unincorporated area? If so, the staff's proposal will perpetuate the existence of unincorporated islands – contrary to longstanding County General Plan policy which calls for these islands to be annexed.

In summary, it's important to know if the proposed development sites can be included in the HEU without upending longstanding County rural area and urban development policies. If this is not the case, then the Planning Commission and the Board needs to understand that there may be a choice of changing long standing General Plan policies or adopting proposals that cannot realistically be implemented.

Thank you for your consideration,

Vicki Moore

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



September 2, 2022

SCH #: 2022080196
GTS #: 04-SCL-2022-01113
GTS ID: 27254
Co/Rt/Pm: SCL/VAR/VAR

Bharat Singh, Principal Planner
County of Santa Clara
70 West Hedding, 7th Floor, East Wing
San Jose, CA 95110

Re: County of Santa Clara 6th Cycle Housing Element Update & Stanford Community Plan Update Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)

Dear Bharat Singh:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the County of Santa Clara 6th Cycle Housing Element Update and Stanford Community Plan Update Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August NOP

Project Understanding

The proposed Project would make updates to the County's General Plan, including updates to the General Plan's Housing Element, the Stanford Community Plan, and other elements as required. The Housing Element Update will address the County's Regional Housing Needs Allocation of 3,125 housing units, plus an appropriate buffer. The DEIR will evaluate the potential environmental impacts of implementing the Housing Element Update and recommend mitigation measures for any significant impact, as required.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)). Please note that current and future land use projects proposed near and

adjacent to the State Transportation Network (STN) may be assessed, in part, through the TISG.

Transportation Impact Fees

We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. Caltrans welcomes the opportunity to work with the County and local partners to secure the funding for needed mitigation. Traffic mitigation or cooperative agreements are examples of such measures.

Lead Agency

As the Lead Agency, the County of Santa Clara is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,



MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 7, 2022

Bharat Singh, Principal Planner
County of Santa Clara
County Government Center
70 West Hedding, 7th Floor, East Wing
San José, CA 95110
Planning2@pln.sccgov.org

Subject: County of Santa Clara 6th Cycle Housing Element Update & Stanford Community Plan Update, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2022080196, Santa Clara County

Dear Bharat Singh:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from the County of Santa Clara (County) for the County of Santa Clara 6th Cycle Housing Element Update & Stanford Community Plan Update (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority (Fish & G. Code, § 1600 et seq.).

PROJECT DESCRIPTION SUMMARY

Proponent: County of Santa Clara

Objective: The Programmatic EIR would update the Housing Element of the General Plan and implement zoning changes.

Location: Unincorporated portions of urban and rural Santa Clara County.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an EIR is appropriate for the Project.

I. Mitigation Measures and Impacts

Would the Project 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 CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT #1: Table 2 Housing Opportunity Sites Inventory

Issue: The NOP does not discuss the likelihood of presence of California Endangered Species Act (CESA) species, including California tiger salamander (CTS, *Ambystoma californiense*, Federal Threatened, State Threatened), within or near the Project area. The California Natural Diversity Database (CNDDDB) shows CTS occurrences approximately one mile to the east of the eastern Morgan Hill Project site and ponds (potential breeding habitat) are located near the CTS occurrences approximately one mile to the west of the Gilroy Project site (CDFW 2022).

Specific impact: Direct mortality of CTS by crushing of burrows during construction and loss of CTS habitat.

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Why impact would occur: Implementation of the Project could include construction of housing, parking lots, roads, and related structures.

Evidence impact would be significant: CTS is listed under CESA and the federal Endangered Species Act (CEQA Guidelines, §15380, subds. (c)(1) and (c)(2)). CTS are known to be able to travel 1.3 miles from upland habitat to breeding ponds (USFWS 2004).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Mitigation Measure #1: Santa Clara Valley Habitat Plan Compliance

CTS is a covered species under the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (SCVHP). For activities that can be covered by the SCVHP, the draft EIR should describe CTS habitat expected to be impacted within the Project area (based on land cover types described in the SCVHP). The draft EIR should analyze all potential impacts to CTS aquatic and terrestrial habitat and include SCVHP conditions to be followed for coverage of the Project under the SCVHP.

Mitigation Measure #2: Habitat Assessment

For Project activities that will not be covered by the SCVHP, a qualified biologist should conduct a habitat assessment in advance of Project implementation to determine if the Project site or surrounding lands contain suitable habitat for CTS. The habitat assessment should include both suitable aquatic and terrestrial habitat within a CTS dispersal distance of 1.3 miles from the Project site. The assessment should evaluate the potential for CTS to disperse into the Project area and presence of any partial or full barriers that may restrict or impede CTS movements.

Mitigation Measure #3: Take Authorization

If CTS may be present at a Project site within dispersal distance of a known or suitable breeding pond, and full avoidance of take is not feasible, the Project proponent should apply to CDFW for take authorization through issuance of an Incidental Take Permit (ITP).

COMMENT #2: Table 2 Housing Opportunity Sites Inventory

Issue: In review of Google Earth aerials, the Project area includes woodland habitat, grassland, parks and urban areas with trees and shrubs. However, the NOP does not discuss potential impacts to biological resources, such as nesting birds.

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Specific impact: Direct mortality, nest abandonment, reduced reproductive success, and loss or reduced health or vigor of eggs or young.

Why impact would occur: Construction may result in loss of nesting habitat. The Project may also include impacts such as noise, groundwork, and movement of workers adjacent to nesting habitat that may potentially significantly impact nesting birds.

Evidence impact would be significant: Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the Migratory Bird Treaty Act is a violation of Fish and Game Code (§ 3503, 3503.5, 3513).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Mitigation Measure #1: Nesting Bird Surveys

If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct a minimum of two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Nest surveys shall include all potential nesting areas including, but not limited to, trees, shrubs, and grassland. However, species-specific survey protocols may be available and should be followed. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times.

Mitigation Measure #2: Active Nest Buffers

If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of the nest to characterize “normal” bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

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Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT #3: Table 2 Housing Opportunity Sites Inventory

Issue: A drainage channel, a tributary to LLAGAS Creek, is present within and adjacent to the Gilroy Project area. However, the NOP does not discuss Project activities that may result in temporary and/or permanent impacts to the drainage channel.

Specific impact: Diversion or obstruction of natural flows; substantial change or use of material from the bed, bank, or channel; and deposition of debris, waste, sediment, or other materials.

Why impact would occur: Implementation of the Project could include construction of housing, parking lots, roads, utilities, and related infrastructure within or across the drainage channel. Construction adjacent to the drainage channel may result in direct and/or indirect impacts to the channel and alter hydrology through diversion of water.

Evidence impact is potentially significant: Substantial diversion or obstruction of natural flow, change in stream bed or bank, or deposit of debris into streams without necessary permitting would be a violation under Fish and Game Code §1602.

Recommended Potentially Feasible Mitigation Measures:

Mitigation Measure #1: Wetland Delineation

A formal wetland delineation should be conducted by a qualified biologist prior to Project construction to determine the extent of wetlands present within the Project area. Please note that, while there is overlap, State and federal definitions of wetlands, as well as which activities require Notification pursuant to Fish and Game Code § 1602, differ, therefore, the delineation should identify which activities may require Notification to comply with Fish and Game Code (§ 1602).

Mitigation Measure #2: Notification of Lake or Streambed Alteration

Fish and Game Code §1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. Project construction activities may necessitate that the Project proponent submit an LSA Notification to CDFW. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. Additional information can be found at <https://www.wildlife.ca.gov/Conservation/LSA>.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kristin Garrison, Environmental Scientist, at (707) 944-5534 or Kristin.Garrison@wildlife.ca.gov; or Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 339-0334 or Brenda.Blinn@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

Bharat Singh, Principal Planner
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REFERENCES

California Department of Fish and Wildlife (CDFW). 2022. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed September 26, 2020.

U.S. Fish and Wildlife Service. 2004. Determination of threatened status for the California tiger salamander; and special rule exemption for existing routine ranching activities; Final Rule. Federal Register, Vol. 69:47212-47248.



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

September 7, 2022

Mr. Bharat Singh
County of Santa Clara
County Government Center
70 West Hedding Street, 7th Floor, East Wing
San Jose, CA 95110
Planning2@pln.sccgov.org

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT & STANFORD COMMUNITY PLAN UPDATE – DATED AUGUST 8, 2022 (STATE CLEARINGHOUSE NUMBER: 2022080196)

Dear Mr. Singh:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for the County of Santa Clara 6th Cycle Housing Element Update & Stanford Community Plan Update (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. Environmental Impact Reports for housing element updates and other regional projects often reference the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the EIR address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those

found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's EnviroStor data management system. The EnviroStor Map feature can be used to locate hazardous waste facilities and sites for a county, city, or a specific address. A search within EnviroStor indicates that numerous hazardous waste facilities and sites are present within Santa Clara County.

2. A State of California environmental regulatory agency such as DTSC or Regional Water Quality Control Board (RWQCB), or a qualified local agency that meets the requirements of [Assembly Bill 304 \(AB304\)](#) should provide regulatory concurrence that any of the sites proposed for housing are safe for construction and the proposed use.
3. The EIR should acknowledge the potential for historic and future activities on or near the proposed housing sites to have resulted in the release of hazardous wastes/substances and are documented on DTSC's Envirostor and the RWQCB's Geotracker databases. The EIR should identify other past and future activities, including past agricultural practices and removal of existing structures, that could potentially result in the release of hazardous wastes/substances. In instances in which releases have occurred or may occur, at sites not already overseen by DTSC, RWQCB, or other AB304 approved agencies, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
4. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

5. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.](#)
6. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material.](#)
7. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\).](#)

DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website.](#)

If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov.](mailto:Gavin.McCreary@dtsc.ca.gov)

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

Mr. Bharat Singh
September 7, 2022
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cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov



DEVELOPMENT SERVICES CENTER

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

September 8, 2022

County of Santa Clara Planning Office
Attention: Bharat Singh, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing,
San José CA 95110

Subject: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE COUNTY OF SANTA CLARA HOUSING ELEMENT & STANFORD COMMUNITY PLAN UPDATE

Dear Mr. Singh:

Thank you for the opportunity to review and comment on the Notice of Preparation of an Environmental Impact Report for the County of Santa Clara Housing Element and Stanford Community Plan Update. As a responsible agency, the City of Morgan Hill looks forward to working with the County on this project. As part of the response to the NOP, the City would like to request certain issues be reviewed and analyzed as part of the EIR.

This project includes analysis of 14 potential sites immediately adjacent to Morgan Hill City limits and within the City's sphere of influence. These 14 potential sites are also outside of the Urban Service Area and are not currently served by municipal water and sewer. The density and unit estimates included in Table 2 – Housing Opportunity Sites Inventory estimates 385-685 units could be accommodated on the 14 sites. With the focus on farmworker housing in this area, affordable projects will be using density bonus, and the overall unit numbers could be as high as 80% above estimates. The EIR should take into consideration availability of density bonus and account for the impacts of those additional units. Affordable housing projects within the City of Morgan Hill are regularly using density bonus to increase density and we expect to continue to see this trend in the future.

Given these properties are outside the USA and could potentially contain more than 1,000 units, the EIR should analyze whether there will be water and sewer capacity to serve the proposed sites in the future. The City recently provided the Housing Element team with a list of the City's pipeline housing projects for inclusion in the cumulative analysis. City infrastructure plans, namely water and sewer, can be found on the City website here: <https://www.morgan-hill.ca.gov/1646/Infrastructure-Master-Plans>. The City's General Plan can be found here: <https://www.morgan-hill.ca.gov/75/General-Plan>

If you have any questions regarding the comments, please contact me at (408)310-4657 or by email at jennifer.carman@morganhill.ca.gov.

Sincerely,


Jennifer Carman
Development Services Director



**Local Agency
Formation Commission
of Santa Clara County**

777 North First Street
Suite 410
San Jose, CA 95112

SantaClaraLAFCO.org

Commissioners

Rich Constantine
Susan Ellenberg
Sergio Jimenez
Yoriko Kishimoto
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Mike Wasserman
Susan Vicklund Wilson

Alternate Commissioners

Helen Chapman
Cindy Chavez
Matt Mahan
Russ Melton
Terry Trumbull
Executive Officer
Neelima Palacherla

September 8, 2022

VIA E-MAIL [Planning2@pln.sccgov.org]

Bharat Singh, Principal Planner
County of Santa Clara, Planning Office
County Government Center
70 West Hedding Street, 7th Floor, East Wing
San Jose, CA 95110

**RE: Notice of Preparation of an Environmental Impact Report for the County
of Santa Clara Housing Element & Stanford Community Plan Update**

Dear Mr. Singh:

Thank you for sending the Local Agency Formation Commission of Santa Clara County (LAFCO) a copy of the Notice of Preparation (NOP) of an Environmental Impact Report for the County of Santa Clara Housing Element & Stanford Community Plan Update via email on August 8, 2022 and for providing us with an opportunity to comment on the NOP. As generally described in the NOP, the project would make updates to the County's General Plan, including updates to the General Plan's Housing Element, the Stanford Community Plan, and amendments to other elements of the General Plan. More specifically:

The Housing Element Update would identify sites appropriate for the development of multifamily housing, and the County would rezone those sites as necessary to meet the requirements of State law. The County also proposes to create affordable housing and farmworker housing overlay zones based on the identification of High Opportunity Areas (for affordable housing), and access to amenities and services (for farmworker housing), which would facilitate more streamlined approval for such projects. Several updates to the Stanford Community Plan are also proposed.

And a number of amendments to other elements of the General Plan would be required to fully conform those elements to changes made in the Housing Element and Stanford Community Plan Update. The County would amend its Land Use Element and General Plan Land Use Designations map as needed to reflect the Housing Sites Inventory and would make any corresponding changes to other elements of the General Plan needed to ensure internal consistency within the General Plan as a whole, including the updated Housing Element.

LAFCO offers the following comments for the County's consideration:

Project Description Concerns

The project description in the NOP is inaccurate. As described, the proposed project is inconsistent with the long-standing fundamental growth management policies (Countywide Urban Development Policies) adopted jointly by LAFCO, the County, and the 15 Cities and presents foreseeable difficulties in implementation, such as the provision of urban services in rural areas (i.e. water, sewer, police, fire, emergency medical response, stormwater, etc.). Please see **Attachment A** for the Countywide Urban Development Policies (affirmed by Santa Clara LAFCO on April 6, 2022).

Furthermore, the project description is very general in nature and does not describe the challenges and obstacles to what the County is proposing.

The NOP includes information that is inaccurate. For example, the NOP (page 5, 2nd paragraph) states that “The HEU would perpetuate the County’s fundamental policies regarding growth management and the accommodation of urban development within cities’ urban service area (i.e. areas planned for urbanization).” However, the NOP (page 5, 4th paragraph) then states that “the County is considering using a limited number of sites within rural areas...” As is known, these rural areas are located outside of cities’ urban service areas (i.e. not planned for urbanization and not approved for annexation to a city). Therefore, the County’s proposed project (Housing Element Update and associated actions) would not perpetuate the County’s fundamental policies regarding growth management and do the exact opposite in terms of promoting urban development in these rural areas. This inaccuracy could result in unintentionally misleading the reader.

