



**DATE:** September 11, 2018

**CATEGORY:** Consent

**DEPT.:** Community Development

**TITLE:** **Proposed Response to the Santa Clara County Civil Grand Jury Report, Affordable Housing Crisis – Density is Our Destiny**

### **RECOMMENDATION**

Approve the draft response to the Santa Clara County Civil Grand Jury Report, Affordable Housing Crisis – Density is our Destiny (Attachment 1 to the Council Report).

### **BACKGROUND**

Grand juries were established in California during the early years of statehood and serve mostly as an investigatory body formed to protect society and enforce the law. The law governing Grand Jury formation, authority, powers, and proceedings, is found in Part 2, Title 4, of the California Penal Code, Sections 888-939.91. In accordance with Section 933 of the California Penal Code, public agency governing bodies are required to comment on grand jury findings and recommendations no later than 90 days after the grand jury submits a final report.

On June 21, 2018, the 2017-18 Santa Clara County Civil Grand Jury issued its final report, Affordable Housing Crisis – Density is our Destiny (Attachment 2). The report discusses the lack of affordable housing in Santa Clara County and cites higher densities as a “necessary solution” to achieve affordability. The City is required to provide a response by September 19, 2018.

### **ANALYSIS**

In preparation for its report, the 2017-18 Grand Jury interviewed 65 elected officials, nonprofit leaders, housing developers, appointed government officials and city staff, including staff from the City of Mountain View. In addition to the interviews, housing elements from each Santa Clara County city and the County of Santa Clara were reviewed along with the Association of Bay Area Governments (ABAG) Regional Housing Needs Assessment (RHNA) allocations and accomplishments for each

jurisdiction. The interviews focused on the following topics as it related to the jurisdiction:

- RHNA Allocations
- RHNA subregions
- NIMBY (“Not In My Back Yard”) versus YIMBY (“Yes In My Back Yard”)
- Inclusionary housing ordinances
- Transit-oriented development
- Job-housing ratios
- Linkage and impact fees
- Employer contributions
- Accessory dwelling units

The report calls for cities to increase densities, enact inclusionary and impact fee programs, and create a Regional Housing Needs Allocation (RHNA) subregion to pool resources. In accordance with the California Penal Code Section 933(c), the City is required to respond to the Presiding Judge of the Superior Court within 90 days on any applicable findings and recommendations. Attachment 1 is the draft letter to the Santa Clara County Grand Jury addressing 12 applicable findings and 11 recommendations.

The City of Mountain View has long been considered supportive and progressive when it comes to affordable housing. As shown in the attached response to the grand jury, the City was one of the first cities in the county to adopt impact fees and an inclusionary zoning program and the City remains committed to these programs by reevaluating the effectiveness of the inclusionary zoning program and increasing the linkage fees as necessary. The City also has a strong pipeline of affordable developments which will help the City towards achieving its RHNA goals.

### **FISCAL IMPACT**

There are no fiscal implications associated with this action.

### **ALTERNATIVES**

1. Provide direction on how to revise the response.
2. Choose to not respond to the Grand Jury report.

**PUBLIC NOTICING**

In addition to the agenda postings, a copy of the agenda and report for this item was posted on the City website in advance of the meeting.

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EA/5/CAM  
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- Attachments: 1. Santa Clara County Civil Grand Jury Response Letter from Mayor  
2. Report: Affordable Housing Crisis – Density is our Destiny