SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

REVISED AGENDA

TUESDAY, JANUARY 24, 2023
CITY COUNCIL CHAMBERS, 455 E CALAVERAS BLVD, MILPITAS, CA
5:30 PM

For assistance in the following languages, you may call:
Đối với Việt Nam, gọi 408-586-2400
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3072

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd., Milpitas and via teleconference/Zoom webinar.
You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:
Facebook: https://www.facebook.com/CityofMilpitas/
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PUBLIC COMMENT INSTRUCTIONS

Oral public comments may be provided live during the City Council meeting in person or by registering for the zoom meeting in advance. To register you will need to provide an email address (not disclosed) and a name. To minimize technical difficulties, please make sure that you have the latest version of the Zoom Application. Below is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_SEHgjnwNRXiDBbzjmBUgTg

After you register a link will be sent to you to join the City Council meeting in order to give your comments. All Zoom meeting attendees who wish to speak must click on the "raise hand" icon when the Mayor calls for public comments. If participating via phone, dial *9 to use the "raise hand" feature, and when called to speak, dial *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor will call speakers by name to address the City Council.

All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items.

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@milpitas.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (5:30 PM)

PLEDGE OF ALLEGIANCE (Mayor Montano)

*** PRESENTATIONS** (5:35 PM)

- Lunar New Year Proclamation

PUBLIC FORUM (5:40 PM)
Members of the public are invited to speak on any item that does not appear on today's agenda. Comments will be limited to three minutes or less at the Mayor's discretion. When called to speak, you are encouraged to state your name for the record. As an item not listed on the agenda, no action can be taken, however the City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT (Mayor Montano)

APPROVAL OF AGENDA

AGENDA ITEMS (5:45 PM)

1. Adopt the Milpitas Housing Element Update – 6th Cycle (2023-2031), General Plan Resolution, and Addendum to the Milpitas General Plan Update Environmental Impact Report (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Alex Andrade, Economic Development Director, 408-586-3046)

Recommendation: (1) Conduct a public hearing and adopt a resolution pertaining to the 6th Cycle draft Housing Element; (2) Approve an Addendum to the Milpitas 2040 General Plan Environmental Impact Report (SCH#: 2020070348); (3) Adopt General Plan Amendment GP23-0001 to update the Housing Element for the 6th Cycle period of 2023-2031; and (4) Adopt the 6th Cycle Draft Milpitas General Plan Housing Element Update (2023-2031) as substantially compliant by state law, and authorizing the City Manager, or designee, to respond to California Department of Housing and Community Development (HDC) findings letter dated January 10, 2023, and submit to HCD for compliance and certification on or before January 31, 2023.

ANNOUNCEMENTS

ADJOURNMENT (7:15 PM)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail:mmutalipassi@milpitas.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.milpitas.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.milpitas.gov/government/council/agenda_minutes.asp (select meeting date)

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CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Adopt the Milpitas Housing Element Update – 6th Cycle (2023-2031), General Plan Resolution, and Addendum to the Milpitas General Plan Update Environmental Impact Report (Staff Contact: Ashwini Kantak, Assistant City Manager, 408-586-3053; and Alex Andrade, Economic Development Director, 408-586-3046)**
Category:	Public Hearings-Community Development
Meeting Date:	1/24/2023
	Recommendation: 1. Conduct a Public Hearing and adopt a Resolution pertaining to the 6th Cycle draft Housing Element. 2. Approve an Addendum to the Milpitas 2040 General Plan Environmental Impact Report (SCH#: 2020070348). 3. Adopt General Plan Amendment GP23-0001 to update the Housing Element for the 6th Cycle period of 2023-2031. 4. Adopt the 6th Cycle Draft Milpitas General Plan Housing Element Update (2023-2031) as substantially compliant by state law, and authorizing the City Manager, or designee, to respond to the California Department of Housing and Community Development (HDC) findings letter dated January 10, 2023, and submit to HCD for compliance and certification.

EXECUTIVE SUMMARY:

California Government Code Title 7, Division 1, Chapter 3, Article 10.6 [65580 – 65589.11] regulates the use and requirements of Housing Elements in California. The state law requires jurisdictions to update their General Plan Housing Element every eight years. State law further requires the current update for jurisdictions in the Association of Bay Area Governments (ABAG) region to comply by January 31, 2023.

The City of Milpitas has prepared a draft update to the Housing Element of the General Plan to affirmatively further fair housing and accommodate the 6,713-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle. The content of the 6th Cycle draft Housing Element is structured for consistency with the requirements set forth in state law. In addition to responding to requirements of state law, the Housing Element also demonstrates the City of Milpitas' strategy to meeting the local housing needs, and that these needs are addressed through policies and programs outlined within the Housing Element. Public review and input have been a critical component of this 6th Cycle Housing Element Update. This Agenda Report, attachments, and draft Housing Element provide a summary, requirements, and status of the City of Milpitas' draft Housing Element, and the findings provided by the California Department of Housing and Community Development ("HCD") on the first 90-day review of the draft. The City of Milpitas has responded to HCD's comments as outlined below and based on meetings with HCD representatives, staff believes that the draft Housing Element substantially complies with Article 10.6 and will extensively respond to both City Council comments and HCD's findings.

The Revised HCD Review Draft Housing Element and Appendices are available on the City's Housing Element website at https://milpitashousingelement.com/. Select the "Revised HCD Draft 12/30/2022" versions.

BACKGROUND:

The Draft Housing Element is one of eight State-mandated General Plan elements and is the only General Plan element subject to review and certification by HCD. The purpose of the Draft Housing Element is to analyze the community's housing needs for current and future residents across various income categories; create, update, and guide housing policy in the City; and identify locations to accommodate the City's RHNA goals. The current Housing Element Update represents the sixth cycle of housing policy development for the City and covers an eight-year planning period from 2023 to 2031.

The City released the draft document for a mandatory 30-day public review period on August 30, 2022, as required by HCD. This public review period represented the third phase of an extensive community outreach process for the Housing Element update, which began in early 2022. On August 31, 2022, the Planning Commission received a draft Housing Element staff presentation followed by the Commission's feedback and public comments. Details from the January 11, 2023 Planning Commission can be found in the Analysis section of this Agenda Report.

The City Council received a presentation on the Public Draft Housing Element on September 20, 2022. At this meeting, staff provided an overview of all comments received and the corresponding revisions to the document to address these comments. Attachment A is a copy of the Council Agenda Report from September 20, 2022. The attachment includes a summary of revisions by staff to the Public Draft Housing Element in response to City Council input and community concerns.

The Council Housing Committee has met twice on the Draft Housing Element topic: August 22, 2022 and January 6, 2023. At the January 6, 2023 meeting, the Council Housing Subcommittee received a presentation on the latest draft Housing Element, including the housing sites inventory, goals and programs, and recent revisions made to the public and HCD review drafts. The Subcommittee asked clarifying questions related to the RHNA, sites inventory, rezoned sites vs. opportunity sites, future housing needs, and "Missing Middle" housing opportunities. Members of the Subcommittee also requested current numbers for Accessory Dwelling Units (ADUs) development. Overall, the Subcommittee expressed strong support for the 6th Cycle draft Housing Element.

The public review period for the Public Draft Housing Element ended on September 30, 2022. During the review period, the following meetings were held to provide information and receive public comments:

- Planning Commission - August 31, 2022
- Community Workshop #3 - September 13, 2022
- Community Development Roundtable - September 16, 2022
- Great Mall Farmers' Market Pop-Up Event - September 18, 2022
- City Council Meeting - September 20, 2022
- Santa Clara Collaborative Equity Advisory Group – September 29, 2022

Additionally, public comments were solicited online through a third community survey that was available during the review period. Comments could also be entered directly into the draft Housing Element document that was posted on the project website via an online public engagement tool, or comments could be sent to a dedicated Housing Element email address.

Initial revisions were made to the draft Housing Element in response to public comments received during the 30-day public review period that concluded on September 30, 2022. Additional edits were made based on preliminary comments received from HCD via email on December 29, 2022, and on December 30, 2022. A revised Housing Element draft was shared with community partners and HCD, which can be viewed here.

ANALYSIS:

Revisions Based on Comments Received During Public Review Period

On October 17, 2022, the City submitted an updated version of the Public Draft Housing Element to HCD and posted a copy on the City's Housing Element website as part of the 90-day review period. In addition to updating the information contained in the Public Draft Housing Element and the accompanying appendices, revisions to the Housing Element policies included the following:

- **Goal HE-1: Adequate Sites and Housing Production**
  - HE 1.7: Refined policy on school coordination to address opportunities for housing on surplus school properties.
- **Goal HE-3: Barriers to New Housing Production**
  - HE 3.3: Refined policy on Housing Opportunity Zones (HOZ) land use to balance commercial and residential uses for mixed use development.
  - Policy HE 3.7: Refined adaptive reuse policy to focus on economically under-utilized properties.
- **Goal HE-4: Housing Diversity and Affordability**
  - HE 4.7 (formerly 4.8): Expanded policy to support alternative housing types.
  - HE 4.9 (formerly 4.10): Refined policy associated with alternative supportive housing and care.
  - HE 4.11 (formerly 4.12): Added Community Development Block Grant (CDBG) policy related to use of funds for affordable housing.
- **Goal HE-7: Special Needs Populations**
  - HE 7.1, 7.5 (formerly 7.4), and 7.8 (formerly 7.7): Expanded policies to address housing for special needs populations.
- **Goal HE-8: Unhoused Population**
  - HE 8.6: Expanded on feasibility study for low-barrier navigation center (tiny homes village model).

Additionally, the draft Housing Element contains specific programs that are intended to implement the Housing Element goals and policies. These programs were refined and expanded based on public comments and recommendations. Table 1 summarizes the primary revisions made to various housing programs.