The impact of the County abandoning these long-standing fundamental policies should be thoroughly analyzed in the EIR. Such an analysis would lay out a number of difficulties (absent or inadequate urban services, infrastructure and public facilities, etc.) and adverse environmental impacts (loss of or risk to farmlands and open space, increase in GHG emissions, promotion of urban sprawl, etc.).

Buffer

Please clarify how much buffer the County is planning to provide in terms of its housing element inventory. It is our understanding that the State Department of Housing and Community Development (HCD) recommends that jurisdictions create a buffer of at least 15 to 30 percent.

Proposed Changes to County Zoning Designations and General Plan Designations

Please clarify whether the County is proposing to change the Zoning designation and General Plan designation for each Housing Opportunity Site. If so, please explain what specific changes are being proposed and for which specific sites, what the anticipated net effect would be in terms of number of units of housing; and identify and analyze the resultant environmental impacts.

Proposed Text Changes to General Plan and Zoning Ordinance

Please identify the specific changes (texts that will be revised, removed, or added) that the County proposes to make to the County's General Plan and County's Zoning Ordinance.

Maps & Tables of Proposed Housing Opportunities Sites

Please include city urban service area boundaries on all maps showing the identified Housing Opportunity Site Maps.

Please provide more detailed maps (at a larger scale) of all proposed Housing Opportunity Sites, showing current city boundaries (city limits and city urban service areas) in the vicinity of the site(s).

When providing tables identifying the proposed Housing Opportunity Sites, please include a column indicating whether the site is located inside or outside of a city urban service area. Furthermore, please include a column that includes information that allows the reader to cross reference a specific proposed housing opportunity site with a specific site on a map. The inclusion of the abovementioned information would assist readers in understanding the specific sites that the County has identified.

Identification of Responsible Agencies

Please clarify if LAFCO is a Responsible Agency as it relates to the EIR. If so, please indicate the types of LAFCO approvals that the County anticipates seeking. We also suggest that an additional section be included in the Draft EIR briefly identifying all Responsible Agencies for the EIR and providing brief information on the types of approvals or permits that the County anticipates seeking from the identified agencies.

Please also clarify whether the County anticipates tiering from the EIR for potential projects that require LAFCO approval and whether the County anticipates other jurisdictions tiering from the EIR for potential projects that require LAFCO approval.

Project Alternatives

Several of the parcels identified in Table 2 – Housing Opportunity Sites Inventory are located outside of City Urban Services Areas [i.e. parcels identified as Rural (Gilroy) and Rural (Morgan Hill)]. We request that the County evaluate a project alternative that plans for anticipated future growth solely within existing cities' Urban Service Areas. It is important that County thoroughly consider and analyze this alternative, as it is the only alternative that is consistent with the long-standing jointly adopted Countywide Urban Development Policies, County General Plan, and the goals of Plan Bay Area 2050; and would help to minimize climate change risks.

The County has identified a limited number of Housing Opportunity Sites within San Jose's urban service area. Given the large amount of land located within San Jose's urban service area, it is unclear why the County has not identified more housing

opportunity sites within San Jose's urban service area. Please explain how these sites were selected and why other sites were not.

In order to meet their Housing Element Update goals, the County should pursue strategies to increase the efficient use of sites within cities' Urban Service Areas, which would be consistent with County General Plan Policies, the Countywide Urban Development Policies, and Plan Bay Area goals, and would result in less significant environmental impacts.

Conclusion

We support the goal of developing more housing in Santa Clara County and encourage the County to locate housing development on lands that are already within cities' Urban Services Areas so that these lands can be annexed and effectively be served by cities. We have shared this information with County staff in prior discussions and correspondence over the last several months.

We respectfully request that the County consider the comments presented in this letter. If you have any questions regarding this letter, please contact Dunia Noel, at (408) 993-4704. Thank you again for providing us with this opportunity.

Sincerely,



Neelima Palacherla
LAFCO Executive Officer

Cc: LAFCO Members
Jacqueline Onciano, Director, Santa Clara County Dept. of Planning & Development

Enclosure:

Attachment A: Countywide Urban Development Policies

COUNTYWIDE URBAN DEVELOPMENT POLICIES

1.1 INTRODUCTION

In the early 1970s, LAFCO, the County, and the 15 cities adopted¹ a set of fundamental growth management policies known as the Countywide Urban Development Policies (CUDPs). This pioneering and cooperative effort to guide future growth and development in Santa Clara County established jurisdictional roles, responsibilities, and regulatory systems for the timing and location of urban development. Its most central policy required urban growth and development to be located within cities and for unincorporated lands outside cities to remain rural.

Today, the CUDPs remain the foundation of all LAFCO policies, and of the cities' and County general plans. Furthermore, they serve as a living example of how collaboration between LAFCO, the County, and the cities, built on sound planning and growth management principles, help to discourage urban sprawl, preserve agricultural and open space lands, and promote efficient urban services delivery.

In the years immediately following their adoption, the CUDPs were documented in various adopted plans. These included the County's 1973 Urban Development/Open Space Plan, a countywide element of its general plan, and various general plans of the cities. The CUDPs formed the fundamental basis for the County's first consolidated 1980 County General Plan, and today, these policies are carried forward in the current Santa Clara County General Plan, the Envision San Jose 2040 General Plan, and are reflected in portions of most other cities' general plans.

These fundamental policies were incorporated and interwoven into various LAFCO policies over the years, forming an inseparable part of LAFCO law and policy for Santa Clara County. Given their long-term significance and ongoing applicability to planning and decision making in the future, this chapter provides an authoritative definition of the oft-referenced CUDPs, and comprehensively documents their history and their ongoing beneficial impacts.

1.2 HISTORY

When LAFCO was created in 1963, Santa Clara County was experiencing dramatic growth in population and economic development; however, it lacked a system to plan for the needs of the rapidly growing population and to manage the unbridled competition between the cities and County for territory and tax base. Annexation wars raged as cities competed with each other for land to meet growth needs exclusively by means of expansion, while the County, which still had a major percentage of the territorial jurisdiction of the North Valley, also allowed subdivisions and commercial development wherever possible. Cities

¹ LAFCO adopted the CUDPs on December 1, 1971; the County Board of Supervisors adopted them on January 12, 1972; and the cities adopted them between December 1971 and April 1972.

leapfrogged over undeveloped lands and annexed long, narrow strips of land along public roads in order to annex farmlands whose owners were seeking to develop.

This period of the county's history caused significant jurisdictional fragmentation and transformed the natural landscape. Some cities pursued defensive annexations in order to block other cities from annexing lands in their vicinity. Seeking to avoid annexation by nearby cities, many landowners and residents incorporated as new cities. In the decade leading up to 1963, seven new cities were formed, and by 1963 there were 63 special districts in existence (not including school districts). The proliferation of special districts provided specialized municipal services (e.g. sewer/sanitation, water, fire protection) to new urban development, with resultant fragmentation and duplication of utilities and urban services.

This disorderly, unmanaged growth also resulted in rapid conversion of productive farmland to urban and suburban land uses, and by the early 1960s much of the farmland in the northern part of the county was urbanized. The county once known as the "Valley of Heart's Delight," with fruit orchards and farms spanning the valley floor, could best be described as a sprawling patchwork of development, with fragmented services and illogical jurisdictional boundaries that were difficult and costly to serve.

As the economic and environmental costs of sprawl began to be better understood, a cooperative, solution-oriented approach was sought. LAFCO took the lead, and in 1967 adopted "boundary agreement lines" that served as a "cease fire" solution to the annexation wars. These boundary agreement lines, (originally called Spheres of Influence) as agreed to by the cities, divided the entire county into 15 separate areas and defined which lands could potentially be annexed into each of the cities. These agreements, now superseded by the function of Urban Service Areas (USA) and Spheres of Influence, provided a stable foundation for LAFCO, the 15 cities and the County to then discuss how to manage urban development in the county for the long term. Those discussions soon led to the development of a countywide policy framework through an unprecedented system of intergovernmental planning and cooperation, when LAFCO, the County and the 15 cities jointly adopted the Countywide Urban Development Policies.

1.3 COUNTYWIDE URBAN DEVELOPMENT POLICIES

The intent of adopting the CUDPs was for LAFCO, the County, and cities to establish a mutually agreed upon and long-term system to sustainably manage growth on a countywide basis. The CUDPs identify the distinct roles and expectations regarding the service responsibilities of the cities versus the county. They allow for urbanization in a manner that will accommodate the development goals of individual communities while conserving the natural resources of the county as a whole. They promote efficient and effective delivery of community services for existing and future residents/taxpayers, and they provide a stable and predictable foundation that allows for cooperative intergovernmental relations.

In brief, the fundamental CUDPs are stated as follows:

1. Urban development should occur, and urban services should be provided only on lands annexed to cities – and not within unincorporated areas, urban or rural.
2. Urban expansion should occur in an orderly, and planned manner – with cities responsible for planning and providing services to urban development within

explicitly adopted Urban Service Areas (USA) whose location and expansion is subject to LAFCO approval authority.

3. Urban unincorporated islands within USAs should eventually be annexed into their surrounding cities, so that cities have the responsibility for urban services and land use authority over all lands within their USA boundaries.

1.4 IMPLEMENTATION OF THE COUNTYWIDE URBAN DEVELOPMENT POLICIES

The CUDPs established important mutual commitments between the County and the 15 cities regarding timing and location of urban development. Implementation of these policies occurred by means of an evolving collaborative partnership between cities, the County, and LAFCO.

The **County** agreed to no longer compete with the cities for new urban development and undertook a series of actions to fulfill its commitment to the CUDPs. For lands outside city USAs, the County adopted its 1980 General Plan with land use plan designations and zoning districts that significantly limited allowable uses and densities of development, typically with minimum lot sizes of 20 acres per parcel up to 160 acres per parcel.

For lands within USAs, as early as in 1975, the County approved ordinances and adopted referral procedures that provided the opportunity for a city to annex lands within unincorporated islands as a pre-requisite to proposed new urban development. The County also amended its development ordinances and policies to require that discretionary land use approvals such as subdivisions, zone changes, and use permits within city USAs conform to the general plans of the cities.

The **cities** assumed full responsibility to plan for and accommodate needed urban growth and prepared USA maps identifying lands they intended to annex in order to develop and provide urban services within 5 years. The cities submitted their proposed USA boundaries to LAFCO for approval and committed to annex lands within the USA, including unincorporated islands, which were generally the result of past annexation practices and the annexation wars.

LAFCO conducted hearings and adopted the USA boundaries for each of the 15 cities on the following dates.

Campbell	November 1, 1972
Cupertino	March 4, 1973
Gilroy	December 6, 1972
Los Altos	June 6, 1973
Los Altos Hills	January 3, 1973
Los Gatos	April 4, 1973
Milpitas	December 6, 1972
Monte Sereno	December 6, 1972
Morgan Hill	October 4, 1972
Mountain View	February 7, 1973
Palo Alto	April 4, 1973

San Jose	October 4, 1972
Santa Clara	November 1, 1972
Saratoga	March 4, 1973
Sunnyvale	December 6, 1972

LAFCO then became responsible for decision-making regarding future modifications to the cities' USA boundaries, in order to achieve the mutual goals that these policies established, such as agricultural land preservation, hillside preservation, and orderly, efficient and sustainable growth patterns. LAFCO's role in this regard is unique to Santa Clara County and is codified in state law.

From their inception to today, the CUDPs are essential and integral to all other LAFCO goals and policies. Therefore, LAFCO formally recognizes and affirms the CUDPs as the foundation of land use planning in Santa Clara County and all related policy and decision-making.

1.5 LASTING BENEFITS OF THE COUNTYWIDE URBAN DEVELOPMENT POLICIES

Collaborative implementation of and steadfast commitment to these policies have made Santa Clara County a much more livable, sustainable place than it would otherwise have become. The CUDPs and their systematic approach to managing urban growth have benefited the county as a whole and all its residents in multiple and mutually-reinforcing ways to promote:

- **Sustainable Growth:** ensuring sustainability and livability of communities by ensuring quality of life is not sacrificed to disorderly growth;
- **Fiscal Responsibility and Resiliency:** minimizing costs to taxpayers for public infrastructure and services through compact growth;
- **Environmental Stewardship:** safeguarding air and water quality, wildlife habitat, and water supply reservoir watersheds, and preventing loss of public open space assets critical to ecological balance;
- **Affordable and Responsibly-Located Housing:** promoting complete and efficient use of existing urbanized lands within cities, building within rather than outward, resulting in more cost efficient housing opportunities close to transit and services;
- **Transportation Options:** reducing sprawl and promoting compact development to reduce traffic demand generated by outward growth, emissions and pollution from vehicles, reduce longer commute distances, and encouraging urban densities supportive of transit solutions;
- **Open Space and Farmland Preservation:** protecting open space, parklands, hillsides and farmlands from premature and/or unwarranted development.

Taken together, all of these beneficial outcomes are part of the future-oriented approach recognized as being necessary to address the potentially disastrous effects of increasing greenhouse gas emissions and climate change.

For example, the CUDP's framework focuses urban development within cities, while preserving non-urban, open space areas such as the mountains that ring the north and

south valley, as well as the remaining agricultural lands outside cities. In the last few decades, many cities' policies have evolved to accommodate tens of thousands in population growth within their existing boundaries rather than covering vast areas of land with low density sprawl. As a result, even with substantial growth in the county's population and economy since the CUDPs were adopted, the county's urban footprint has remained largely unchanged.

The CUDPs have been critical to the county's ability to protect and preserve open space. Only 23% of the county's total land area is within cities' USAs, while accounting for an overwhelming majority (95%) of the county's 2 million residents. This growth pattern has allowed open space districts and conservation agencies to better protect open space lands outside the urbanized areas. Nearly 30% of the county's land area is now comprised of protected open space lands or land that is under conservation easements.

Implementing the CUDPs has significantly contributed to fiscal efficiency and cost savings to taxpayers. Over the years, LAFCO, the cities, and the County have facilitated the annexation of hundreds of unincorporated islands to their surrounding cities. Today there are far fewer islands and far fewer special districts providing services, reducing the inefficiencies of fragmented service and land use responsibilities, and resulting in more efficient delivery of public services at lower costs to taxpayers.

Furthermore, the CUDPs form the foundation of the plans and functions of many local and regional agencies working to create sustainable communities and landscapes. For example, the CUDP concepts continue to inform countywide climate resiliency and sustainability planning, as well as the work of the following:

- the land acquisition and preservation strategies of many agencies involved in open space and farmland preservation, such as the Santa Clara Valley Open Space Authority, Midpeninsula Regional Open Space District, Peninsula Open Space Trust, and others;
- the transportation planning and investment strategies of the Metropolitan Transportation Commission and the County's Valley Transportation Authority;
- the regional housing needs allocations made by the Association of Bay Area Governments;
- the Santa Clara Valley Water District's water supply planning; and
- the work of many non-profit organizations to promote social equity, affordable housing, and environmental justice.

When created nearly five decades ago, Santa Clara County's growth management system was recognized widely as a national pioneer and paradigm of cooperative regional planning for growth management, and its policies and successes have been adopted elsewhere with local variations. Today, the CUDP's systematic planning principles are crucial to and consistent with climate-smart growth policy and climate resiliency concepts that have taken shape in the last 20 to 30 years. They form the critical foundation of most regional planning and decision-making in Santa Clara County, not just for today but into the foreseeable future, as originally intended.



September 8, 2022

Bharat Singh, Principal Planner
County of Santa Clara Planning Office
70 West Hedding, 7th Floor, East Wing
San José CA 95110

SENT VIA E-MAIL TO: Planning2@pln.sccgov.org

Subject: **Notice of Preparation of an Environmental Impact Report for
County of Santa Clara Housing Element Update & Stanford Community Plan
Update (2023-2031)**

Dear Mr. Singh:

On behalf of the Midpeninsula Regional Open Space District (Midpen) and the Santa Clara Valley Open Space Authority (Open Space Authority), two public, independent special districts, we respectfully submit the following comments regarding the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the County of Santa Clara's Housing Element Update & Stanford Community Plan Update (2023-2031).

Comprised of over 65,000 acres of acquired and protected open space on the San Francisco Peninsula, Midpen is one of the largest regional open space districts in California. Our braided mission is to acquire and preserve in perpetuity open space and agricultural land of regional significance, to protect and restore the natural environment, to preserve rural character and encourage viable agricultural use of land resources, and to provide opportunities for ecologically sensitive public enjoyment and education.

The Open Space Authority was created by the California State Legislature in 1993 to conserve the natural environment, support agriculture, and connect people to nature by protecting open spaces, natural areas, and working farms and ranches for future generations. The Open Space Authority also recognizes and supports addressing the community's need for more accessible and affordable housing. On May 27, 2021, the Open Space Authority Board of Directors approved a resolution "Recognizing the Intersection of Environmental and Social Equity as it Relates to Housing and Climate Change in Honor of May as Affordable Housing Month"; through this action, the agency reaffirmed its responsibility and commitment to working towards multi-benefit solutions that recognize the interconnectedness of the environmental, economic, social, and health challenges that our community faces.

In accordance with the Metropolitan Planning Commission's adopted Plan Bay Area 2050, per SB 375 (2008, Steinberg), the region's goal is to reduce greenhouse gas emissions by focusing housing near jobs and transit. At the same time, the 6th cycle of the Regional Housing Needs Allocation (RHNA) has resulted in an increase of over 1,000% in the County's allocation from the

last RHNA cycle. We understand the County's challenge in addressing the RHNA housing allocation of 3,125 units while remaining consistent with County General Plan policies to curtail sprawl by implementing strategies to encourage infill construction within the existing urban footprint of our communities.

Along with other open space conservation and environmental organizations, Midpen and the Open Space Authority have been following the RHNA and Housing Element Update (HEU) processes and appreciated the County of Santa Clara's 2021 appeal to the Association of Bay Area Governments (ABAG) regarding the County's allocation of 3,125 housing units for the 6th RHNA cycle. Both of our agencies actively advocated against such a dramatic increase for the County of Santa Clara specifically because the allocation would put pressure on the conversion of natural and working lands, which are vital resources that the County has for decades responsibly protected. As stated in the July 9, 2021 appeal letter to ABAG (see attached), the County emphasizes how, "[t]he allocation ignores several ground realities and material limitations, coupled with longstanding County General Plan policies that focus growth within urban areas to combat sprawl and preserve farmlands within unincorporated areas." In addition, the County's appeal letter further states how "the County further recognizes that implementation of State Department of Housing and Community Development (HCD)'s allocation could catalyze greenfield development, not just in the unincorporated county but throughout the nine county Bay Area region, and this type of development pattern is contrary to the efforts being made throughout the Bay Area to reduce vehicle miles traveled (VMT) and create sustainable and resilient communities." As regional public open space districts, Midpen and the Open Space Authority applaud the County's firm position on upholding the General Plan policies for protecting open space and working lands within the rural unincorporated areas of Santa Clara County.

Furthermore, Midpen and the Open Space Authority agree with the County's appeal justification that ABAG did not comply with the RHNA objectives identified in Government Code Section 65584(d), which specifies that a RHNA plan must further all five statutory objectives outlined in said government code, including: *(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.*

As regional open space agencies, Midpen and the Open Space Authority urge the County to continue its environmental leadership by upholding its long-standing General Plan policies that promote compact development in urban areas and preserve environmental and agricultural resources. The County has previously emphasized in their appeal letter to ABAG to "...stop the expansion of the Urban Service Areas (USAs) by cities and to keep the unincorporated county lands rural"; this complies with the fundamental tenants of its General Plan.

Our NOP comments are focused on the following environmental issues/technical sections that should be addressed in the EIR: (a) Agricultural and Forestry Resources (b) Land Use and Planning, (c) Public Services and Recreation and (d) EIR Alternatives to be further analyzed.

Agricultural and Forestry Resources

Based on the Housing Opportunities Site Inventory in Table 2 of the NOP, the HEU proposes 34 parcels and approximately 136.3 acres of zoned agricultural lands with General Plan designations of Open Space Reserve, Agriculture Medium Scale or Agriculture Large Scale as potential housing sites (see Table 1 below).

The Open Space Authority, through its wildlife [research](#) over many years, has identified that these agricultural lands (working lands) also serve as vital habitat for local wildlife and often provide critical habitat linkages for the Bay Area region as a means to promote genetic diversity and climate change resilience for wildlife populations, including mountain lions – a special status species. The conversion of these agricultural lands also results in loss of habitat lands and connectivity. Cumulatively, the loss of these agricultural lands and resources is a significant impact and will need mitigation measures in the EIR. However, the conversion could be all together avoided if other alternatives are pursued. Given the state of climate change and the threats to local wildlife and listed species, avoiding the loss of additional habitats and wildlife connectivity need to be prioritized.

Table 1. Summary of Agricultural-zoned lands for potential housing

Number of parcels	Acreage	Jurisdiction (rural area)	Existing Zoning	Existing General Plan Designation
18	60.1 ac.	Gilroy (rural area)	Agriculture	Open Space Reserve (County); Neighborhood District High (Gilroy)
13	46.7 ac.	Morgan Hill (rural area)	Agriculture	Agriculture Medium Scale (County); Residential Detached Medium (Morgan Hill)
1	14.2 ac.	Morgan Hill (rural area)	Agriculture	Agriculture Large Scale (County)
2	15.3 ac.	San Jose (urban area)	Agriculture	13-acres of Neighborhood/Community Commercial (San Jose); 2.3-acres of Neighborhood/Community Commercial (San Jose) Unplanned Urban Village
34	136.3 acres	Total	-	-

Midpen and the Open Space Authority urge reconsideration of these proposed agricultural/open space land conversions and instead divert the development potential to infill sites and to increasing the density of the existing built environment. Not only would these land conversions result in impacts to wildlife connectivity and safe wildlife dispersal to seek refuge, mates, food, and water, these conversions also increase the pressure to develop and convert surrounding open space lands. Other impacts also include loss of permeability and water infiltration to recharge groundwater resources that also feed downstream creeks, increased emissions from development located further away from urban and suburban centers, and loss of local agricultural production and local food sources.

Land Use and Planning

State laws regarding local general plans require internal consistency among general plan elements and policies.

The County of Santa Clara's General Plans for the past 50 years have clearly stated that:

"Urban development shall occur only within cities' urban service areas (USAs) and under city jurisdiction. The County shall not allow urban development on unincorporated lands outside cities' urban service areas." (C-GD 2)

"For lands outside cities' Urban Service Areas (USAs) under the County's land use jurisdiction, only non-urban, low density uses shall be allowed." (R-GD 02)

The proposed HEU's housing densities for rural unincorporated areas are found in urban environments and inconsistent with the County General Plan and Santa Clara County Local Formation Commission (LAFCO) policies that protect rural unincorporated areas from urban development.

The NOP states, "[i]n order to accommodate the new units, the County will have to rezone sites in both urban and rural unincorporated areas and amend other elements of the General Plan as needed to ensure that the General Plan as a whole remains consistent with the HEU." If the HEU is approved and implemented, the resulting amendment to the General Plan will facilitate continued urban sprawl and significantly higher densities in the rural unincorporated areas.

Rezoning 121-acres of agricultural lands in areas near Gilroy and Morgan Hill for housing also sets a concerning precedent that may have long-term impacts on the natural and working lands across Santa Clara County, opening the door to expanding urban development in rural, unincorporated areas in the future. The EIR needs to analyze the long-term/cumulative effects on open space and agricultural land protection if the proposed General Plan policy amendments needed to rezone and develop the rural unincorporated areas are approved. The EIR must also analyze the proposed project's consistency with LAFCO policies.

Public Services and Recreation

An extension of urban services (especially sewer and water) for the HEU's proposed housing sites in the rural unincorporated areas will require the Cities of Gilroy and Morgan Hill to seek LAFCO approval for "out of agency service agreements". The EIR needs to analyze the environmental impacts associated with the development of new sewer lines, water lines, and/or roadways to accommodate higher density housing in the rural unincorporated areas, particularly where these infrastructure improvements will be going through critical habitat and wildlife connectivity areas in Coyote Valley. While CEQA does not address the fiscal impacts of public services and infrastructure, the County should analyze in the EIR the environmental feasibility of implementing the necessary infrastructure improvements in the rural unincorporated areas, including the likelihood for the Cities of Gilroy and Morgan Hill to support the extension of necessary urban services to these unincorporated parcels.

In addition to the NOP comments, the proposed Housing Opportunity Sites in Morgan Hill and Gilroy may not meet the requirements of Housing Element Law for site selection (Government Code section 65583.2) given the lack of planned and accessible infrastructure. Moreover, because of the need to extend infrastructure to accommodate new greenfield development, the need to change County policy and ordinances, and the need for outside agency (e.g., LAFCO) and jurisdictional approvals (cities of Morgan Hill and Gilroy), it is unlikely that these sites have the potential to accommodate new residential development within the eight-year timeframe of the housing element planning period.

The HEU's proposed extension of urban services will need to be evaluated to understand the potential environmental impacts and identify suitable mitigation from the loss of open space lands, local agricultural lands, wildlife corridors, and habitat connectivity if development is allowed to occur in the open space lands of rural unincorporated areas.

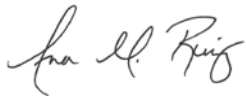
EIR Preferred Alternative

As a preferred alternative to the proposed HEU, the County can instead concentrate development in areas that are fully surrounded by urbanization and areas located within the USAs. Densities to accommodate the required housing units can and should be increased in those already urban areas to meet the RHNA numbers. This includes the urban unincorporated islands in the City of San José that have remained underutilized and underdeveloped. To this end, we urge continued dialog and coordination between the County of Santa Clara and the City of San Jose to find holistic solutions that limit the focus to housing within urban areas. This alternative would remove the 34 parcels identified as potential housing sites in the rural unincorporated areas near Gilroy and Morgan Hill and promote compact development and good urban planning principles, which are consistent with current County and City General Plans and LAFCO policies. Promoting this pattern of smart urban development has added benefits of reducing infrastructure costs and greater opportunities for low vehicle miles traveled (VMT) transportation alternatives.

For many decades, Midpen and the Open Space Authority have regarded the County of Santa Clara as a strong partner in protecting open space and agricultural resources and preserving the region's environmental values and unique biodiversity. We urge the County to reconsider the proposed HEU, which fundamentally shifts the long-standing General Plan policies for the rural unincorporated areas of the county. Midpen and the Open Space Authority appreciate the County's public engagement process for the HEU, as it considers how best to address the region's housing needs.

Thank you for your consideration of these comments, and we welcome any questions you may have, as well as any opportunities where we may be able to help the County with the crafting of the alternative we have proposed. Please direct questions to Jane Mark, AICP, Planning Manager, at Midpen, jmark@openspace.org or Marc Landgraf, External Affairs Manager at the Open Space Authority, mlandgraf@openspaceauthority.org.

Sincerely,



Ana M. Ruiz
General Manager
Midpeninsula Regional Open Space District



Andrea Mackenzie
General Manager
Santa Clara Valley Open Space Authority

Attachment: County of Santa Clara RHNA Appeal Request – dated July 9, 2021

CC:

Midpeninsula Regional Open Space District Board of Directors

Santa Clara Valley Open Space Authority Board of Directors

Santa Clara County Board of Supervisors

Jacqueline Onciano, Director of Planning and Development, County of Santa Clara Planning Office

Neelima Palacherla, Executive Director, Santa Clara County Local Agency Formation Commission

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
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July 9, 2021

The Administrative Committee
Association of Bay Area Governments (“ABAG”)

Re: County of Santa Clara’s Appeal of the 2023-2031 RHNA Cycle Allocation

Dear President and ABAG Administrative Committee:

Please accept this appeal of the County of Santa Clara 2023-2031 Regional Housing Needs Assessment (“RHNA”) Cycle allocation. The appeal is being submitted in response to ABAG’s failure to consider information submitted by the County of Santa Clara (“County”) relating to certain local factors affecting Santa Clara County, outlined in Government Code Section 65584.04(e), and ABAG’s improper application of its allocation methodology, as described in the enclosed appeal packet and Appeal Request Form. Based on the supporting information provided with this appeal, the County requests correction of the allocation and reallocation of the County’s assigned units. The County of Santa Clara’s allocation of 3,125 housing units inappropriately directs growth into rural areas designated for preservation and forces the County to upend decades of successful policies that enable cities to plan for future growth in the urban unincorporated areas. The County of Santa Clara Board of Supervisors unanimously authorized the submission of this appeal at its regular meeting on May 25, 2021 (Item No. 36).

The County acknowledges that ABAG has had the difficult task of developing a methodology to distribute the 134 percent increase in housing allocation from the California Department of Housing and Community Development’s (“HCD”) last RHNA cycle, resulting in an approximately 441,176 additional housing units throughout the nine-county Bay Area region. The County further recognizes that implementation of HCD’s allocation could catalyze greenfield development, not just in unincorporated county but throughout the nine-county Bay Area region, and this type of development pattern is contrary to the efforts being made throughout the Bay Area to reduce vehicle miles traveled (VMT) and create sustainable and resilient communities. As a result, jurisdictions throughout the region face substantial increases in their RHNA allocations. For the County, this means 3,125 units, which represents an over **1000 percent increase** in the County’s allocation from the last RHNA cycle when the County was allocated 277 housing units. This exponential increase is disproportionate to the overall regional allocation. The allocation ignores several ground realities and material limitations, coupled with longstanding County General Plan policies that focus growth within urban areas to combat sprawl and preserve farmlands within unincorporated areas.