Table 1: Summary of Revisions to Housing Element Programs Based on Community Comments During Public Review Period

Programs	Program Revisions
Program 4: Accessory Dwelling Units (ADUs)	• Added provision targeting funding/incentives for persons with disabilities and their caregivers
Program 6: Housing Rehabilitation	• Added ongoing Milpitas Assistance Program (MAP)
Program 7: Tenant Assistance and Fair Housing	• Added ongoing coordination with the San Andreas Regional Center (SARC)
Program 9: Anti-Displacement	• Added regular survey on rental assistance program and anti-displacement activities • Refined anti-displacement program list
Program 15: Housing Opportunity Zones (HOZs)	• Added incentives for persons with disabilities
Program 16: Affordable Housing Development	• Added language about County funding and incentives for persons with disabilities • Added action for Enhanced Infrastructure Financing District (EIFD)
Program 21: Zoning Ordinance and Building Code Amendments	• Added Tiny Homes Village Feasibility Study • Updated to reflect 2019 Service Delivery Fee Study and AB 2234 (post-entitlement permitting)

Program 22: Supportive Housing for Persons with Disabilities	• Added ongoing coordination with the SARC • Added incentive actions for supportive housing and units for persons with disabilities

HCD Preliminary Review Timeline

State law allows HCD up to 90 days to review and provide comments on the first submittal of a Draft Housing Element. HCD indicated that Milpitas would receive its response letter no later than January 13, 2023. Since Bay Area cities must adopt their Housing Element by January 31, 2023, staff contacted HCD to determine if preliminary comments could be provided before the due date of the official response letter to facilitate a quicker turnaround.

HCD staff met virtually with City staff on three occasions in December 2022 to provide preliminary comments on the Draft Housing Element. The mutual goal was to reduce the remaining items the City would need to address after receiving HCD's formal response letter. HCD was helpful in providing a checklist of their preliminary comments, and staff was able to submit a Revised HCD Review Draft Housing Element that addresses many of HCD's checklist items. The purpose was to significantly reduce the remaining comments that the City needs to address upon receiving HCD's formal response letter.

Per HCD's transparency requirements, any subsequent draft revisions must be posted on the jurisdiction's website and a link must be emailed to all individuals and organizations that have previously requested notices relating to the local government's Housing Element. The mandatory posting period is at least seven days before the draft revisions can be submitted to HCD for review. Additionally, HCD staff requested that upon receiving the revised document, the City should allow seven days for them to complete their response letter. To adhere to these time constraints, the following schedule was established:

- **December 30, 2022** - Notice and post Revised HCD Review Draft Housing Element that addresses HCD's preliminary comments. The latest links are now live on the Milpitas Housing Element website.
- **January 6, 2023** - City Council Housing Subcommittee meeting.
- **January 6, 2023** - Following seven-day public review period, transmit Revised HCD Review Draft Housing Element to HCD for review.
- **January 11, 2023** - Planning Commission public hearing and recommendation.
- **January 13, 2023** - Response letter expected to be received by City from HCD, but staff received HCD's findings letter on January 10, 2023.
- **January 24, 2023** - City Council Public Hearing and Adoption, with direction to respond to HCD's findings letter.
- **January 31, 2023** - Draft Housing Element must be adopted by City Council by the end of January.

The Revised HCD Review Draft Housing Element and Appendices are available on the City's Housing Element website at https://milpitashousingelement.com/. Select the "Revised HCD Draft 12/30/2022" versions.

HCD Preliminary Review Comments and Staff Revisions

HCD's preliminary comments pertained to: 1) verifying and elaborating on existing City conditions and performance for the 5th Cycle Housing Element (2014-2022); 2) clarifying and justifying the sites and housing units included in the City's Site Inventory to meet its Regional Housing Needs Allocation (RHNA); 3) elaborating on how the City has responded to public comments in the Housing Element; and 4) refining or expanding policies, programs, and actions to meet affordable housing and fair housing objectives.

Additionally, the City received a comment letter on December 20, 2022, from the Law Foundation of Silicon Valley. Along with addressing HCD's preliminary comments, the Revised HCD Review Draft Housing Element also includes edits to respond to the Law Foundation's comments.

Key revisions and additions in the latest document are summarized below:

- **How Community Engagement Shaped the Plan** – The City identified specific revisions that were incorporated in the Draft Housing Element to respond to public comments.

- **RHNA Strategy** - Adjustment were made in several areas:
  - **ADUs**: The potential accessory dwelling units (ADUs) for the 2023-31 Housing Element cycle was reduced from 248 to 176 units based on building permits issued for ADUs between 2019-22. The previous projection included pending applications and must be based on actual building permits issued each year. The result is a slight reduction in the total number of potential housing units, but the City will continue to exceed its RHNA across all income categories.

  - **Milpitas Metro Plan Residential/Mixed Use Sites**: Certain sites in the RHNA Strategy have been redesignated from Opportunity Sites to Rezone Sites because rezoning will occur after adoption of the Housing Element. This change in site designation does not affect the total units in the RHNA Strategy. In accordance with HCD requirements for RHNA units, Milpitas will need to complete the rezonings by the end of 2023. Staff expects that with the planned adoption of the Metro Plan scheduled for City Council consideration on February 7, 2023, the associated rezonings could occur by the required date.

Table 2 below summarizes the City's revised RHNA Strategy.

Table 2: City of Milpitas RHNA Strategy

	Units by Income Group				Total
	Very Low	Low	Moderate	Above-Mod	
RHNA	**1,685**	**970**	**1,131**	**2 ,927**	**6,713**
Credits	**176**	**253**	**148**	**1,793**	**2,370**
Potential ADUs	**53**	**53**	**53**	**18**	**177**
Pipeline Projects	**123**	**200**	**95**	**1,775**	**2,193**
Remaining RHNA	**1,509**	**717**	**983**	**1,134**	**4,343**
Existing Opportunity & Adequate Sites	**233**	**233**	**14**	**159**	**639**
RHNA Shortfall	**1,760**		**969**	**975**	**3,704**
Rezone Sites	**1,081**	**1,081**	**1,881**	**2,346**	**6,389**
Surplus (+) / Deficit (-) (RHNA vs. Credits), Opportunity Sites, and Rezone Sites	**+402**		**+912**	**+1,371**	**+2,685**

- **Goal HE-1: Adequate Sites – expanded following policy:**
  - HE 1.6: Continue to work with property owners to facilitate land acquisition and site assembly. Maintain communications with property owners and developers who exhibited interest in

redeveloping their properties. Regularly identify steps and/or actions to transform interest into affordable housing production.

- **Goal HE-3: Barriers to Housing Production – added or expanded following policies:**
  - HE 3.1: Continually review and right-size development fees on housing development. Adjust or defer City fees for affordable housing development.
  - HE 3.2: Track changes to State housing legislation and regularly update the City's Zoning Ordinance to reduce barriers to housing production and incentivize affordable housing production.
  - HE 3.8: Be a strong advocate for legislative change and funding/financing initiatives to support affordable housing.
  - HE 3.9: Continue to streamline housing permitting and procedures consistent with State laws (e.g., AB 2234) and the City's Service Delivery Study.

- **Goal HE-4: Housing Diversity and Affordability – added or expanded following policies:**
  - HE 4.5: Regularly review and update the City's Affordable Housing Ordinance and State Density Bonus ordinance to ensure both increase in the production of housing affordable to very low-, low- and moderate-income households.
  - HE 4.12: Continue to release land designated as surplus for development of affordable housing and other uses.
  - HE 4.13: Proactively monitor and enforce the City's Short-Term Rental ordinance to minimize impacts on affordable housing options.

- **Goal HE-7: Special Needs Populations – added following policy:**
  - HE 7.2: Maintain financial assistance programs, such as the Rent Relief Program and Milpitas Assistance Program, to support residents and families with emergency needs.

Program Revisions – Table 3 summarizes the revisions included in the Revised HCD Review Draft Housing Element:

Table 3: Summary of Primary Program Revisions in Revised HCD Review Draft Housing Element

Program	Program Revision
Program 1: Adequate Sites	• Engage property owners and developers to develop sites • Address disposal of city-owned sites • Near end of Housing Element cycle, identify additional sites and rezone as needed to meet RHNA
Program 4: Accessory Dwelling Units (ADUs)	• Take corrective measures to encourage ADU production • Annually review and revise ADU ordinance as appropriate
Program 6: Housing Rehabilitation	• Connect residents to energy efficiency and retrofit programs
Program 9: Anti-Displacement	• Expand measures for tenant protections and move up completion date to 2026
Program 11: Preservation of At-Risk Housing	• Expand support for tenants of at-risk units

Program 16: Affordable Housing Development	• Establish policy priority for water and sewer service for lower-income housing projects
Program 21: Zoning Code and Building Code Amendments	• Review parking and open space standards • Clarify process requirements for supportive housing to streamline approval • Address zoning constraints for production of single-room occupancy (SRO) housing • Establish procedures for approval of SB35 qualifying projects • Complete tiny homes village study in 2023
Program 24: Missing Middle Housing	• Expand actions to facilitate and incentivize missing middle housing

HDC Findings Letter

On January 10, 2023, staff received HCD's findings letter on the draft Housing Element, which summarizes four revisions necessary to comply with state law (Attachment B). The four revision topic areas include:

1. Affirmatively Furthering Fair Housing (AFFH) focused on disproportionate housing needs, local data and knowledge, and other relevant factors, and programs.

2. Inventory of land suitable and available for residential development including suitability of nonvacant sites, emergency shelter capacity, electronic sites inventory, and programs.