Through the vision and commitment of the Board of Supervisors, the County has been a leader in funding and building affordable housing within the incorporated and urbanized areas of the county. In November 2016, Santa Clara County voters approved Measure A—a \$950 million housing bond that has been instrumental in funding the construction of new affordable housing developments. Within seven cities in the county, Measure A has funded 2,969 new affordable units in the last four years. Additionally, the County continues to purchase parcels in these cities and repurpose existing County-owned sites to build affordable housing to address the regional shortage. All of these affordable housing units will be counted towards the individual cities’ RHNA requirements.

//

Thank you for your consideration of the County's appeal.

Sincerely,

JACQUELINE R. ONCIANO
Director, Department of Planning and Development
County of Santa Clara

APPROVED:

Sylvia M. Gallegos
Deputy County Executive

APPROVED AS TO FORM AND LEGALITY:

Giulia Gualco-Nelson
Deputy County Counsel

Enclosures:

Attachment A: *Appeal Request Form (filled online)*

Attachment B: *Appeal Documentation*

Attachment C: *Unincorporated Urban Service Areas in Santa Clara County & Example of City General Plan covering an Unincorporated Urban Service Areas*

Attachment D: *Site Inventory Parcels Within Unincorporated Urban Service Areas (USAs) Listed in Previous Housing Elements*

Attachment E: *Letters to ABAG*

Attachment F: *Sites Identified by the ABAG/MTC Housing Element Site Selection Tool outside the Urban Service Areas*

ATTACHMENT B:
Appeal Documentation

The County of Santa Clara (“County”) is making an appeal on the basis of two of the three grounds for appeal outlined in Government Code section 65584.05(b)(1)-(2).

1. ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey.

Pursuant to Government Code section 65584.04(b), the County responded to ABAG’s survey with information on the availability of land suitable for urban development, lands preserved or protected from urban development to protect open space, farmland, environmental habitats, and agreements between the County and cities to direct growth toward incorporated areas of the county. In formulating its methodology, ABAG did not adequately consider the following responses:

Question 12: *What agreements, if any, are in place between your county and the cities in your county that direct growth toward either the incorporated or unincorporated areas of the county?*

County Response: *“County General Plan clearly identifies a policy for compact growth focused on development into incorporated area. The Plan also established a framework to manage land use in the South County - South County Joint Area Plan County has an agreement with San Jose regarding growth management.*

Overall County GP/LAFCO policies.”

Question 19: *What are the primary barriers or gaps your jurisdiction faces in meeting its RHNA goals for producing housing affordable to very low- and low-income households?*

County Response:

- *“Local gap financing for affordable housing development*
- *Availability of land*
- *Community opposition”*

Question 51: *Are there any other factors that you think ABAG should consider in the RHNA methodology?*

County Response: *“Unincorporated County has a clear distinction between urban and rural areas. Our urban Areas are built out, and we trying to discourage development in rural areas as per our General Plan policies. In addition, the county is trying to preserve working farms, both as way to limit growth, and preserve abilities to sequester carbon. ABAG should consider these aspects in estimating housing allocations for unincorporated county.”*

Question 52: *What criteria or factors do you think are most important to consider in the RHNA methodology?*

County Response:

- *“Rural/Urban context,*
- *Consistency with County Growth policies,*
- *Access to transit, services, and utilities”*

In its survey responses to Question 19, the County highlighted the issue of the availability of suitable land. The County does not have the authority to carry out land use planning in areas within unincorporated

urban service areas (USAs), most of which is being built out with single-family residential development. In the responses to Questions 12, 51 and 52, the County asked that ABAG consider the County's General Plan policies that aim to curtail sprawl by focusing growth within incorporated areas, and urban parts of unincorporated county or within USAs. (See Attachment C, *Unincorporated Urban Service Areas in Santa Clara County & Example of City General Plan covering an Unincorporated Urban Service Areas*). Two County policies, in particular, facilitate greater cohesive development patterns between incorporated and unincorporated USAs. First, the County's General Plan states, "*land use planning for these urbanized parts of unincorporated county are conducted by the cities.*"¹ It is the County's policy that these urban unincorporated areas will eventually be annexed into the respective cities. Relatedly, a second County policy in the County's Zoning Ordinance² provides that the County *does not allow any significant projects within these areas unless the project conforms with the affiliated city's General Plan, and the city has the option to annex the project area.*³ In addition, the County works with cities to ensure all utilities and services to the USAs are provided for by the respective cities.⁴

These two policies have been in place for over 25 years and are actively utilized by cities to plan for the unincorporated areas within their respective USAs. To that end, ABAG and HCD have recognized these planning policies in the past two RHNA cycles, as the County was assigned housing unit goals commensurate with the County's longstanding regulations to concentrate growth within existing urban areas. Additionally, HCD approved prior Housing Elements of cities where site inventories include sites located in their respective unincorporated USAs. For example, the past two Housing Elements (2007-2014, 2015-2023) of the City of San José identify over 237 acres of land for housing development within the urban unincorporated county, totaling to a capacity of 3,716 housing units (see Attachment D, *Site Inventory Parcels Within Unincorporated Urban Service Areas (USAs) Listed in Previous Housing Elements*). Consistent with these policies, the County has not identified any parcels within unincorporated urban pockets in prior Housing Element site inventories.

Furthermore, several residential and mixed use projects planned and managed by the City of San José are within unincorporated USAs, such as the [Communication Hill \(2,200 new units, annexed 2015\)](#) and the [Cambrian Park Plaza \(over 400 new units, annexation in process\)](#) projects. The City of San José was able to plan for these projects because the County's General Plan facilitates such planning and annexation by the city. While there remains a handful of unincorporated pockets within cities, most of these pockets are built out with single family developments and do not have capacity for additional development other than supporting Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU). The County has previously pointed out these challenges to the ABAG Executive Board and ABAG staff, with the County urging ABAG to allocate the County's capacity estimates for unincorporated USAs to be reassigned to the respective cities given these policies. (Attachment E, *Letters to ABAG.*)

¹ County General Plan Book B, Part 4 Urban Unincorporated Area Issues & Policies. Strategy #2: *Ensure Conformity of Development with Cities' General Plans.*

² Zoning Ordinance of the County of Santa Clara, § 5.20.070 (providing that no application for a land use entitlement shall be accepted for any parcel of land within a city's urban service area except for minor alteration and reconstruction projects and development of unincorporated lands on Stanford University). In addition, Zoning Ordinance § 5.20.060 requires uses within a city's urban service area, including those not subject to annexation, to conform to the city general plan. Due to an intergovernmental protocol agreement adopted jointly by the County of Santa Clara, Stanford University, and the City of Palo Alto, these USA policies do not apply to unincorporated lands of Stanford University's campus.

³ County General Plan Book B, Part 4 Urban Unincorporated Area Issues & Policies. Strategy #1: *Promote Eventual Annexation.*

⁴ County General Plan Book B, Part 4 Urban Unincorporated Area Issues & Policies. Strategy #3: *Provide Services as Efficiently and Equitably as Possible.*

The County General Plan policies, the recognition of these policies by ABAG in past RHNA cycles and city Housing Elements, and the stated examples of projects within unincorporated USAs receiving RHNA credit by the respective city indicate that ABAG failed to adequately consider the County’s General Plan policies, which act as an agreed upon framework that all future development within USAs are the responsibility of the affiliated city. The examples given above show that the County’s policies have worked successfully over the last two decades and have resulted in infill housing developments being planned and built. **Therefore, the County asks that any RHNA allocation for the County that was determined by accounting for housing capacity or existing residential population within unincorporated USAs be reassigned to the respective cities affiliated with the USAs.**

2. ABAG did not determine the jurisdiction’s allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives identified in Government Code Section 65584(d).

The regional housing needs allocation plan must further all five statutory objectives outlined in Government Code section 65584(d). Of the five statutory RHNA objectives, the County highlights the following statutory objective in section 65584(d)(2):

- *Promote infill development and socioeconomic equity; **protect environmental and agricultural resources; encourage efficient development patterns; and achieve greenhouse gas reduction targets.***

ABAG’s allocation plan does not further this statutory objective. As described above, the County has long-standing policies that promote compact urban development⁵ and preserve environmental and agricultural resources.⁶ On that front the County, along with the Santa Clara County Local Agency Formation Commission (LAFCO), has had policies in place to stop the expansion of the USAs by cities and to keep the unincorporated county lands rural. The allocation of 3,125 units for the 6th RHNA cycle will require the County to look for sites outside the USAs in order to avoid disputing unincorporated urban areas already planned for housing capacity by the respective cities, and to avoid double counting past Housing Element sites previously claimed by cities in unincorporated USAs. Expanding beyond the County’s adopted USA boundaries would result in an increase in VMTs and related greenhouse g(“GHG”) emissions and loss of rural and agricultural lands on the valley floor (see Attachment F, *Sites Identified by the ABAG/MTC Housing Element Site Selection Tool*), which is in conflict with the above stated statutory RHNA objectives.

To illustrate this, the County utilized the [ABAG/MTC Housing Element Site Selection \(HESS\) Tool](#) that identifies 9,372 potential sites in unincorporated county that may accommodate RHNA with further analysis of site suitability or rezoning. It states that of the 9,372 sites, 2,099 parcels (2,823 acres) are within *Transit Rich Areas* and 2,329 (2,013 acres) are in *High Opportunity Areas*.⁷

Area	Sites in High Opportunity Areas	Sites in Transit Rich Areas	Sites in Both
<i>Unincorporated County</i>	2,329	2,099	66
<i>USAs (with Stanford & Moffett Field)</i>	2,311	1,453	66

⁵ County General Plan Book A, Growth & Development. Strategy #1: *Promote Compact Urban Development Patterns.*

⁶ County General Plan Book A, Resource Conservation. C-RC 37: *productive use land not intended for urban development* & C-RC 40: *Long term land use stability and dependability to preserve agriculture shall be maintained.*

⁷ HCD defines High Opportunity areas as areas that have place-based characteristics linked to critical life outcomes, such as educational attainment, earnings from employment, and economic mobility. See [California Fair Housing Task Force, Methodology for the 2020 TCAC/HCD Opportunity Map.](#)

Rural County	18	646	0
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Number of sites by area as identified by the ABAG/MTC HESS tool.

The analysis of parcels outside the USAs shows that there are 646 parcels (1,943 acres) within *Transit Rich Areas* and 18 parcels (12.5 acres) within *High Opportunity Areas*. This represents less than 30% of the Transit Rich Area parcels and *less than 1 percent* of the High Opportunity Area parcels. A further analysis of parcels indicates that all of the high opportunity sites are on the Stanford University Campus,⁸ or on Federally governed Moffett Field (see areas in orange in Attachment F). If these urbanized areas are excluded, the number of sites that fit both categories (as desired by HCD) in rural County results in no potential sites being available to support housing capacity.

Furthermore, the literature provided [online](#) by ABAG/MTC does not elaborate in detail as to how the *transit rich* category is determined (routes vs stops, local bus vs high capacity transit, existing or planned etc.). Therefore, it is difficult for the County to understand why parts of rural county are being identified as *transit rich*. Moreover, many of the identified potential sites in rural county that are in *Transit Rich Areas* (646 parcels/1944 acres) are in locations that the County is actively trying to preserve in an effort to create resilient natural infrastructure to mitigate the impacts of climate change in the region; this includes the valley lands between City of San José and Gilroy that support small and medium scale farmland and provide important habitat to flora and fauna that uniquely exist in the county.⁹ Ninety-one of the identified potential sites in these areas contain State- and County-designated farmlands of significance (Prime/State/Local/Unique) that cover over 910 acres. If the County were required to identify these sites for housing in order to satisfy the RHNA allocation, this would mean that the unique environmental attributes of these lands could be lost.

To conclude, if ABAG does not correct the errors stemming from its improper allocation methodology, the County would be left with the following two counter-productive choices:

- A. The County amends long established and successful policies in preventing urban sprawl and promoting resource conservation to build housing in rural parts of the county.** The allocation would force the County to consider sites within rural unincorporated areas, and/or rely on Federally controlled sites such as NASA Ames,¹⁰ to produce housing that could be counted towards the County’s allocation. These strategies run counter to the State’s and Region’s goals to reduce VMT; protect environmental and agricultural resources; and, avoid building homes in areas likely to be impacted by fires or sea level rise due to climate change. Furthermore, the County has no land use jurisdiction over Federally controlled sites, including whether the NASA Ames units would meet the legal standards for inclusion on the County’s site inventory.

⁸ The County expects to utilize sites on Stanford Campus to account for 800 to 1000 units under the 6th RHNA cycle.

⁹ For example, on February 9, 2021 (Item No. 22), the Board of Supervisors directed the Department of Planning and Development to develop potential requirements and incentives to control development in Coyote Valley, through adoption of a Climate Change Overlay Zone. The objective of this policy is to ensure that the natural characteristics in Coyote Valley—groundwater and aquifer health, prime farmland soils and food security, flood attenuation and recharge, carbon sequestration via perennial vegetation, wildlife habitat and landscape linkages, and peri-urban greenbelt—create a form of natural infrastructure that would be impractical if not impossible to replace through human-made infrastructure. By protecting and investing in the existing natural infrastructure, the opportunities for climate action can include avoidance of greenhouse gas emissions, activation of carbon sequestration, and creation of physical and systemic resilience against the worst impacts of climate change.