3. Potential and actual governmental constraints on development of housing for all income levels. This section consists of land use controls and programs.

4. Public participation of all economic segments of the Milpitas community in developing the draft Housing Element.

Staff is currently developing responses to HDC's findings letter. If the City Council adopts the draft Housing Element along with critical documents listed below at the January 24, 2023, Special City Council meeting, staff will submit a revised draft Housing Element to HCD for compliance and certification.

Planning Commission

On January 11, 2023, the Planning Commission conducted a Public Hearing to discuss Resolution No. 23-001 (Attachment C), Addendum to the Milpitas 2040 General Plan Environmental Impact Report (SCH#: 2020070348) (Attachment D), General Plan Amendment GP23-0001 to update the Housing Element for the 6th Cycle period of 2023-2031, and latest revisions to the Draft Housing Element since the last Planning Commission meeting on August 31, 2022. Based on a unanimous vote, the Planning Commission recommends to the City Council that they approve the draft Housing Element and associated documents at the January 24, 2023, Special City Council meeting.

Once HCD responds to the latest Housing Element submittal, staff will keep the City Council informed of their respective comments and/or compliance and certification.

FISCAL IMPACT:

Raimi + Associates is the City's consultant for the 6th Cycle Housing Element and their contract totals $431,710.00. The City was granted an Association of Bay Area Governments (ABAG) Regional Early Action (REAP) Grant for the 6th Cycle Housing Element and totals $142,718.00. Implementation of the 6th Cycle

Housing Element with development of new housing and concentrated housing tasks, activities, and programs, will likely require additional staff resources, and this topic may be a part of the upcoming budget conversations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

In accordance with CEQA Guidelines Sections 15162 and 15164, the City prepared an Addendum to evaluate whether the project's environmental impacts are covered by and within the scope of the Milpitas General Plan Update Final EIR (March 2021, State Clearinghouse Number 2020070348). The Addendum Evaluation substantiates the City's determination that the Housing Element update policies and programs are within the scope of the General Plan EIR, do not require subsequent action under CEQA Guidelines Section 15162, and in conjunction with the EIR, adequately address potential environmental impacts (Attachment E).

RECOMMENDATION:

1. Conduct a Public Hearing and adopt a Resolution pertaining to the 6th Cycle draft Housing Element.
2. Approve an Addendum to the Milpitas 2040 General Plan Environmental Impact Report (SCH#: 2020070348).
3. Adopt General Plan Amendment GP23-0001 to update the Housing Element for the 6th Cycle period of 2023-2031.
4. Adopt the 6th Cycle Draft Milpitas General Plan Housing Element Update (2023-2031) as substantially compliant by state law, and authorizing the City Manager, or designee, to respond to the California Department of Housing and Community Development (HDC) findings letter dated January 10, 2023, and submit to HCD for compliance and certification.

Attachments:

A. Council Agenda Report and Summary of Revisions dated Sept. 20, 2022
B. HDC Findings Letter dated Jan. 10, 2023
C. Planning Commission Resolution No. 23-0001
D. Addendum to General Plan EIR
E. City Council Draft Resolution Draft

CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	6th Cycle Draft Housing Element (2023-2031) **(Ashwini Kantak, Assistant City Manager, 408-586-3053 and Alex Andrade, Economic Development Director, 408-586-3046)**
Category:	Community Development
Meeting Date:	9/20/2022
	Recommendation: 1) Receive a presentation on the Draft Housing Element; 2) Receive public comments; and 3) Provide comments to be reflected in a revised Draft Housing Element to be submitted to the California Department of Housing and Community Development (HCD) for its review.

BACKGROUND:

City staff and the consultant team, Raimi & Associates, have completed the Draft Housing Element and it was posted for public review on August 30, 2022. The Draft Housing Element represents the sixth update of this document and covers the eight-year planning period from 2023 to 2031. It is one of eight State-mandated General Plan elements and is the only General Plan element subject to review and certification by a State agency – the California Department of Housing and Community Development (HCD). The purpose of the Draft Housing Element is to analyze the community's housing needs for current and future residents across various income categories; create, update, and guide housing policy in the City; and identify locations to accommodate the City's Regional Housing Needs Allocation (RHNA) goals.

The Housing Element update process began in December 2021 and has involved considerable community input during the preparation of the document. HCD requires the Draft Housing Element to be available for a 30-day public comment period, which will end on September 30, 2022. The document will be revised as needed to respond to public comments before it is submitted to HCD for review in early October. Additional opportunities for public input will be available before the Draft Housing Element is considered by the City Council for adoption, which is expected to occur in January 2023.

At this time, the Draft Housing Element is presented for City Council discussion only and no action will be considered until after the City receives comments back from HCD and staff and the consultant team have had an opportunity to further revise the document to respond to HCD's comments.

On June 7, 2022, the City Council held a Study Session to receive an update of the Housing Element process. Staff and the consultant team presented the outcome of the initial phase of community engagement and findings from the background analyses to the City Council. The presentation included an overview of the housing needs assessment, constraints analysis, sites inventory methodology, fair housing assessment, and an environmental justice analysis. The City Council provided input on issues to address in the Draft Housing Element which has helped shape the organization of the document and the goals, polices, and programs.

ANALYSIS:

City staff and the consultant team will provide a presentation that covers: 1) comprehensive community engagement activities including the most recent City Council Housing Subcommittee and Planning

Commission meetings; 2) the proposed Draft Housing Element's goals, policies, and programs; and 3) an overview of the required Affirmatively Furthering Fair Housing (AFFH) assessment.

City Council Housing Subcommittee:

Staff and the consultant team received initial comments on the Draft Housing Element goals, policies, and program and the RHNA sites inventory at a City Council Housing Subcommittee meeting on August 22, 2022. The Subcommittee, led by Councilmembers Phan and Chua, expressed concerns about supportive housing placement and emphasized the importance of coordinating with the City's Police and Fire Departments and the community. Additional emphasis was placed on the importance of strengthening the City's relationships with county and federal agencies to acquire funding for low-income housing developments. The Subcommittee noted the Council's support for legal aid and financial assistance and cautioned staff on the challenges that come with policy changes that could impact the rental housing market. Staff was requested to set specific goals and requirements for rezoning that could accommodate further state funding opportunities as well as emphasizing the importance of rezoning and balancing the residential, commercial, and industrial needs of Milpitas.

The Subcommittee conveyed interest in continuing to explore additional options for middle income housing, increasing ADU development, Prohousing Designation Program through Housing and Community Development (HCD), establishing parking maximums to promote transit-oriented housing, and promoting housing types that reduce costs (e.g., cost sharing opportunities through the reduction of transportation related infrastructure costs). Further, staff was requested to research items including low-interest loan opportunities, surplus land program, land donation options, Enhanced Infrastructure Financing Districts (EIFD), adaptive re-use, the potential to create the City's own Housing Trust, and prefabricated homes. The Draft Housing Element programs and actions have been revised as needed to address the Subcommittee's comments. Attachment A itemizes these comments and the associated revisions.

Planning Commission:

On August 31, 2022, the Planning Commission was also presented a briefing on the Draft Housing Element. The meeting provided a timely opportunity to present the Commission with an overview of the community engagement process and the input received to date, the scope of the goals, policies, and programs, and the current RHNA Sites Inventory. Staff responded to questions on how the Housing Element will be implemented and how it will guide future decisions and actions to address the City's existing and future housing needs. A representative from Housing Choices, a non-profit organization that advocates and provides supportive services for persons with developmental disabilities, spoke at the meeting to highlight the special housing needs of this population group. A letter was also submitted to staff with recommendations to address these needs. Staff has reached out to the speaker to discuss how the recommendations from Housing Choices can be reflected in the next version of the Draft Housing Element that will be submitted to HCD for review.

Community Engagement:

Community engagement for the Housing Element was conducted in three phases: Phase 1 helped to identify key housing needs, challenges, and opportunities; Phase 2 focused on generating housing ideas; and Phase 3 corresponds with the release of the Housing Element.

Phase 1 community engagement activities included:

- Stakeholder and focus group meetings on housing needs and challenges – February-March 2022
- Community Workshop #1 – March 14, 2022
- Community Development Roundtable meeting – March 17, 2022
- "Pop-up" event at the City's Earth Day event – April 23, 2022
- Community Survey #1 – March 9 – April 14, 2022 (62 respondents)

Phase 2 of community engagement was conducted following the City Council Study Session on June 7, 2022, and consisted of the following activities:

- Community Development Roundtable meeting – June 16, 2022
- Community Workshop #2 – June 28, 2022
- "Pop-up" events:
  - Great Mall – June 25, 2022
  - Milpitas Main Library – July 30, 2022
- Stakeholder interviews on environmental justice and fair housing issues
- Community Survey #2 – June 24-July 31, 2022 (194 respondents)

Phase 3 of community engagement is occurring during the current 30-day public review period. The following community engagement tools and events are available now or scheduled to receive public comments:

- Online Community Survey #3 – August 31 to September 30, 2022 (link)
- Online Tool for Commenting on Draft Housing Element (link)
- Community Workshop #3 – September 13, 2022
- Community Development Roundtable – September 16, 2022
- Great Mall Farmers' Market Pop-Up Event – September 18, 2022
- City Council Meeting –- September 20, 2022
- Santa Clara Collaborative Equity Advisory Group – September 29, 2022

The City also accommodated community engagement challenges presented by the ongoing COVID-19 pandemic. The City used digital communication channels, in-person events, and interpretation and translation support to ensure the greatest level of participation from all segments of the community. The City offered interpretation in Spanish, Vietnamese, and Mandarin during virtual workshops. And, also provided bilingual flyers and surveys during Phase 1, sharing the survey door-to-door with 171 individual units at Sunnyhills apartments.

Draft Housing Element Goals, Policies, and Programs:

The Draft Housing Element is organized around ten (10) broad housing goals that are supported by 72 specific policies. These goals and policies and further articulated through 24 actionable programs. The combined goals, policies, and programs will shape the housing work program and priorities for the City during the next eight years. The end product reflects community input received to date, findings from the background reports, and items to comply with state housing element law. Below are goals from the Draft Housing Element:

- **GOAL HE-1: ADEQUATE SITES AND HOUSING PRODUCTION**
  Maintain adequate sites to accommodate the City's share of the regional housing needs, including sites that are appropriate for the development of housing affordable to extremely low, very low-, low- moderate-, and above moderate-income households through appropriate land use and zoning.

- **GOAL HE-2: EXISTING HOUSING RESOURCES**
  Maintain high-quality residential and mixed-use neighborhoods and preserve existing housing resources, including units affordable to extremely low-, very low-, low-, and moderate-income households and market rate units.

- **GOAL HE-3: BARRIERS TO NEW HOUSING PRODUCTION**
  Continually assess the barriers to new housing production and proactively mitigate the governmental constraints to new housing development.

- **GOAL HE-4: HOUSING DIVERSITY AND AFFORDABILITY**
  Support the development of a diverse range of housing types, including rental and ownership units, housing affordable to all economic segments of the community, and housing for individuals with special housing needs.

- **GOAL HE-5: FAIR HOUSING**
  Ensure equal housing opportunity for all households and equal access to housing resources.

- **GOAL HE-6: CONSERVATION AND SUSTAINABLITY**
  Ensure a sustainable future for the City by promoting energy efficiency, reduction of greenhouse gases, and conservation in existing homes and new residential development projects through location-efficient development, green building, and utility efficiency and conservation programs.

- **GOAL HE-7: SPECIAL NEEDS POPULATIONS**
  Support programs aimed at housing for special needs populations.

- **GOAL HE-8: UNHOUSED POPULATION**
  Collaborate with regional agencies and organizations to support the unhoused population in Milpitas through the provision of services and supportive housing.

- **GOAL HE-9: MOBILITY**
  Prioritize expanding affordable mobility options for lower income households and people with special needs.

- **GOAL HE-10: IMPLEMENTATION CAPACITY**
  Allocate adequate City resources to implement programs in the Housing Element.

Fair Housing Assessment

For the 6th Housing Element Cycle, jurisdictions are required under State law (AB 686, adopted 2017) to incorporate a Fair Housing Assessment (FHA) into their Housing Element. The City's FHA is Appendix F-2 of the Draft Housing Element. The purpose of the FHA is to provide a basis, grounded in data and community engagement, to define programs and actions that address four core fair housing issues: 1) segregation; 2) racially and ethnically concentrated areas of poverty (R/ECAPs); 3) disproportionate housing needs (including those associated with displacement); and 4) disparities in access to housing opportunities.

Affirmatively Furthering Fair Housing (AFFH) seeks to combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, and lift barriers that restrict access to foster inclusive communities and achieve racial equity, fair housing choices, and opportunities for all residents. For the purposes of analyzing the City's RHNA strategy through an AFFH lens, the Housing Element sites inventory is assessed at the tract level by neighborhood groupings. In general, the highest concentration of Housing Element sites are located in the southwestern portion of the city. These areas include a mix of high and moderate resource census tracts and do not have higher concentrations of population based on race/ethnicity and income than the city as a whole. Elsewhere in the City, parcels included in the sites inventory are more scattered, such as in Sunnyhills and North Abbott Ave. There do not appear to be significant differences in the location of parcels included in the Housing Element sites inventory based on whether they are Pipeline sites, Rezone sites, or Opportunity sites. The next section of this report provides more information on the Sites Inventory.

HCD also requires the RHNA Sites Inventory to consider strategies under AFFH. This includes ensuring that future housing units, especially for lower income households, are not disproportionately concentrated in areas with larger populations of racial/ethnic minority groups, persons with disabilities, and other members of groups protected from discrimination by the federal Fair Housing Act and the California Fair Employment and Housing Act. The City's AFFH analysis, Appendix F of the Draft Housing Element, identifies potential barriers that could restrict access to opportunity and, conversely, identifies specific meaningful programs and actions to affirmatively further fair housing. Appendix F provides a summary of fair housing issues, an analysis of segregation patterns and disparities in access to opportunities, and an assessment of contributing factors.

AFFH goals, policies, and implementation programs are integrated into the Draft Housing Element. Goals and supporting policies that particularly address AFFH are:

- Goal HE-4: Housing Diversity and Affordability;

- Goal HE-5: Fair Housing;
- Goal HE-7: Special Needs Population; and
- Goal HE-9: Mobility.

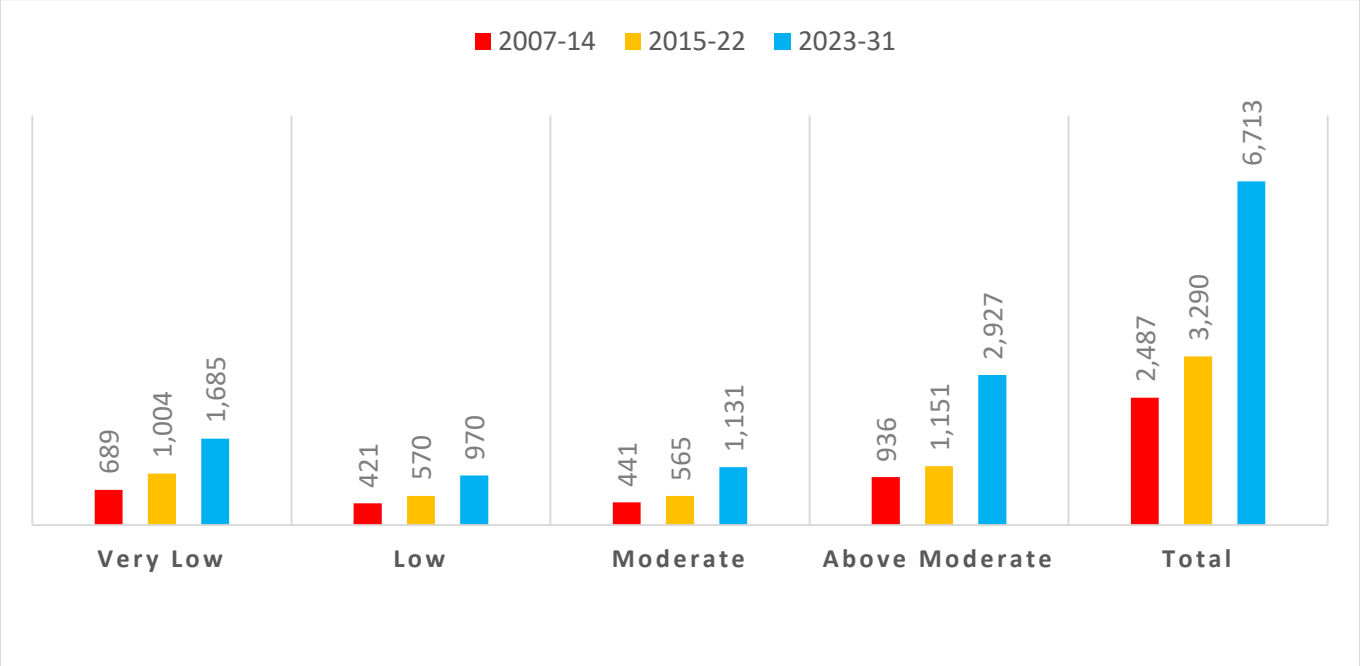
Implementation programs that address fair housing and anti-displacement include:

- Program 7: Tenant Assistance and Fair Housing Services;
- Program 8: Fair Housing Enforcement, Outreach, and Education;
- Program 9: Anti-Displacement;
- Program 10: Place-based Strategies for Neighborhood Improvements;
- Program 11: Preservation of At-Risk Housing;
- Program 14: Rent Review Ordinance; and
- Program 22: Supportive Housing for Persons with Disabilities.

RHNA Sites Inventory:

A key component of Goal HE-1, Adequate Sites and Housing Production, is identifying sites for planned or potential housing production to meet the RHNA goals. The City must demonstrate an adequate number of sites with appropriate existing zoning or foreseeable rezoning to accommodate at least 6,713 housing units, plus additional sites and units to provide a "buffer" for lower income units. The RHNA is further differentiated by household income levels (Very Low, Low, Moderate, and Above Moderate). Figure 1 below compares the RHNA for the 6th cycle with the previous 4th and 5th cycles. The 6th cycle RHNA has increased over two-fold from the current 5th cycle.

Figure 1: City of Milpitas RHNA Numbers (4th, 5th, 6th Cycles)



The City's sites inventory includes three categories of housing units: 1) Credits towards RHNA (which includes future Accessory Dwelling Units (ADUs) and Pipeline Projects), 2) Opportunity Sites; and 3) Rezone Sites.

Future ADUs and Pipeline Projects count as "credits" towards RHNA. Pipeline Projects include projects that have been approved, applications submitted, or those that are under construction.

- ADUs: Between 2019-2021, Milpitas permitted 31 ADUs per year on average (23, 29, and 42 respectively). Per HCD guidance, the City can count a total of 248 over the eight-year cycle (31 units *

8 years) and spread across the income categories outlined above. During this period, the City has seen an uptick in both ADU applications submitted and permitted.

- Pipeline Projects: The City's current list of pipeline projects count towards 2,193 units with 123 in the very low-income category, 200 in the low-income category, 95 in the moderate-income category, and 1,775 in the above-moderate income category.