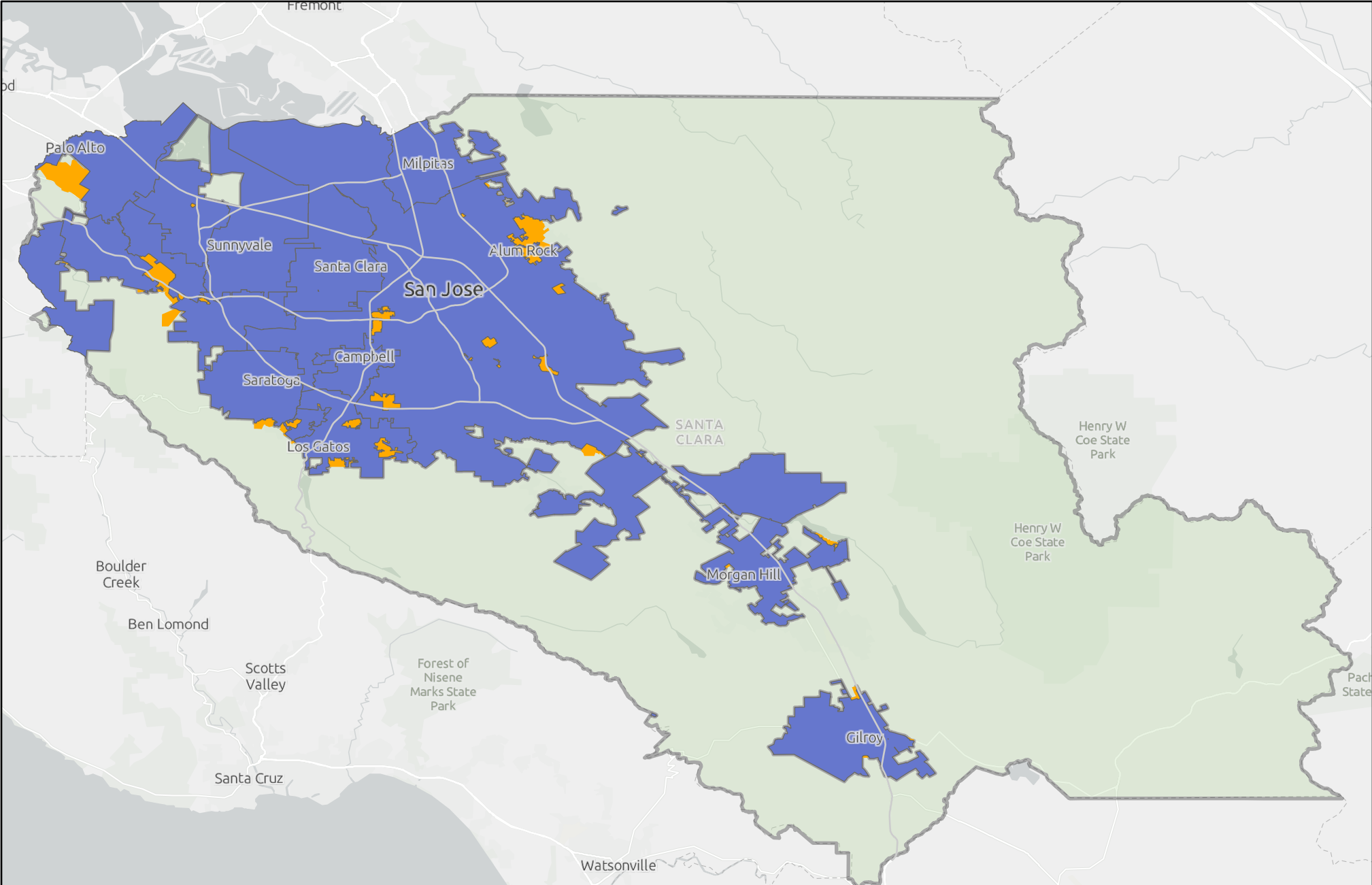
¹⁰ NASA Ames management indicated they are planning for housing on the lands under their federal jurisdiction. See Attachment D.

B. The County initiates unnecessary efforts to update policies essentially to achieve what is already happening with housing production in unincorporated Urban Service Areas. The requirement for the County to designate housing inventory sites within the urban unincorporated areas would require the County to amend its long-standing General Plan policies and Zoning Ordinance to essentially duplicate the actions already taken by cities in planning for these areas. Furthermore, it would create confusion between cities and the County in determining which sites in these USAs have already been counted in previous Housing Elements, and who would benefit from the already approved housing projects to avoid double counting.



Due to these counter-productive choices that the County faces with the allocation under the 6th RHNA cycle, the County respectfully requests that the allocation be reduced to 1,125 units, which could be accommodated in the limited urbanized areas outside the USAs, including unincorporated lands of Stanford University, farmworker housing in rural unincorporated county, and steady approvals of ADUs and JADUs in both urban and rural parts of unincorporated Santa Clara County.



ATTACHMENT C:
**Unincorporated Urban Service Areas in Santa Clara County & Example of City General Plan
covering an Unincorporated Urban Service Areas**

Unincorporated Urban Service Areas in Santa Clara County



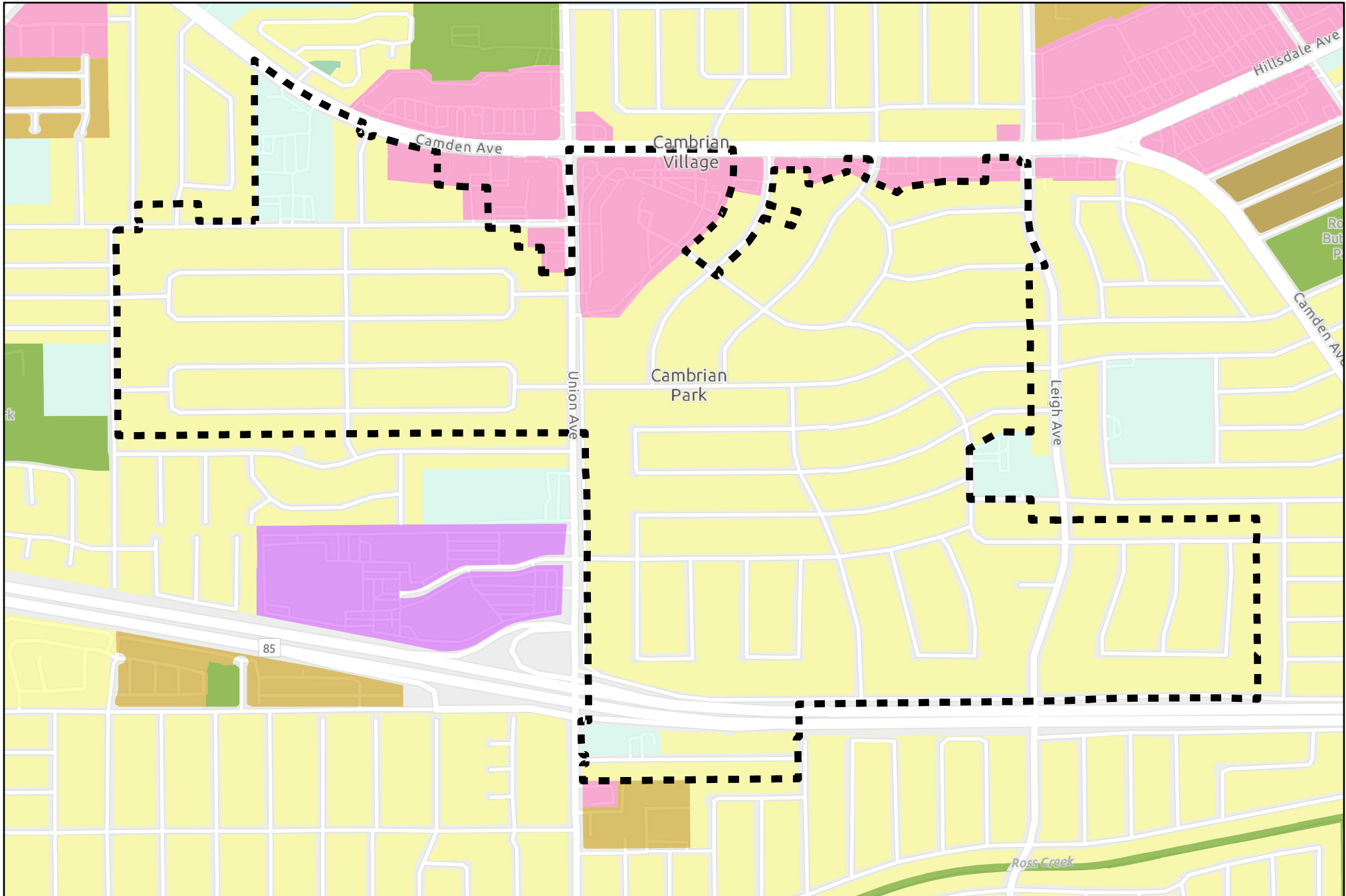
Legend

-  City Limits
-  Unincorporated Urban Service Areas

 0 2 4 8 12 16 Miles 

This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability.
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City of San Jose 2040 General Plan Landuse designations for Cambrian Village Unincorporated Urban Service Area



<h2>Legend</h2> City Limits	Combined Industrial/Commercial	Neighborhood/Community Commercial	Public/Quasi-Public
	Mixed Use Commercial	Open Space, Parklands and Habitat	Residential Neighborhood
	Mixed Use Neighborhood	Private Recreation and Open Space	Urban Residential

0 400 800 1,600

Feet

N

This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability.
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ATTACHMENT D:
**Site Inventory Parcels Within Unincorporated Urban Service Areas (USAs) Listed in Previous
Housing Elements**

SITE INVENTORY PARCELS WITHIN UNINCORPORATED URBAN SERVICE AREAS (USAs) LISTED IN PREVIOUS CITY HOUSING ELEMENTS

Source: Bay Area Housing Opportunity Sites Inventory (2007–2023).

<https://opendata.mtc.ca.gov/datasets/MTC::bay-area-housing-opportunity-sites-inventory-20072023/about>

RHNA Cycle	Cycle Year	Jurisdiction	APN	City General Plan Designation	Zoning	Size (Acres)	Allowed Density	Esitimated Residential Capacity	Existing Use
RHNA4	2007-2014	San Jose	245-01-003	Transit Corridor Residential (20+ DU/AC)	Unincorporated	14	45	630	Vacant
RHNA4	2007-2014	San Jose	261-39-002	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.24	33.3	8	Industrial Warehouse
RHNA4	2007-2014	San Jose	261-39-003	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.34	35.3	12	Vehicle Rental
RHNA4	2007-2014	San Jose	261-39-004	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.11	36.4	4	Commercial Retail
RHNA4	2007-2014	San Jose	261-39-005	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.08	37.5	3	Parking Lot
RHNA4	2007-2014	San Jose	261-39-006	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.09	33.3	3	Single-Family Residential
RHNA4	2007-2014	San Jose	261-39-009	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.96	104.2	100	Industrial
RHNA4	2007-2014	San Jose	261-39-010	Transit Corridor Residential (12+ DU/AC)	Unincorporated	1.64	34.8	57	Office/Parking Lot
RHNA4	2007-2014	San Jose	261-39-011	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.16	37.5	6	Single-Family Residential
RHNA4	2007-2014	San Jose	261-39-012	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.17	35.3	6	Single-Family Residential
RHNA4	2007-2014	San Jose	261-39-013	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.15	33.3	5	Parking Lot
RHNA4	2007-2014	San Jose	261-39-014	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.18	33.3	6	Single-Family Residential
RHNA4	2007-2014	San Jose	261-39-015	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.16	37.5	6	Outdoor Storage
RHNA4	2007-2014	San Jose	261-39-016	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.17	35.3	6	Outdoor Storage
RHNA4	2007-2014	San Jose	261-39-020	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.07	28.6	2	Industrial
RHNA4	2007-2014	San Jose	261-39-024	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.16	37.5	6	Industrial
RHNA4	2007-2014	San Jose	261-39-025	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.79	35.4	28	Industrial
RHNA4	2007-2014	San Jose	261-39-026	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.09	33.3	3	Industrial
RHNA4	2007-2014	San Jose	261-39-027	Transit Corridor Residential (12+ DU/AC)	Unincorporated	0.79	35.4	28	Industrial
RHNA4	2007-2014	San Jose	261-39-029	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.24	33.3	8	Restaurant
RHNA4	2007-2014	San Jose	261-39-038	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.11	90.9	10	Vacant
RHNA4	2007-2014	San Jose	261-39-039	Transit Corridor Res. (12+ DU/AC)/General Com.	Unincorporated	0.15	86.7	13	Industrial
RHNA4	2007-2014	San Jose	261-39-041	Combined Com./Ind. with Live/Work Overlay	Unincorporated	0.25	36	9	Vacant
RHNA4	2007-2014	San Jose	277-29-032	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.15	7.2	1	Vacant
RHNA4	2007-2014	San Jose	282-01-014	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.22	7.2	2	Vacant
RHNA4	2007-2014	San Jose	282-06-024	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.84	7.2	6	Vacant
RHNA4	2007-2014	San Jose	455-19-003	Single Family Residential (1.0 DU/AC)	Unincorporated	0.2	0.7	1	Single-Family Residential
RHNA4	2007-2014	San Jose	455-19-048	Single Family Residential (1.0 DU/AC)	Unincorporated	1.03	0.7	1	Single-Family Residential
RHNA4	2007-2014	San Jose	455-19-050	Single Family Residential (1.0 DU/AC)	Unincorporated	2.19	0.7	2	Single-Family Residential
RHNA4	2007-2014	San Jose	455-19-065	Single Family Residential (1.0 DU/AC)	Unincorporated	0.8	0.7	1	Single-Family Residential
RHNA4	2007-2014	San Jose	455-19-106	Single Family Residential (1.0 DU/AC)	Unincorporated	2.74	0.7	3	Vacant
RHNA4	2007-2014	San Jose	484-17-035	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.16	7.2	1	Vacant
RHNA4	2007-2014	San Jose	595-12-026	Very Low Density Residential (2.0 DU/AC)	Unincorporated	12.46	1.2	14	Vacant
RHNA4	2007-2014	San Jose	599-26-047	Low Density Residential (5.0 DU/AC)	Unincorporated	0.21	3.1	1	Vacant
RHNA4	2007-2014	San Jose	599-28-001	Low Density Residential (5.0 DU/AC)	Unincorporated	4.09	3.1	12	Vacant
RHNA4	2007-2014	San Jose	599-30-036	Low Density Residential (5.0 DU/AC)	Unincorporated	0.51	3.1	1	Vacant
RHNA4	2007-2014	San Jose	599-39-047	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.38	7.2	3	Vacant
RHNA4	2007-2014	San Jose	601-07-066	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	1.14	7.2	8	Vacant
RHNA4	2007-2014	San Jose	601-07-075	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.7	7.2	5	Vacant
RHNA4	2007-2014	San Jose	601-08-128	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.31	7.2	2	Vacant
RHNA4	2007-2014	San Jose	601-22-050	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.22	7.2	2	Vacant
RHNA4	2007-2014	San Jose	601-22-118	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.14	7.2	1	Vacant
RHNA4	2007-2014	San Jose	601-25-119	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	1.35	7.2	10	Vacant
RHNA4	2007-2014	San Jose	601-25-121	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	0.36	7.2	3	Vacant
RHNA4	2007-2014	San Jose	601-29-009	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	2.71	7.2	20	Vacant
RHNA4	2007-2014	San Jose	612-02-049	Very Low Density Residential (2.0 DU/AC)	Unincorporated	0.36	1.2	1	Vacant
RHNA4	2007-2014	San Jose	612-03-026	Low Density Residential (5.0 DU/AC)	Unincorporated	0.46	3.1	1	Vacant
RHNA4	2007-2014	San Jose	612-09-016	Very Low Density Residential (2.0 DU/AC)	Unincorporated	0.74	1.2	1	Vacant

SITE INVENTORY PARCELS WITHIN UNINCORPORATED URBAN SERVICE AREAS (USAs) LISTED IN PREVIOUS CITY HOUSING ELEMENTS

Source: Bay Area Housing Opportunity Sites Inventory (2007–2023).