With the anticipated ADUs and Pipeline Projects, the City can accommodate 2,441 units. The City must accommodate the remaining RHNA of 4,272 units with Opportunity Sites or Rezone Sites. Opportunity Sites include vacant or underutilized sites, currently zoned for residential or mixed-use, and likely to redevelop during this eight-year planning period. Rezone Sites are potential candidates for redevelopment but would require to be rezoned to allow residential use ('NCMU' General Plan designation or 'C2' Commercial zone).

- Opportunity Sites: The City can accommodate 5,785 units with 1,091 very low-income units, 1,091 low-income units, 1,576 moderate-income units, and 2,027 above-moderate income units.
- Rezone Sites: The City can accommodate 1,274 units with 225 very low-income units, 225 low-income units, 319 moderate-income units, and 478 above-moderate income units.

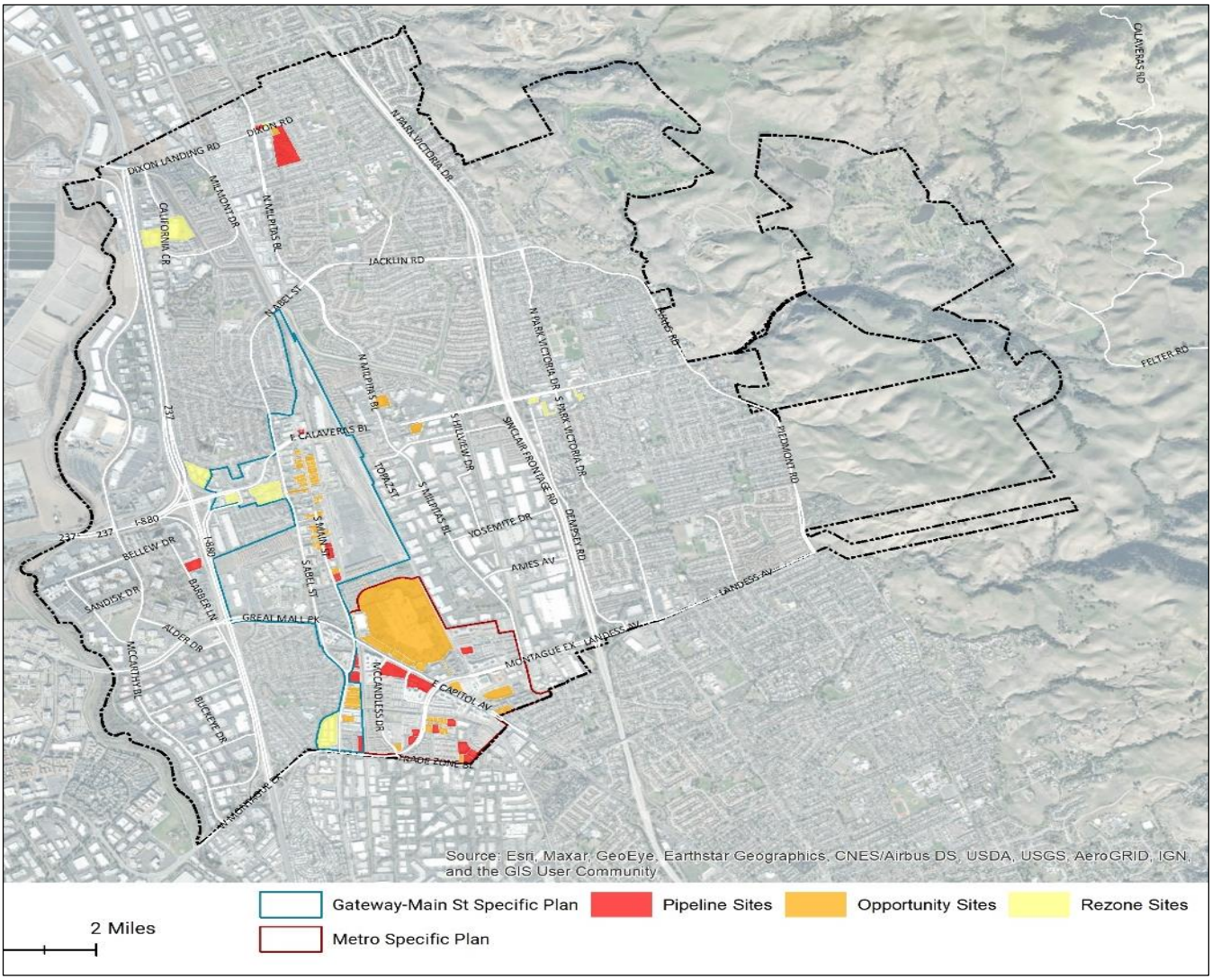
Combined, the City estimates up to 7,032 units in these two categories, creating a total buffer of 2,760 units (65%) and lower-income buffer of 449 units (21%) over the remaining RHNA. Figure 2 provides a summary table of the Sites Inventory.

Figure 2: Sites Inventory Summary Table

	Very Low <50% AMI	Low 50-80% AMI	Moderate 80-120% AMI	Above Mod >120% AMI	Total
RHNA	1,685	970	1,131	2,927	6,713
Credits	197	274	169	1,800	2,441
Potential ADUs	74	74	74	25	248
Pipeline Projects	123	200	95	1,775	2,193
Remaining RHNA	**1,488**	**696**	**962**	**1,127**	**4,272**
Opportunity Sites	1,091	1,091	1,576	2,027	5,785
Rezone Sites	225	225	319	478	1,247
Total Capacity (Opportunity + Rezone)	**1,316**	**1,316**	**1,895**	**2,505**	**7,032**
Surplus (%)	**449 (21%)**		**993 (97%)**	**1,378 (122%)**	**2,760 (65%)**

Figure 3 is a Site Inventory Map showing the sizes and locations of sites identified as a proposed housing site, including Pipeline Projects (red), Opportunity Sites (orange), and Rezone Sites (yellow). Specific locations for potential ADUs are not shown on the map but are generally considered to be distributed citywide.

Figure 3: Sites Inventory Map



Next Steps

Following the conclusion of the 30-day public comment period on September 30, 2022, staff and the consultant team will review all comments and update the draft Housing Element as needed. Depending on the number of revisions required, the goal is to submit the updated document to HCD for its review by early October 2022. HCD requires jurisdictions to allow up to 90 days to review Draft Housing Elements. Following receipt of HCD's comments, the document will be further revised to respond to HCD comments. It is expected that the "final" Draft Housing Element will be presented in January 2023 to the Planning Commission for a recommendation and to the City Council for possible approval before resubmittal to HCD for certification.

FISCAL IMPACT:

The Draft Housing Element review by the City Council does not have a fiscal impact. City staff will concentrate on completing the Draft Housing Element within existing resources and executed contract with the consultant.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This report represents ongoing work on the Milpitas General Plan Housing Element 6th Cycle Update. The presentation and discussion are not a project under the California Environmental Quality Act (CEQA). The Draft Housing Element will be evaluated for consistency with the Final Environmental Impact Report (FEIR) completed for the Milpitas General Plan Update (SCH#: 2020070348). This CEQA evaluation will be completed prior to City Council adoption of the Housing Element.

RECOMMENDATION:

1) Receive a presentation on the Draft Housing Element;
2) Receive public comments; and
3) Provide comments to be reflected in a revised Draft Housing Element to be submitted to the California Department of Housing and Community Development (HCD) for its review.

Attachment:

A. City Council Subcommittee Comments and Housing Element Revisions, August 22, 2022

ATTACHMENT A
City Council Housing Subcommittee Meeting
August 22, 2022

DRAFT HOUSING ELEMENT UPDATE
Councilmember Comments and Staff Responses

Councilmember Comment	Staff Response
GOAL HE-8 and PROGRAM 22: Supportive Housing for Persons with Disabilities	
• Work with Santa Clara County to identify sites, and also using the HOZ. Location of supportive housing sites is a sensitive issue before releasing to the public because the public gets an impression of the location of the sites. • Recognize unintended consequences like public safety; mitigate through community outreach; coordinate with fire and police.	• HE Update: Added text in bold under Program 22: Supportive Housing for persons with Disabilities: "Analyze suitability of sites identified in the Sites Inventory for permanent supportive housing development **and conduct community engagement about those sites."** • HE Program 15: Housing Opportunity Zones already includes "Encouragement of special needs housing, including senior living, housing for persons with disabilities, and workforce housing "
PROGRAM 1: Adequate Sites for RHNA	
• Set specific goals for rezone sites: 150% of what's calculated RHNA. Balance commercial and residential for tax revenue	• HE Program 1: Adequate Sites for RHNA already includes "By December 2024, rezone properties as outlined in Appendix E to provide adequate sites to accommodate the RHNA shortfall. The rezoned sites will meet the requirements of Government Code 65583.2, including but not limited to a minimum density of 20 units per acre (as the low end of the density range for each zoning district), minimum site size to permit at least 16 units on site, and zoned to allow ownership and rental housing by right in which at least 20 percent of the units are affordable to lower income households." • HE Policy 1.9: Adequate Sites and Housing Production already includes "Support introducing housing and mixed-use development in older commercial centers (located in C-2, TC, and HS zoning districts) while balancing the importance of preserving convenient neighborhood and community-serving retail uses."
PROGRAM 4: Accessory Dwelling Units (ADUs)	
• ADU average is low- revisit incentives to have more ADUs per year over the next 8 years. • Explore subsidies for ADUs through ARPA funding? • Also have pre-approved plans for ADUs • Offer prefab options for constructing ADUs	• HE Program 4: ADUs already includes action- "By the end of 2024, pre-approve building permit plans of prototype ADU units and evaluate prefab ADUs to simplify and streamline the permitting process for homeowners."

PROGRAM 9: Anti-Displacement	
• Expand on what specific measures are included. CC will be supportive of programs that provide resources like legal aid or monitor resources. However, if we have specific policies that might impact the rental market like rent stabilization. there might be some contention, so tread carefully	HE Update: Reworded text under Program 9: Anti Displacement: "Supplement the California Tenant Protection Act of 2019 by evaluating and enacting certain anti-displacement measures by 2028. Example measures for exploration include: • Targeting assistance to lower resource neighborhoods through Project Sentinel or similar service providers. • Increasing fair housing awareness and proactively monitor and enforce fair housing compliance. • Developing and adopting relocation assistance program. • Expanding tenant protections, such as anti-eviction measures. • Expanding Rent Relief and Mortgage Protection Program. • Supporting a tenant resource center, including expanding legal services and other assistance for lower-income households. • Implementing right to counsel in residential eviction proceedings. • Creating a rental inspection program for apartment buildings."
PROGRAM 11: Preservation of At-Risk Housing	
• Sunnyhills: Keep them affordable for 5 years, but need more permanent options	• HE Update: For program 11: Preservation of At-Risk Housing, added action "By 2026, evaluate and identify more permanent funding options for the Sunnyhills apartments to ensure long-term housing stability and affordability."
PROGRAM 16: Affordable Housing Development	
• Subsidy- Explore opportunities with the Housing Trust. • Provide low interest loans to affordable housing projects. • Explore surplus Land programs- land donation options • Partner with the County not just for supportive housing but also for additional funding sources	• HE Policy HE 1.7 Adequate Sites includes reference to land donation and land trusts. Add text: "Where feasible, explore the options for land swaps, land transfers, land banking, or other proactive solutions to create housing sites." • HE Program 20: Specific Plans already includes "Annually pursue funding available at the local, state, and federal levels, such as Measure A funding." • HE Update: Program 16: Affordable Housing Development: Added text "The City will also explore alternative models of homeownership and affordability, such as community land trusts, shared equity programs, and collective ownership models."

PROGRAM 20: Specific Plans	
• Land Use: Establish parking maximums • Look at options for fee waivers or reductions for variety of housing types. Reduce transportation related infrastructure costs will help developers.	• HE Policy HE 1.8 Adequate Sites already includes "Regularly review the land use designations and zoning districts to encourage a variety of housing types to be developed at a range of densities to equitably serve varying household types." • HE Program 20: Specific Plans already includes "Establish minimum zoning densities and maximum parking standards. Address shared parking and unbundled parking." • HE Update: Program 20: Specific Plans added action "Explore fee deferrals or waivers for 100% affordable housing projects in the Specific Plan areas"
PROGRAM 21: Zoning Code Updates	
• Tiny Homes- California has strict regulation and treat it like a regular home. Zoning Code doesn't currently include tiny homes. City Council has directed to start a feasibility study. • Also look at prefab homes (especially for ADUs); ODS looks into this; remove barriers.	• HE Update: Added Policy HE 8.6 under Goal HE 8: Unhoused Population: Conduct a feasibility study to establish a low barrier navigation center (e.g., as a "tiny home village") to provide temporary housing and case management services for the unhoused population. • HE Update: Program 21: Zoning Code Amendments added action "Tiny Homes. Update the zoning or building code to accommodate tiny homes based on City Council directed feasibility study. Study to be completed by 2023."
PROGRAM 23: Large Units for Families	
• Good to see focus on housing for families- Missing middle housing resources. Explore additional options.	HE Update: Added Program 24: "Missing Middle" Housing with amended language: • Through Program 21: Zoning Code Amendments, identify possible zoning ordinance changes to further promote a mix of dwelling unit types and sizes, particularly in high resource neighborhoods. • Evaluate a reduced affordable housing fee and expedited development review for missing middle housing projects. • Promote opportunities to create duplexes and urban lot splits with the City's SB 9 Toolkit. • Integrate SB 9 Toolkit-trainings in the ADU Monday program. • Support City participation in state financing programs for middle-income workforce housing developments that meet the City's adopted Goals and Performance Measures for these projects.

Miscellaneous Comments	
• Pursue additional State funding through Prohousing designation.	• HE Policy 10.1 Implementation Capacity already includes "Implement the Housing Element and other programs to qualify the City for the Prohousing Program, administered by the California Department of Housing and Community Development (HCD), to receive preference in scoring for competitive housing, community development, and infrastructure programs."
• Expand toolbox to acquire affordable housing properties-	• HE Policy 1.7 Adequate Sites includes reference to land donation and land trusts. Add text: "Where feasible, explore the options for land swaps, land transfers, or land banking, or other proactive solutions to create housing sites." • While not acquisition, HE includes programs or actions to increase affordable housing sites, such as: o Program 3: Lot Consolidation - "By the end of 2024, develop tools to facilitate and incentivize lot consolidation." o Program 20: Specific Plans (Metro Specific Plan) "Collaborate with the Valley Transportation Authority (VTA) to develop affordable housing on available VTA sites."
• Explore Enhanced Infrastructure Financing Districts (EIFD) – topic of City Council interest for a few years.	• HE Policy 10.5 Implementation Strategy: Policy to be added to "Explore creating an Enhanced Infrastructure Financing District (EIFD) to assist with producing new affordable housing, rehabilitating, and conserving existing affordable housing, and constructing supporting infrastructure and facilities."
• Facilitate adaptive reuse to expand Sites Inventory	• HE Policy 3.7 Barriers to Housing Production already addresses adaptive reuse, but amend language as follows: "Support the adaptive reuse, renovation, or redevelopment of economically underutilized properties or buildings- for residential or mixed-use development."

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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www.hcd.ca.gov

January 10, 2023

Alex Andrade, Director
Economic Development Department
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

Dear Alex Andrade:

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

Thank you for submitting the City of Milpitas' (City) draft housing element received for review on October 18, 2022, along with revisions received on January 6, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Law Foundation of Silicon Valley, Silicon Valley@Home, South Bay YIMBY, Campaign for Fair Housing Elements and YIMBY Law and YIMBY Law and Greenbelt Alliance, pursuant to Government Code Section 65585, subdivision (c).

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

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

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

   Disproportionate Housing Needs: The element includes some general information on persons experiencing homelessness and housing conditions but should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For homelessness, the element should examine patterns of need or areas with higher concentrations of persons experiencing homelessness,

including access to transportation and services. For housing conditions, the element should discuss any areas of potentially higher needs of rehabilitation and replacement. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis.

Local Data and Knowledge and Other Relevant Factors: The element must supplement the analysis and complement state and federal data with local data and knowledge to capture emerging trends and issues, including utilizing knowledge from local and regional advocates, public comments, and service providers. Additionally, the element should utilize other relevant factors in the assessment of fair housing and analyze historical and current land use, zoning and past local land use related initiatives, governmental and nongovernmental spending including transportation investments, utilization of publicly owned sites for housing affordable to lower income households, demographic trends, historical patterns of segregation, or other information that may have impeded housing choices, affordability and mobility or effect the socio-economic patterns.

Programs: The element requires a complete analysis of affirmatively furthering fair housing (AFFH). Depending upon the results of that analysis, the City may need to revise or add programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, timelines, geographic targeting and metrics or numerical outcomes and, as appropriate, must address housing mobility enhancement, new housing choices and affordability in higher opportunity or relatively higher income areas, place-based strategies for community revitalization and displacement protection.

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

   Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory... (Gov. Code, § 65583, subd. (c)(1).)

   Suitability of Nonvacant Sites: The element lists various factors (e.g., existing floor area, age of structure, improvement to land value ratio, nonconforming uses) utilized to indicate the potential for redevelopment in the planning period

(p. E-14); however, it should support the validity of these factors. To support these factors, the element should evaluate development trends or recent experience in redevelopment relative to the factors. For example, the element could utilize Table 4-1 (Approved Units) and list the values of the factors for prior uses. This analysis should also evaluate the extent existing uses impede additional development such as current market demand for the existing use, existing leases or contracts that would perpetuate the existing use or prevent additional residential development or other relevant information to demonstrate the potential for redevelopment.

In addition, specific analysis and actions are necessary if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the Regional Housing Needs Allocation (RHNA) for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Emergency Shelter Capacity: Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element may need to address these statutory requirements. For additional information and timing requirements, please see HCD's memo at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf.

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

Programs: As noted above, the element does not include a complete site analysis. Depending upon the results of that analysis, the City may need to add or revise programs.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including… …land use controls…(Gov. Code, § 65583, subd. (a)(5).)*

Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types. The element lists and describes development standards and mentions recent development trends as an indicator that land use controls are not constraints. However, the element should still evaluate impacts on housing costs, supply (number of units), feasibility and ability to achieve maximum densities. For example, the element should discuss whether any recent or pending developments utilized exceptions to zoning standards (e.g., state density bonus law, conditional use, variance, planned development, rezone) to achieve densities. The element should also discuss whether the combination of various bulk standards by zone impede the ability to achieve maximum densities and should also discuss whether past projects have not progressed through the approval process due to land use controls. The City could utilize input from developers to assist in this analysis.

Programs: As noted above, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

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

   Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the City must continue to engage the community, especially organizations that represent lower-income and special needs households, including local neighborhood groups and commenters on this review such as the Law Foundation of Silicon Valley and Silicon Valley@Home, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements.

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

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

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

HCD appreciates the responsiveness and dedication of the City's housing element team during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Shawn Danino, of our staff, at Shawn.Danino@hcd.ca.gov.

Sincerely,

Paul McDougall
Senior Program Manager

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Attachment B

RESOLUTION NO. 23-001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THAT THE CITY COUNCIL ADOPT A GENERAL PLAN AMENDMENT TO UPDATE THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW.