<https://opendata.mtc.ca.gov/datasets/MTC::bay-area-housing-opportunity-sites-inventory-20072023/about>

RHNA Cycle	Cycle Year	Jurisdiction	APN	City General Plan Designation	Zoning	Size (Acres)	Allowed Density	Esitmated Residential Capacity	Existing Use
RHNA4	2007-2014	San Jose	612-11-036	Very Low Density Residential (2.0 DU/AC)	Unincorporated	0.46	1.2	1	Vacant
RHNA4	2007-2014	San Jose	612-16-047	Very Low Density Residential (2.0 DU/AC)	Unincorporated	1.14	1.2	1	Vacant
RHNA4	2007-2014	San Jose	612-17-038	Very Low Density Residential (2.0 DU/AC)	Unincorporated	0.96	1.2	1	Vacant
RHNA4	2007-2014	San Jose	612-19-026	Low Density Residential (5.0 DU/AC)	Unincorporated	4.3	3.1	13	Vacant
RHNA4	2007-2014	San Jose	612-23-056	Medium Low Density Residential (8.0 DU/AC)	Unincorporated	6.22	7.2	45	Vacant
RHNA4	2007-2014	San Jose	612-66-015	Very Low Density Residential (2.0 DU/AC)	Unincorporated	3.38	1.2	3	Vacant
RHNA4	2007-2014	San Jose	659-25-002	Very Low Density Residential (2.0 DU/AC)	Unincorporated	1.75	1.2	2	Vacant
RHNA4	2007-2014	San Jose	696-01-025	Very Low Density Residential (2.0 DU/AC)	Unincorporated	13.15	1.2	15	Vacant
RHNA5	2015-2023	San Jose	274-16-050	UV	County	0.89	12.4	11	Commercial
RHNA5	2015-2023	San Jose	274-16-068	UV	County	0.52	12.4	6	Commercial
RHNA5	2015-2023	San Jose	274-17-018	UV	County	0.56	12.4	7	Commercial
RHNA5	2015-2023	San Jose	274-17-039	UV	County	0.83	12.4	10	Commercial
RHNA5	2015-2023	San Jose	274-41-074	UV	County	0.22	12.4	3	Commercial
RHNA5	2015-2023	San Jose	274-41-101	UV	County	1.39	12.4	17	Commercial
RHNA5	2015-2023	San Jose	277-04-028	UV	County	0.21	12.4	3	Commercial
RHNA5	2015-2023	San Jose	277-05-001	UV	County	2.18	12.4	27	Commercial
RHNA5	2015-2023	San Jose	277-05-008	UV	County	0.77	12.4	10	Commercial
RHNA5	2015-2023	San Jose	277-06-020	UV	County	0.75	12.4	9	Commercial
RHNA5	2015-2023	San Jose	277-07-024	UV	County	0.63	12.4	8	Commercial
RHNA5	2015-2023	San Jose	277-08-029	UV	County	0.46	12.4	6	Commercial
RHNA5	2015-2023	San Jose	277-09-029	UV	County	0.28	12.4	3	Commercial
RHNA5	2015-2023	San Jose	277-10-025	UV	County	0.56	12.4	7	Commercial
RHNA5	2015-2023	San Jose	277-12-029	UV	County	0.5	12.4	6	Commercial
RHNA5	2015-2023	San Jose	277-13-027	UV	County	0.31	12.4	4	Commercial
RHNA5	2015-2023	San Jose	277-14-028	UV	County	0.14	12.4	2	Commercial
RHNA5	2015-2023	San Jose	277-29-032	RN	County	0.15	8	1	Vacant
RHNA5	2015-2023	San Jose	282-01-014	RN	County	0.22	8	2	Vacant
RHNA5	2015-2023	San Jose	455-09-057	UR	County	70	22	1575	None
RHNA5	2015-2023	San Jose	455-28-017	UR	County	9	68	625	None
RHNA5	2015-2023	San Jose	595-12-026	RR	County	12.46	2	25	Vacant
RHNA5	2015-2023	San Jose	599-26-047	RN	County	0.21	8	2	Vacant
RHNA5	2015-2023	San Jose	599-28-001	RN	County	4.9	8	39	Vacant
RHNA5	2015-2023	San Jose	599-30-036	RN	County	0.51	8	4	Vacant
RHNA5	2015-2023	San Jose	601-07-066	RN	County	1.14	8	9	Vacant
RHNA5	2015-2023	San Jose	601-07-075	RN	County	0.7	8	6	Vacant
RHNA5	2015-2023	San Jose	601-08-128	RN	County	0.31	8	2	Vacant
RHNA5	2015-2023	San Jose	601-11-002	NCC	County	1.47	12.1	18	Commercial
RHNA5	2015-2023	San Jose	601-11-024	NCC	County	0.6	12.1	7	Residential
RHNA5	2015-2023	San Jose	601-22-050	RN	County	0.22	8	2	Vacant
RHNA5	2015-2023	San Jose	601-22-118	RN	County	0.14	8	1	Vacant
RHNA5	2015-2023	San Jose	601-25-121	RN	County	0.36	8	3	Vacant
RHNA5	2015-2023	San Jose	601-29-009	RN	County	2.71	8	20	Vacant
RHNA5	2015-2023	San Jose	612-09-016	RR	County	0.74	2	1	Vacant
RHNA5	2015-2023	San Jose	612-11-036	RR	County	0.46	2	1	Vacant
RHNA5	2015-2023	San Jose	612-16-047	RR	County	1.14	2	2	Vacant
RHNA5	2015-2023	San Jose	612-17-038	RR	County	0.96	2	2	Vacant
RHNA5	2015-2023	San Jose	612-19-026	RR	County	4.3	2	9	Vacant
RHNA5	2015-2023	San Jose	612-23-056	RN	County	5.87	8	45	Vacant

SITE INVENTORY PARCELS WITHIN UNINCORPORATED URBAN SERVICE AREAS (USAs) LISTED IN PREVIOUS CITY HOUSING ELEMENTS

Source: Bay Area Housing Opportunity Sites Inventory (2007–2023).

<https://opendata.mtc.ca.gov/datasets/MTC::bay-area-housing-opportunity-sites-inventory-20072023/about>

RHNA Cycle	Cycle Year	Jurisdiction	APN	City General Plan Designation	Zoning	Size (Acres)	Allowed Density	Esitimated Residential Capacity	Existing Use
RHNA5	2015-2023	San Jose	612-65-042	LH	County	4.3	0.2	1	Vacant
RHNA5	2015-2023	San Jose	612-66-015	RR	County	3.38	2	7	Vacant
RHNA5	2015-2023	San Jose	696-01-025	RR	County	13.15	2	25	Vacant
						238		3,716	

ATTACHMENT E:
Letters to ABAG

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
www.sccplandev.org



May 21, 2021

The Executive Board
Association of Bay Area Governments

Re: Final Regional Housing Needs Allocation (RHNA) Methodology and County of Santa Clara's draft allocation.

Dear President Arreguin and ABAG Executive Board:

On behalf of the Department of Planning and Development for the County of Santa Clara (County), I am writing to restate the County's objections regarding Association of Bay Area Government's (ABAG) approval of the Final Regional Housing Needs Allocation (RHNA) Methodology and Draft RHNA Allocations at its meeting on May 20, 2021 (Agenda Item No. 10.b). This letter identifies oversights in the methodology and the resulting policy conflicts that arise from the proposed assigned RHNA of 3,125 housing units to the County of Santa Clara unincorporated area and explains the untenable condition that would result for the County from this assignment.

This letter supplements the January 21, 2021 & November 3, 2020 letters from Jacqueline R Onciano, Director of the Department of Planning and Development, and the Honorable Cindy Chavez, Santa Clara County Board of Supervisors respectively; to President Jesse Arreguin objecting to the draft methodology and the RHNA assigned to the County.

As stated in the previous letters, the unincorporated County is primarily rural. Approximately 99% of the land within the County's jurisdiction is located outside of the urban service areas (USAs). The rural unincorporated County encompasses important agriculture lands and provides critical habitat and natural resources that support biological diversity and sustainability in the greater region. As a result, the County's General Plan, adopted in 1995, has had strong regional growth policies that protect the rural areas and direct growth into the urban areas, including the cities and unincorporated area subject to city annexation.

The Department of Planning and Development believes the conflict between the proposed RHNA allocation for the County and these critical sustainability policies result from several oversights in ABAG's draft methodology process. Our previous letters outlined Government Code sections 65584.04(e)(2), and 65584(d)(2), which require that the methodology consider the opportunities and constraints to development of additional housing in each jurisdiction, promote infill development and socioeconomic equity, protect environmental and agricultural resources, and encourage efficient development patterns to help meet the region's greenhouse gas reductions targets. We still maintain that the assignment of RHNA of 3,125 units to the County of Santa Clara unincorporated area,

requiring urban housing in the County's rural areas, conflicts with this statutory objective. Locating new housing units in these rural areas will impact environmental and agricultural resources, discourage efficient development patterns, and undermine greenhouse gas reduction targets by promoting urban sprawl.

In our consultations with ABAG staff, it was suggested that the County plan to accommodate RHNA within the urban unincorporated areas. However, the County's General Plan identifies that the land use planning for these urbanized parts of unincorporated county are conducted by the cities¹. The County's policy also has been that these urban unincorporated areas would be eventually annexed into the respective cities. To that effect the County's zoning code does not allow any significant projects within these areas unless the project conforms with the affiliated city's General Plan, and that the city has the option to annex the project area². This cornerstone policy of our General Plan has been accepted by cities in the County. This is reflected in their respected General Plans that have been planning for these USAs for the last two and a half decades.

This policy has been acknowledged by ABAG in the past RHNA cycles, as the County was assigned housing unit goals commensurate with the County's strong anti-sprawl regulations, and HCD has approved past cities' Housing Elements where site inventories include sites located in these urban unincorporated areas. A prime example of this has been the City of San José identifying over 543 acres of land for housing development within the urban unincorporated County in the past two Housing Elements (2007-2014, 2015-2023), totaling a capacity of 3,716 units.

The County would like to highlight the untenable conditions that will be imposed if the County were to receive the planned allocation of 3,125 units:

- 1) **The draft RHNA allocation upends the County's long established and successful policies in preventing urban sprawl and promoting resource conservation by focusing growth within Urban Service Areas.** The allocation of 3,125 units would force the County to consider sites within rural unincorporated areas, and/or rely on Federally controlled sites such as NASA/Ames, to produce housing that could be counted towards the County's allocation. These strategies run counter to the State's and Region's goals to reduce VMT and avoid building homes in areas likely to be impacted by Climate Change. Furthermore, the county has no land use jurisdiction over Federally controlled sites, making the County vulnerable to the SB 35 streamlining stipulations.
- 2) **The draft RHNA allocation will initiate unnecessary efforts to initiate transfer negotiations and policy updates essentially to achieve what is already happening with housing production in Urban Service Areas.** The requirement for the County to designate housing inventory sites within the urban unincorporated areas would require the County to modify its long-standing General Plan policies and Zoning Codes to essentially duplicate the actions already taken by cities in planning for these areas. Furthermore, it would create confusion between cities and the County in determining which sites in these USAs have been already counted in previous Housing

¹ County General Plan Book B, Part 4 Urban Unincorporate Area Issues & Policies. Strategy #2: *Ensure Conformity of Development With Cities' General Plans*


² County General Plan Book B, Part 4 Urban Unincorporate Area Issues & Policies. Strategy #1: *Promote Eventual Annexation.*

Elements, and who would benefit from the already approved housing projects to avoid double counting.

The County continues to be a strong advocate to build affordable housing in the incorporated and urbanized areas of the County. To that effect the County's *2016 Measure A - Affordable Housing Bond* has been instrumental in funding the building of new affordable housing projects within seven cities in the county amounting to 2,969 new affordable units in the last four years. All of these housing units have been counted towards the individual cities' RHNA requirements. The County continues to purchase parcels in cities and repurpose existing county-owned sites to build affordable housing to address the regional shortage.

In summary, we urge the ABAG Board to reconsider the methodology to allow for adjustments to the allocation for the County, and assign a RHNA amount commensurate with the County's commitment since 1995 to control sprawl and preserve agricultural and natural spaces.

Sincerely,

DocuSigned by:

AD0368294CE042B...

ROB EASTWOOD
Planning Manager, Department of Planning and Development
County of Santa Clara

Enclosures:

Attachment A: November 3, 2020 Letter from Cindy Chavez to ABAG President

Attachment B: January 21, 2021 Letter from Jacqueline R Onciano to ABAG President

ATTACHMENT A

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
www.sccplandev.org



January 21, 2020

President Jesse Arreguin
ABAG Executive Board
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

**RE: County of Santa Clara, Department of Planning and Development Comment on
RHNA Allocation/Option 8a
1/21/2021 ABAG Executive Board Meeting
Agenda Item No. 11.b—Adoption of Draft RHNA Methodology**

Dear President Arreguin and ABAG Executive Board:

On behalf of the Department of Planning and Development for the County of Santa Clara (County), I am writing to restate the County's objections regarding Association of Bay Area Government's (ABAG) proposed adoption of Option 8a as the Regional Housing Needs Allocation (RHNA) distribution methodology at its meeting on January 21, 2021 (Agenda Item No. 11.b). This letter identifies oversights in the draft methodology and the resulting policy conflicts that arise from a RHNA of 3,156 housing units for the County of Santa Clara unincorporated area.

This letter supplements the November 3, 2020 letter from Cindy Chavez, Santa Clara County Board of Supervisors (Attachment A), to President Jesse Arreguin stating objections to the Option 8a methodology and the RHNA assigned to the County. The County recognizes that following the December 17, 2020 release of the Plan Bay Area final blueprint, the County's RHNA has decreased from 4,139 housing units to 3,156 units.

As stated in the November 3, 2020 letter, the unincorporated County is primarily rural. Approximately 99% of the land within the County's jurisdiction is located outside of the urban service areas that provide municipal sewer and water services. The rural unincorporated County encompasses important agriculture lands and provides critical habitat and natural resources that support biological diversity and sustainability in the greater region. As a result, the County's General Plan has strong regional growth policies that protect the rural areas from urbanization, directing growth into the urban areas, including the cities and unincorporated area subject to city annexation.

The County continues to be a strong leader in increasing housing production to meet the ongoing housing crisis in the Bay Area, including sponsoring the adoption of Measure A, a \$950 million dollar affordable housing bond approved by voters in 2016. However, the County strives to balance housing production with long term sustainability and greenhouse gas reduction goals.

To this end, the County supports housing development in urban areas closer to job centers and public transit, lowering Vehicle Miles Traveled and Greenhouse Gas Emissions.

The proposed Option 8a methodology that would result in a RHNA of 3,156 units to the County, represents over a 1,000% increase compared to the previous RHNA cycle and would require the County to rezone rural areas for urban housing development, conflicting with the County's General Plan and sustainability and greenhouse gas reduction goals within State law (AB 32) and the Plan Bay Area 2050 Blueprint. As identified in the November 3, 2020 letter, the County has determined it has the capacity to support approximately 2,000 units within the urban unincorporated areas, using a variety of housing production strategies.

We believe the conflict between the proposed RHNA for the County and these critical sustainability policies result from several oversights in ABAG's draft methodology process. First, in selecting a methodology, ABAG must consider the opportunities and constraints to development of additional housing in each jurisdiction. *See* Gov't Code § 65584.04(e)(2). Among these factors is "the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities." *Id.* § 65584.04(e)(2)(B). As described, approximately 99% of the land within the County's jurisdiction is in the rural areas, and the County maintains policies for the urban unincorporated areas that encourage their annexation into the Cities.

Based on conversations with ABAG staff, ABAG estimates that 2,000 units can be sited at Moffett Field/NASA Ames Research Center to meet RHNA requirements. While Moffett Field is located within the unincorporated County, the federal government owns this land and is immune from local land use regulation. As such, the County has no authority to zone or convert this land for residential use, and thus the County cannot demonstrate the necessary capacity in its Zoning Ordinance for housing on these federal lands.

Second, in selecting a draft methodology, ABAG must further the intent of the statutory objectives listed in subdivision (d) of Government Code section 65584, including "[p]romoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080." Gov't Code § 65584(d)(2). As identified in the November 3, 2020 letter, it appears that an assignment of RHNA of 3,156 to the County of Santa Clara unincorporated area, requiring urban housing in the County's rural areas, conflicts with this statutory objective. Locating new housing units in these rural areas will impact environmental and agricultural resources, discourage efficient development patterns, and undermine greenhouse gas reduction targets by promoting urban sprawl.

We respectfully ask ABAG to adequately consider the statutorily mandated methodology criteria and identify and implement a modification to Option 8a that is consistent with the statutory objectives.

Thank you for the opportunity to comment.

Respectfully Submitted,

DocuSigned by:
Jacqueline R Onciano
58D620AC52194DC...

Jacqueline R. Onciano
Director, Department of Planning and Development

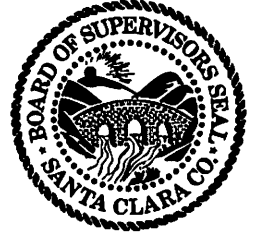
Attachment A: November 3, 2020 Letter from Cindy Chavez to ABAG President

ATTACHMENT B

County of Santa Clara

Board of Supervisors

County Government Center, East Wing
70 West Hedding Street, 10th Floor
San Jose, California 95110-1770
(408) 299-5001 FAX 938-4525
www.sccgov.org



November 3, 2020

President Jesse Arreguin
ABAG Executive Board
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

RE: County of Santa Clara Unincorporated RHNA Allocation per Option 8a

Dear President Arreguin and ABAG Executive Board:

On behalf of the County of Santa Clara Board of Supervisors, I am writing to express objections regarding ABAG's adoption of Option 8a as the Regional Housing Needs Allocation (RHNA) distribution methodology, and specifically policy conflicts that would arise from the resulting RHNA of 4,139 housing units for the County of Santa Clara unincorporated area.

The County of Santa Clara (County) has been a strong leader in increasing housing production to address the ongoing housing crisis and affordability gap in the Bay Area. In 2016, the County Board of Supervisors sponsored ballot initiative Measure A, a \$950-million affordable housing bond passed by the voters. Measure A Bond proceeds contribute to the creation or preservation of over 4,500 units countywide, and the County has already supported 28 housing developments and allocated \$25 million for a first-time homeowner buyer program.

Additionally, the County has taken strong measures to increase the housing supply in the unincorporated areas. These measures include adoption of Inclusionary Housing Ordinances in 2018 and 2020, adoption of State-compliant Accessory Dwelling Unit (ADU) regulations that allow increased flexibility in housing types, including the use of mobile tiny homes, and adoption of an Agricultural Worker Housing Ordinance in 2020 that streamlines agricultural worker housing production.

Concurrently, the County has been a leader in advancing sustainability and climate resiliency in alignment with the State's climate goals and policy mandates. Since 1980, the County has maintained foundational General Plan policies that direct all urban growth into the cities while maintaining rural unincorporated areas for resource conservation and agriculture preservation. Consistent with these objectives, the County adopted the Santa Clara Valley Habitat Plan in 2012 and the

Board of Supervisors:

Mike Wasserman
District 1

Cindy Chavez
District 2

Dave Cortese
District 3

Susan Ellenberg
District 4

S. Joseph Simitian
District 5

County Executive: Jeffrey V. Smith

Santa Clara Valley Agricultural Plan in 2018, which direct further investments into preserving habitat and agricultural lands within the rural areas.

Under the Option 8a RHNA distribution methodology, the County of Santa Clara unincorporated area would receive a RHNA of 4,139 units, to be completed over the next Housing Element Cycle (2023-31). Based on the County's General Plan policies and land use framework, the County has very limited jurisdiction over urban housing production. Approximately 98.9 percent of the County's unincorporated lands are in rural areas, which lack municipal services such as sewer and are identified for resource conservation. The County's urban unincorporated policies require new development within urban unincorporated areas to petition for annexation into Cities. A RHNA of 4,139 units—representing over a 1,300% increase over the previous RHNA allocation of 277 units in the last housing cycle—would require the County to rezone its rural areas for urban housing development, conflicting with the County's General Plan and sustainability and greenhouse gas reduction goals in both adopted State policies and within the Plan Bay Area 2050 Blueprint.

The County's Department of Planning and Development staff has determined that the County has the capacity to support approximately 2,000 units in the urban unincorporated areas for the 2023–31 Housing Element cycle, incorporating a variety of housing production strategies. This commitment to 2,000 units still represents a 620% increase over the County's previous RHNA, but underscores the County's strong commitment to produce housing within its capacity without undermining climate action and resource conservation goals.

A RHNA above this amount requiring urban housing in the County's rural areas conflicts with Housing Element Law, specifically RHNA Objective 2 (California Government Code section 65584(d)(2)), which states:

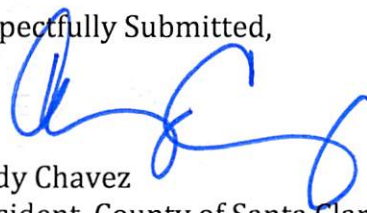
“Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.”

The requirement for the County to designate rural and agricultural areas for urban housing production also conflicts with the Plan Bay Area 2050 Blueprint that designates a majority of the County's rural areas as Priority Conservation Areas. The vast majority of the County's 65 Priority Conservation Areas identified by ABAG are located within our rural areas, identified for conservation as natural landscapes, regional recreation, and as agricultural lands. Conversion of these lands into urban housing would conflict with these resource conservation goals, concurrently increasing greenhouse gas emissions and vehicle miles traveled, contrary to the State's climate action goals.

We would like to reiterate the County is strongly committed to both housing production and greenhouse gas reduction. The County has continued to stake a leadership position in increasing housing production within our urban areas while preserving our rural and agricultural areas for resource conservation, in alignment with State and ABAG climate action goals along with greenhouse gas reduction and regional resiliency. We respectfully ask ABAG to identify and implement a modification to Option 8a that avoids the increase in RHNA for the County of Santa Clara's unincorporated areas.

Thank you for the opportunity to comment.

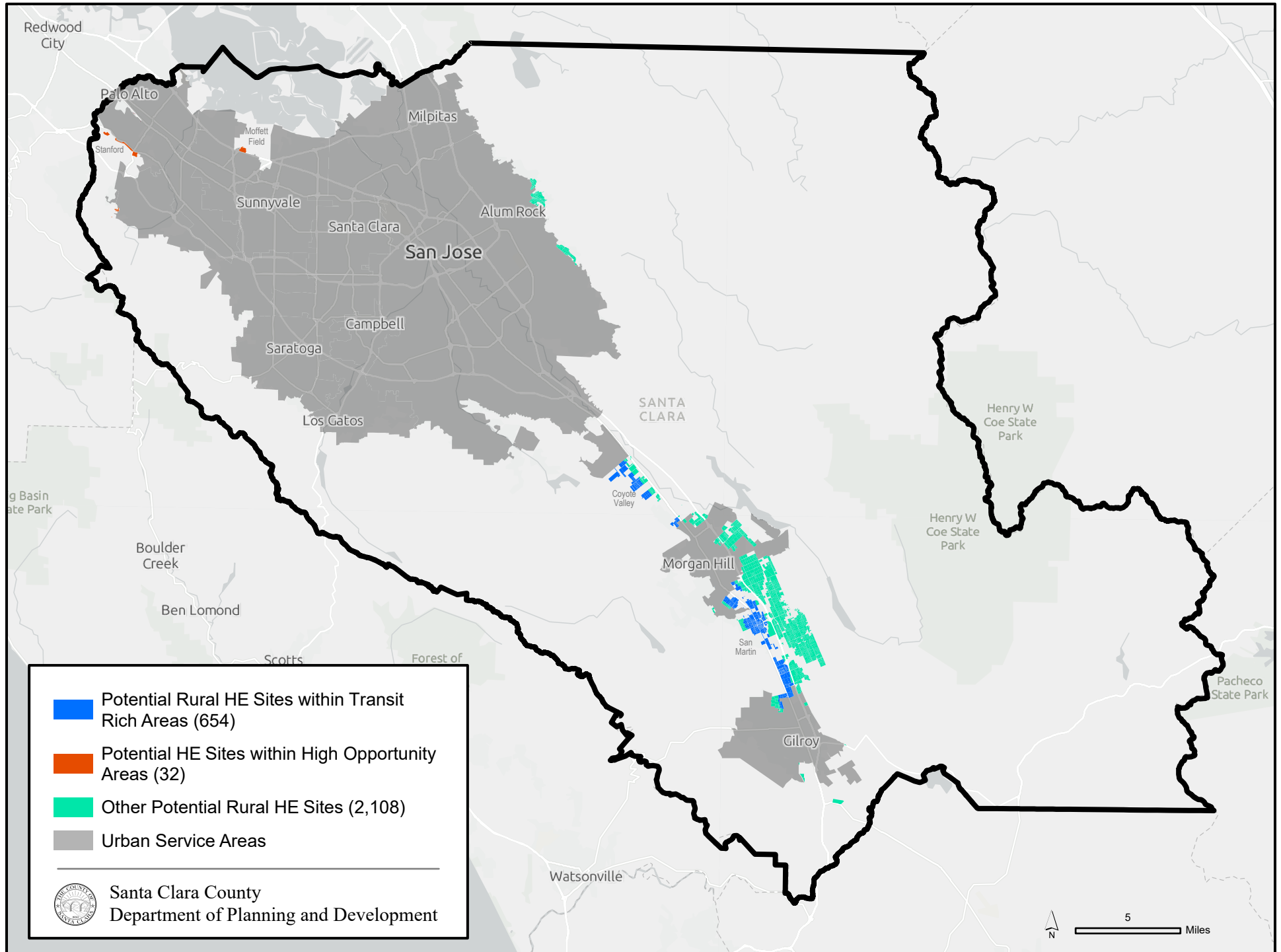
Respectfully Submitted,



Cindy Chavez
President, County of Santa Clara Board of Supervisors

ATTACHMENT F:
Sites Identified by the ABAG/MTC Housing Element Site Selection Tool outside the Urban Service Areas

Sites Identified by the ABAG/MTC Housing Element Site Selection Tool





Stanford University

September 8, 2022

Sent via email: Planning2@pln.sccgov.org

Bharat Singh, Principal Planner
County of Santa Clara Planning Office
County Government Center
70 West Hedding, 7th Floor, East Wing
San José CA 95110

Subject: Notice of Preparation of an Environmental Impact Report for the County of Santa Clara Housing Element and Stanford Community Plan Update

Dear Mr. Singh,

Thank you for allowing Stanford University to provide comments on the scope of the Environmental Impact Report for the County of Santa Clara Housing Element and Stanford Community Plan Update. We appreciate the importance of the work that the County has undertaken to plan for sufficient housing to accommodate Countywide demand and to update the policies of the Stanford Community Plan.

We intend for this letter to identify both (1) our best understanding of the analysis that should be included in a County CEQA document to support adoption of either or both the Community Plan Amendments and Housing Element (that includes future housing at Stanford) and (2) our suggestions regarding approaches that may allow the County to incorporate the necessary analysis more quickly and easily.

Detailed Analysis of Housing Construction. We understand that the County Housing Element will include policies to provide for 1,680 to 2,160 housing units on Stanford University sites. To that end, we have been working with County staff to identify potential locations for such housing. To streamline future construction of this housing, we ask that in any CEQA document to support adoption of either or both the Community Plan Amendments and the Housing Element, the County evaluate the environmental effects of constructing and operating the full amount of housing planned on Stanford sites. We note that the Final EIR that the County prepared for Stanford's previously proposed 2018 General Use Permit contained an analysis of the environmental effects of a similar quantity of housing sited at Stanford.

Impact of Revised Housing Linkage Policies. We also understand that the Stanford Community Plan Update will include revised linkage policies requiring that Stanford build housing on its campus to accommodate the population increases resulting from new academic facilities. Based on this proposed linkage amendment, new housing on Stanford sites will likely be linked to an

application for new academic facilities. For this reason, we ask that in a CEQA document for either or both the Community Plan Amendments and Housing Element, the County consider the impacts of constructing and operating the square footage of new and expanded academic facilities that would generate and be linked to the number of housing units that the County has assigned to Stanford sites in its Housing Element.

Suggestions for Analysis. One option to expeditiously satisfy CEQA requirements for the Community Plan Update might be to rely on the previously circulated 2018 General Use Permit Final EIR for CEQA purposes because the content of the draft Community Plan Update policies was evaluated in the Final EIR after the County proposed comparable requirements during that permitting process. The 2018 General Use Permit EIR could be certified, or alternatively, incorporated by reference. That EIR underwent many months of public comment, and fully satisfied the requirements of CEQA. Such certification would not authorize Stanford to construct any of the development evaluated in the 2018 General Use Permit EIR. Rather, certification would fulfill the County's duty to disclose the potential effects of the Community Plan Amendments that will guide such future development under a future General Use Permit.

We hope this letter has assisted the County in identifying a streamlined path toward completing the necessary CEQA analysis for the Housing Element and Stanford Community Plan Update. Please do not hesitate to contact us if anything is unclear or if you would like to discuss any of these points.

Sincerely,

A handwritten signature in blue ink, appearing to read 'EE', is positioned above the typed name.