WHEREAS, the City of Milpitas, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65300 et seq. requires each city to prepare and adopt a comprehensive, long-term general plan for the physical development of the county or city; and

WHEREAS, the Housing Element of the City's General Plan was last updated in 2015, including policies and programs to meet the City's housing needs and outlining the City's roles and responsibilities in housing production and preservation; and

WHEREAS, the California Legislature has found that "California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives" (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature has further found that "Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration" (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that "In 2018, California ranked 49th out of the 50 states in housing units per capita… California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over seven years"; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Milpitas regional housing need allocation (RHNA) of 6,713 housing units, comprised of 1,685 very-low-income units, 970 low-income units, 1,131 moderate-income units, and 2,927 above-moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Milpitas has prepared Housing Element 2023-2031 (the Housing Element) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City's RHNA; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

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WHEREAS, as provided in Government Code Sections 65352 – 65352.5, the City of Milpitas re the draft Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, no California Native American tribe requested consultation; and

WHEREAS, the preparation, adoption, and implementation of the Housing Element requires a diligent effort to include all economic segments of the community; and

WHEREAS, based on the building age and condition of non-residential structures on nonvacant sites, developer interest, adjacency to high-quality transit, and the likelihood of commercial uses on nonvacant sites converting to mixed-use residential developments, the existing uses on the sites identified in the Future Housing Needs (site inventory) to accommodate the lower income RHNA are likely to be discontinued during the planning period, and therefore are not considered significant impediments to additional residential development during the period covered by the housing element; and

WHEREAS, the City conducted extensive community outreach during preparation of the draft Housing Element, including 12 stakeholder interviews with 31 attendees, three web-based surveys, three virtual community workshops, three roundtable discussions with community development partners, and five public workshops before the Planning Commission, City Council Housing Subcommittee, and City Council; and

WHEREAS, in accordance with Government Code Section 65585 (b), on August 31, 2022, the City posted the draft Housing Element and requested public comment for a 30-day review period, and on October 17, 2022, after responding to public comments, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, City staff held three virtual meetings with HCD on December 5, 2022, December 16, 2022, and December 28, 2022, to discuss the draft Housing Element and address HCD comments; and

WHEREAS, on December 29, 2022, the City received preliminary feedback and direction via email from HCD with initial findings regarding the draft Housing Element; and

WHEREAS, on December 30, 2022, the City published a revised draft Housing Element responding to HCD's initial findings and requested public comment on the draft; and

WHEREAS, on January 11, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. Recitals

The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. CEQA Finding

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The Planning Commission has received an Addendum to the Milpitas General Plan Update Environmental Impact Report ("General Plan EIR") (State Clearinghouse No. 2020070348, certified March 2021) and findings to review and consider in making a recommendation to the City Council to adopt the Housing Element Update for the period of 2023-2031. In accordance with CEQA Guidelines Sections 15162 and 15164, the Addendum evaluated whether the project's environmental impacts are covered by and within the scope of the General Plan EIR and substantiated the City's determination that the Housing Element update policies and programs are within the scope of the General Plan EIR. Therefore, the Housing Element update does not require subsequent action under CEQA, and the Addendum Evaluation, in conjunction with the EIR, adequately analyzes potential environmental impacts.

SECTION 3. Findings for General Plan Amendment

In accordance with Milpitas Municipal Code Section XI-10-57-02(G)(1)), the Planning Commission makes the following findings in support of General Plan Amendment No. GP23-0001:

1. *The proposed amendment is internally consistent with portions of the General Plan which are not being amended.*

The proposed General Plan amendment is consistent with the City of Milpitas General Plan. The Housing Element provides for a range of high-quality housing options and addresses new requirements of State law consistent with the General Plan's objectives. Further, the Housing Element would serve to implement goals and policies in the Land Use and Conservation and Sustainability Elements. The Housing Element provides for a range of housing types, promotes development consistent with the adopted specific plans, coordinates land use planning with transportation investments. In these ways, the amendment would help the City offer a full range of diverse affordable housing and balanced mix of land uses.

2. *The proposed amendment will not adversely affect the public health, safety and welfare*

The proposed General Plan amendment for the 2023-2031 Housing Element protects public health and welfare by promoting high-quality neighborhoods and housing for all. It maintains and expands programs that enhance neighborhood conditions and rehabilitate housing. It also includes programs to support a diverse range of housing types for all economic segments of the community, ensure equal housing opportunity, and support programs aimed at special needs populations, such as seniors, persons with disabilities, and the unhoused population, among other activities.

SECTION 4. Consistency with State Law

The Planning Commission finds that the Housing Element substantially complies with State Housing Element Law.

SECTION 5. Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 23-001 recommending that the City Council approve the Addendum to the General Plan EIR and adopt the Housing Element Update for the period from 2023 to 2031 attached hereto as **Exhibit A**, incorporated by this reference.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on January 11, 2023:

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DocuSigned by:
Chair Bill Chuan BC Jan-17-2023
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Planning Commission Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on January 11, 2023 and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana	✓			
Dipak Awasthi	✓			
Bill Chuan	✓			
Larry Ciardella	✓			
Alexander Galang	✓			
Sonia Medina-Ashby	✓			
Zeya Mohsin			✓	

Certificate Of Completion

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	Signature Adoption: Drawn on Device Using IP Address: 67.188.2.13 Signed using mobile	

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2023-2031 Housing Element Update

Addendum Evaluation

State Clearinghouse #2020070348

prepared by

City of Milpitas
Department of Planning and Neighborhood Services
455 East Calaveras Boulevard
Milpitas, California 95035
Contact: Hanson Hom, Senior Special Projects Associate

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

December 2022

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
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Acronyms and Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADU	accessory dwelling unit
AMI	Area Median Income
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
FHSZ	Fire Hazard Severity Zone
GHG	greenhouse gas
HCD	California Department of Housing and Community Development
MXD2	high-density mixed use
NCMU	Neighborhood Commercial Mixed-Use
RHNA	Regional Housing Needs Assessment
SB	Senate Bill
SOI	Sphere of Influence
SR	State Route
VMT	vehicle miles travelled

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1 Introduction and Project Summary

1.1 Project Title

City of Milpitas 2023-2031 Housing Element

1.2 Lead Agency/Project Sponsor Name and Address

City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035

1.3 Contact Person and Phone Number

Hanson Hom
Senior Special Projects Associate
City of Milpitas
hhom@milpitas.gov
(408) 586-3279

1.4 Project Location

The City of Milpitas (City) is located in Santa Clara County, approximately 28 miles east of the Pacific Ocean and 38 miles southeast of San Francisco. The city is located north of the city of San Jose, east of the city of Mountain View, and south of the city of Fremont. Much of the city is situated between two major freeways (Interstate I-880 and I-680), State Route 237, and a County expressway. The Housing Element update's planning boundaries coincide with Milpitas's city limits, which are depicted in Figure 2 and Figure 1, respectively. The City of Milpitas Sphere of Influence (SOI) is not included in the Housing Element update project boundaries.

Figure 1 Regional Project Location

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City of Milpitas

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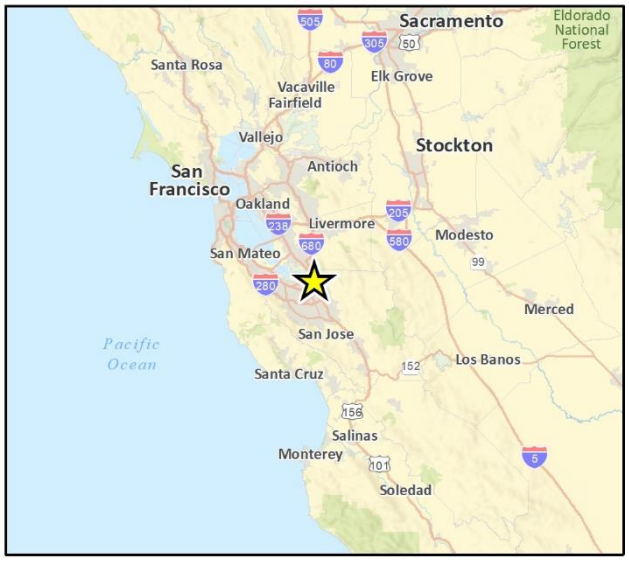
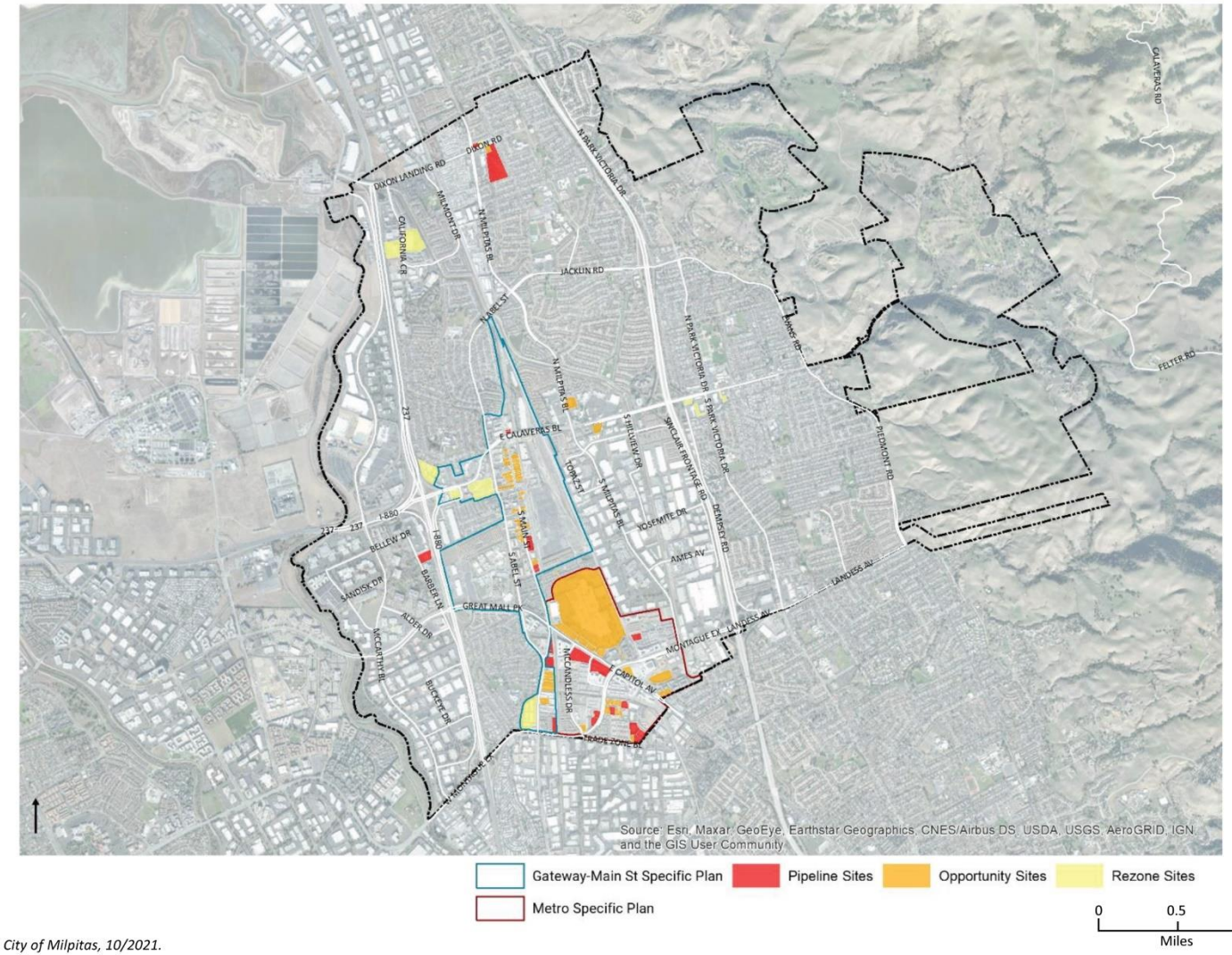