Erin Efner
Associate Vice President
Land, Buildings, and Real Estate. Land Use and Environmental Planning

Luke Evans

From: Luke Evans
Sent: Friday, September 9, 2022 12:00 PM
To: Luke Evans
Subject: RE: Valley Water Comments: Notice of Preparation of an Environmental Impact Report for the County of Santa Clara Housing Element & Stanford Community Plan Update

From: Jason Miguel <JMiguel@valleywater.org>
Sent: Thursday, September 8, 2022 5:33 PM
To: Planning <Planning2@pln.sccgov.org>
Cc: Shree Dharasker <sdharasker@valleywater.org>; Kevin Thai <KThai@valleywater.org>; Michael Martin <MichaelMartin@valleywater.org>; Vanessa De La Piedra <vdelapiedra@valleywater.org>
Subject: [EXTERNAL] Valley Water Comments: Notice of Preparation of an Environmental Impact Report for the County of Santa Clara Housing Element & Stanford Community Plan Update

Dear Bharat Singh,

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the County of Santa Clara Housing Element & Stanford Community Plan Update received on 8/19/2022 for the housing opportunity sites located in San Jose, Gilroy, Morgan Hill, and Stanford University. Based on our review of the NOP we have the following comments:

1. A total of 3,125 new housing units requires the development of a Water Supply Assessment under SB610. However, it is not clear how many of these units are above the level of growth visualized in the County's adopted General Plan. Valley Water's 2020 Urban Water Management Plan determined that there will be adequate water supplies to meet countywide projected growth through 2045, but water use reductions may be required in multiple dry years. Water conservation is an important component of the county's future water supply, and Valley Water encourages the County to require new water conservation measures in new development. Valley Water has been working with jurisdictions in the county on a Model Water Efficient New Development Ordinance that the County may consider for new housing to ensure there are sufficient water supplies into the future.
2. Because unincorporated areas of the county are typically reliant on groundwater, the EIR should evaluate new water demand related to the proposed project and potential impacts to groundwater supplies or long-term sustainability. Valley Water's 2021 Groundwater Management Plan, which was submitted to the state for continued Sustainable Groundwater Management Act compliance, provides detailed information on local groundwater resources and sustainability metrics. The EIR should also assess potential impacts to groundwater quality related to the proposed project.
3. As per Valley Water's Water Resources Protection Ordinance, any work proposed which affects Valley Water's facilities or work which takes place on Valley Water's fee title property or easement will require review and approval for the issuance of a Valley Water encroachment permit. Please see below for the potential housing opportunity sites that may require a permit:
 - a. Central Pipeline runs adjacent to 2400 Moorpark Avenue in San Jose (APN: 282-02-037) directly east of the property under Ginger Lane. Valley Water also has an easement east of the property covering Ginger Lane from Clove Drive to Moorpark Avenue.
 - b. East Evergreen Pipeline is located on North White Road adjacent to the property at 350 North White Road in San Jose (APN: 599-01-064)
 - c. Lions Creek is located behind 625 Tatum Ave (APN: 790-09-006) and 665 Tatum Ave (APN: 790-10-007) in Gilroy

4. Valley Water records indicates that there are multiple wells, see list below, within the various housing opportunity sites. While Valley Water has records for most wells located within the County, it is possible that a well exists that is not in Valley Water's records. All wells found at the various sites must be properly destroyed or registered with Valley Water. For questions about the wells, please contact the Valley Water Wells and Water Measurement Unit at (408) 630-2660.
 - a. 1 well at 1587 North Capitol Avenue in San Jose (APN: 245-01-003)
 - b. 9 wells at 14520 Camden Avenue in San Jose (APN: 419-12-044)
 - c. 3 wells at Stanford University (APN: 142-04-036b)
 - d. 3 wells at Vickery Lane in Gilroy (APN: 790-06-018)
 - e. 1 well at 625 Tatum Avenue in Gilroy (APN: 790-09-006)
 - f. 1 well at 665 Tatum Avenue in Gilroy (APN: 790-10-007)
 - g. 1 well at 9130 Kern Avenue in Gilroy (APN: 790-17-002)
 - h. 1 well at 670 Tatum Avenue in Gilroy (APN: 790-17-005)
 - i. 1 well at 650 Tatum Avenue in Gilroy (APN: 790-17-007)
 - j. 1 well at 590 Tatum Avenue in Gilroy (APN: 790-17-010)
 - k. 1 well at 17745 Laurel Road in Morgan Hill (APN: 726-19-005)
 - l. 1 well at 17640 Serene Drive in Morgan Hill (APN: 726-19-013)
 - m. 1 well at 17680 Serene Drive in Morgan Hill (APN: 726-19-014)
 - n. 2 wells at 17825 Serene Drive in Morgan Hill (APN: 726-26-004)
 - o. 1 well at 17845 Serene Drive in Morgan Hill (APN: 726-26-005)
 - p. 2 wells at 17865 Serene Drive in Morgan Hill (APN: 726-28-006)
 - q. 1 well at 17820 Laurel Road in Morgan Hill (APN: 726-29-002)
 - r. 1 well at 17900 Laurel Road in Morgan Hill (APN: 726-29-003)

5. Some of the potential sites listed are within FEMA's designated floodplain (areas subject to the 1% annual chance, or 100-year flood). The EIR should assess flooding impacts at the listed project sites and ensure that developments do not adversely impact flooding, both in terms of depth and lateral extent.
 - a. 2400 Moorpark Avenue, San Jose (APN: 282-02-037) is in Flood Zone D
 - b. 350 North White Road in San Jose (APN: 599-01-064) is in Flood Zone D
 - c. Potential housing sites located in Morgan Gill are in Flood Zone D
 - d. Part of 1587 North Capitol Avenue in San Jose (APN 245-01-003) is in Flood Zone AO
 - e. Part of 1515 North Capitol Avenue in San Jose (APN: 245-01-004), west of the parking lot, is in Flood Zone AO
 - f. Other potential housing sites located in San Jose and Stanford University are in Flood Zone D

We wish to review any subsequent documents as they become available. If you have any questions, or need further information, you can reach me at (408) 630-2976, or by email at JMiguel@valleywater.org.

Please reference Valley Water File No. 26007 on future correspondence regarding this project.

Thanks,

JASON MIGUEL

ASSISTANT ENGINEER I

Community Projects Review Unit

JMiguel@valleywater.org

Tel. (408) 630-2976 / Cell. (408) 761-5789

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

VALLEY WATER

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org



PLANNING & DEVELOPMENT SERVICES

CITY OF
**PALO
ALTO** 250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
(650) 329-2441

April 20, 2023

County of Santa Clara Planning Office
County Government Center
70 West Hedding, 7th Floor, East Wing,
San José CA 95110
E-mail: Planning2@pln.sccgov.org

Dear Michael Meehan and the County of Santa Clara Planning Office,

Thank you for the opportunity to comment on the Revised Notice of Preparation of an Environmental Impact Report (EIR) for the County of Santa Clara Housing Element and Stanford Community Plan Update (SCH 2022080196), released March 21, 2023.

As part of preparation of the Draft EIR, Palo Alto requests the following:

1. In the Aesthetics or other relevant Draft EIR section, discuss the relationship, if any, between the HE/SCP update compared to Palo Alto's Community Design Features mapped on Map L-4 in the Comprehensive Plan 2030, evaluating any potential impact on primary gateways and major view corridors. The City's Comprehensive Plan 2030 can be found here:
https://www.cityofpaloalto.org/files/assets/public/planning-amp-development-services/3.-comprehensive-plan/comprehensive-plan/full-comp-plan-2030_with-dec19_22-amendments.pdf.
2. In the Biological Resources, Land Use and Planning, or other relevant Draft EIR section, discuss the oak woodland and other biological resources on the identified housing sites adjacent to Palo Alto.
3. In the Utilities and Service Systems, Public Services and Recreation, or other relevant Draft EIR section, discuss the utilities and public services proposed (water, wastewater, electricity, fire protection, police protection, schools, parks and other public facilities) for the identified housing sites within Palo Alto's urban service area and sphere of influence.
4. In the Transportation, Land Use and Planning, or other relevant Draft EIR section, discuss the following:
 - Given that Palo Alto identified new housing sites as part of the City's 6th Cycle Housing Element Update process, the VMT analysis for the Draft EIR should incorporate these Palo Alto housing units/sites.
 - The County's three identified housing sites on Stanford land near Palo Alto would add additional vehicle trips on Palo Alto streets. This could result in an impact on vehicular circulation and safety concerns for pedestrians, bicyclists, and transit riders. While a Level of Service (LOS) analysis is no longer a requirement for CEQA, note that the City of Palo Alto adopted a LOS policy in 2020 to assess impacts on local streets and intersections for compliance with adopted plans and policies. The City would like to

know if the identified housing would conflict with the City's adopted LOS policy. More information on the City's VMT and LOS policies can be found here:

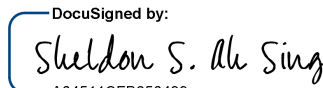
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2020/id-11256-senate-bill-743-implementation.pdf?t=65453.84>.

- Palo Alto adopted policies and programs in the Transportation Element of the Comprehensive Plan 2030 to make safety the first priority of transportation planning. The County's three identified housing sites on Stanford land near Palo Alto would likely add students and parents requiring access to nearby public schools. Consistent with the City's Comprehensive Plan 2030, potential walking and biking safe routes to school should be assessed. The City's Safe Routes to School webpage can be found here: <https://www.cityofpaloalto.org/Departments/Transportation/Safe-Routes-to-School>.
- Palo Alto adopted policies and programs in the Transportation Element of the Comprehensive Plan 2030 to address pedestrian, bicycle, and transit circulation in the Quarry Road area. The Draft EIR should illustrate walking, biking, and transit conditions adjacent to the identified housing sites on Stanford land with potential pedestrian, bicycle, transit safety issues assessed. Also note the City Program T3.10.4 to pursue extension of Quarry Road for pedestrians, bicyclists, and transit to access the Palo Alto Transit Center from El Camino.
- Palo Alto adopted policies and programs in support of creating multi-use paths throughout the City, including in the Quarry Road area. Note the following:
 - The City's Bicycle + Pedestrian Transportation Plan identifies a recommended Class I Multi-Use Path across the Quarry Road/El Camino site (see Map 6-1. Proposed Bikeway Network; https://www.cityofpaloalto.org/files/assets/public/transportation/bicycling-walking/bike-resources/bicycle-pedestrian-transportation-plan_adopted-july-2012.pdf).
 - The Stanford University Medical Center Design Guidelines call for a bicycle and pedestrian path in the immediate vicinity of the Quarry Road/El Camino site and the Quarry Road/Arboretum site, including on the southeast side of the sites.

The City of Palo Alto looks forward to reviewing the Draft EIR when it is released and requests to be on your distribution notification list.

Please feel free to contact us if you have any questions regarding these comments.

Sincerely,

DocuSigned by:

A04511CFB650433...
Sheldon Ah Sing, Principal Planner

DocuSigned by:

78B9C2B677A243F...
Tim Wong, Senior Planner



Stanford University

April 20, 2023

VIA EMAIL

County of Santa Clara Planning Office
Attention: Michael Meehan, Principal Planner
County Government Center
70 West Hedding, 7th Floor, East Wing
San José, CA 95110
planning2@pln.sccgov.org

RE: Santa Clara County Draft Housing Element

Dear Mr. Meehan,

Stanford acknowledges the significant work that County staff have undertaken to prepare the draft Housing Element for Santa Clara County. We're pleased to partner with the County and are proud of our recent large contributions to the housing supply in the unincorporated area. We are in agreement with the County statement in the draft that construction of housing for Stanford affiliates benefits the wider community by reducing local demand for housing (pg. 59). In reviewing the draft Housing Element, we offer the following comments and have clarifying questions.

- 1. Affordable Housing Percentages** – Please provide documentation and clarify why the draft document assumes that a greater percentage of units will be affordable at the Stanford sites than at the San Jose sites (pg. 23). Currently the plan envisions that the Pleasant Hills site will provide 30% affordable units while the Stanford sites will provide 50% affordable units, with 35% of these units being affordable to very low or low income households. While Stanford has confirmed the locations of potential housing sites and potential residential densities (pg. 73), further conversation and rationale is needed about the expected affordability levels of future housing.
- 2. Permitting Housing** – Please clarify the statement on page 27 that the County's role in permitting housing in the unincorporated areas is "limited." The County, of course, has the authority to regulate land use and issue permits within its unincorporated areas just as cities have land use regulatory authority within their own jurisdiction.

Land Use & Environmental Planning
415 Broadway, Academy Hall, 3rd Floor, Redwood City, CA 94063

- 3. RHNA Reporting for Fifth Cycle** – In the fifth cycle, the County reported the construction of 2,597 moderate-income units on Stanford lands. However, the draft Housing Element claims, at various points, that Stanford provided nearly 1,400 units (pg. 59) or 1,606 units (pgs. 61, 119). Page 118 states that 80% of approved RHNA units in the last cycle were constructed on Stanford lands and the most recent staff report to the Board of Supervisors (pg. 7, April 18, 2023) states that 2,597 of the 2,902 housing units produced in the unincorporated area (89%) were associated with the construction of the Escondido Village graduate housing project at Stanford University. Please clarify and ensure accurate and consistent numbers are used.
- 4. Expected Residents on Stanford Sites** - Page 61 states that all three identified Stanford sites “will include a mix of faculty, staff, and graduate student housing.” While any of these groups could occupy housing at any of these sites, this statement should be clarified to reflect that an individual housing project likely will be solely for faculty and staff or solely for graduate students. A revised statement could read: “All three sites will include faculty, staff, and/or graduate student housing.”
- 4. Permitting Process for Additional Housing on Stanford Lands** –Stanford requests additional clarity on the permitting process that would apply to the additional 1,680-2,160 units expected on campus. Would these units be subject to a ministerial approval process?
- 5. R1S and R3S Zoning Districts** – Please include development standards for the R1S and R3S zoning districts in the Residential Development Standards table on page 88. These districts govern hundreds of acres of residential development on Stanford lands in the unincorporated County.
- 6. 1985 Land Use Policy Agreement** - Page 111 should be revised to accurately reflect the contents of the 1985 Land Use Policy Agreement. Section 2(d) of this Agreement states: “Stanford intends to continue to provide all municipal services to its academic facilities in the unincorporated area of Santa Clara County.” Accordingly, please revise the statement on page 111 to say that “. . .Stanford intends to continue supplying its own urban services. . .”
- 7. Implementation Programs** - Stanford notes that there are no implementation programs that address streamlining or facilitating housing on Stanford lands. While there is discussion of implementation programs to address minimum densities and streamlining (pg. 111), this language is not located in any of the implementation programs. We suggest and encourage additional implementation programs that commit the County to creating objective design standards for Stanford housing, speeding the housing permitting process, and facilitating infill development on the main campus and adjoining residential neighborhoods. As an academic institution, Stanford continues to work towards fulfilling its mission to deliver world-class education and building housing to support that mission. We request that the County continue to facilitate housing development by removing phasing constraints between construction of academic buildings and associated housing and also recognize the link between growth of academic facilities and the housing that supports that growth.

We appreciate the opportunity to comment on the draft Housing Element and look forward to continued partnership in providing needed housing for the region.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica von Borck". The signature is written in a cursive, somewhat stylized font.

Jessica von Borck
Executive Director, Land Use