Figure 2 Housing Sites Inventory Map



Source: City of Milpitas, 10/2021.

Not To Scale

1.5 Project Description

The project consists of a comprehensive update to the City of Milpitas Housing Element (herein referred to as "Housing Element update" or "project"). The City's General Plan underwent extensive environmental review in the form of an Environmental Impact Report (EIR), which was certified in 2021. The Milpitas General Plan EIR is a comprehensive document and includes discussion of alternatives and growth-inducing impacts associated with urban development in the city at the time it was developed.

State law requires that housing elements be updated every eight years (California Government Code Sections 65580 to 65589.8). The Housing Element update identifies residential sites adequate to accommodate a variety of housing types for all income levels and needs of special population groups, defined under State law (California Government Code Section 65583). It analyzes governmental constraints to housing maintenance, improvement, and development; addresses conservation and improvement of the condition of existing affordable housing stock; and outlines policies that promote housing opportunities for all persons. The City's Housing Element is being updated as part of the State's 6th cycle Regional Housing Needs Allocation (RHNA). For Milpitas, the planning period runs from 2023 through 2031.

The project would bring the City's Housing Element into compliance with State legislation passed since the publication of the previous (5th Cycle) Housing Element (adopted in 2015). The Housing Element update includes a housing sites inventory (Appendix E of the Housing Element) that demonstrates how the City plans to meet its 6th cycle RHNA. However, no physical development is proposed at the time of adoption of the Housing Element.

The Housing Element update establishes a Housing Plan designed to guide future development as the City works to achieve State-mandated housing goals. Future development will require project-specific developmental review as potential impacts are location-specific and cannot be assessed in a meaningful way until a project site and development proposal are identified. When a specific development proposal is considered for approval, that project would be subject to adopted development guidelines/standards and it must incorporate applicable mitigation measures and alternatives developed in the General Plan EIR (in accordance with *CEQA Guidelines* Section 15168[c][3]). If a subsequent activity (in this case a specific development proposal) would have effects not identified in the program EIR (the General Plan EIR and this Addendum), the City must prepare additional environmental documentation to comply with CEQA.

This Addendum, therefore, analyzes the changes and potential impacts related to the adoption of Housing Element update. This Addendum is intended to demonstrate consistency of the Housing Element update with the existing General Plan EIR to comply with CEQA. In particular, and in line with Public Resources Code Section 21083.3, this Addendum assesses whether the Housing Element update, as a policy and programs document, includes impacts not addressed or previously analyzed in the General Plan EIR.

The Housing Element update addresses potential sites that can be rezoned to allow residential uses or greater residential densities. The Specific Plan updates, which will be completed in 2023, will determine 'C2 General Commercial' sites in the Gateway-Main Street Specific Plan and Milpitas Metro Specific Plan planning areas. These sites include:

- **Sobrato Sites (R-1).** Anticipated to convert to High-Density Mixed Use (MXD2) in the ongoing Gateway-Main Street Specific Plan update. The assumed maximum density on these sites in 40 dwelling units per acre du/ac.

- **Serra Center Sites (R-2).** Anticipated to convert to MXD2 in the ongoing Gateway-Main Street Specific Plan update. The assumed maximum density on these sites in 40 du/ac.
- **South Bay Tech Center Site (R-3).** Anticipated to convert to MXD in the ongoing Gateway-Main Street Specific Plan update. The assumed maximum density on these sites in 30 du/ac.
- **Great Mall Site (O-50)**. Approximately three-quarters of this 99-acre site will be rezoned to Residential Retail High Density Mixed Use (RRMU), with the remaining quarter rezoned to Boulevard Very High Density Mixed Use (BVMU) in the Milpitas Metro Specific Plan. The allowed density of RRMU is between 40 and 85 dwelling units per acre, and the allowed density of BVMU is between 85 and 120 dwelling units per acre.
- **Northwoods Shopping Center Site (O-39)**. This site, located at 777 East Capitol Avenue, will be rezoned to RRMU in the Milpitas Metro Specific Plan. The allowed density of RRMU is between 40 and 85 dwelling units per acre.

Through the 2021 General Plan Update, the City established a new Neighborhood Commercial Mixed-Use (NCMU) designation. The designation allows 1 dwelling unit per 1,500 square feet of commercial. With the provision of the maximum allowed non-residential floor-area-ratio (FAR) of 0.75, the residential portion of the project would be limited to the maximum residential density of 21 dwelling units per acre. The General Plan EIR studied 1,578 new housing units at plan buildout in the NCMU designation.

Through the constraints analysis and ongoing Housing Element Program 15, the Housing Element also identifies the need to increase the residential density of the NCMU designation in the General Plan to from 21 du/ac to 30 du/ac, consistent with the proposed Housing Opportunity Zone (HOZ) Project. This change would reduce constraints to housing on NCMU sites and accommodate affordable housing units in the sites inventory. The NCMU rezoning sites are shown on Figure 2.

Consistent with its focus on preparing a conservative sites inventory that identifies adequate capacity for feasible future housing development, the Housing Element Site Inventory calculates site capacity as 70 percent of maximum allowed density in the NCMU. Therefore, the assumed density in the NCMU is 21 du/ac, consistent with the maximum allowed density in the 2021 General Plan Update and EIR[1]. Any future development proposals that would result in a density greater than 21 du/ac in the NCMU would require separate subsequent environmental evaluation.

Projects addressed in the Specific Plan updates can tier off of the program-level Specific Plan EIRs.

1.6 Discretionary Action

Implementation of the Housing Element would require the following discretionary actions by the City of Milpitas Planning Commission/City Council:

- Approval of an Addendum to the General Plan EIR
- Approval of a General Plan Amendment to incorporate the 2023-2031 Housing Element update

1 The Housing Element update includes a program to review and amend the Zoning Ordinance to address constraints to residential development for the Town Center (TC) and Neighborhood Commercial Mixed Use (NCMU) Zoning Districts. The City will undertake a comprehensive Zoning Ordinance update starting in 2023 which is expected to be completed and adopted by 2024.

The California Department of Housing and Community Development (HCD) reviews and determines whether the proposed Housing Element complies with State law. Aside from HCD, no other approvals by outside public agencies are required.

1.7 Prior Environmental Document(s)

City of Milpitas, General Plan Update Environmental Impact Report (General Plan Update EIR). State Clearinghouse Number 2020070348, certified March 2021.

1.8 Location of Prior Environmental Document(s)

City of Milpitas, Planning Department Website:

https://www.milpitas.gov/milpitas/departments/environmentaldocuments/#1628098804620-bea5329a-9f62

2 Project Context

The California Legislature has identified the attainment of a decent home and suitable living environment for every resident as the State's major housing goal. Recognizing the important role of local planning programs in pursuing this goal, the legislature mandated that all cities and counties prepare a housing element as part of their comprehensive general plans. Government Code Sections 65580 to 65589.8 set forth the specific components to be contained in a community's housing element.

2.1 Purpose of the Housing Element

The Housing Element of the General Plan is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community. A priority of both State and local governments, Government Code Section 65580 states that "the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order."

Pursuant to State law, the Housing Element has two main purposes:

1. To provide an assessment of both current and future housing needs and constraints in meeting these needs
2. To provide a strategy that establishes housing goals, policies, and programs

The Housing Element is one of the eight General Plan elements the State mandates in Government Code Section 65302. The Housing Element serves as an integrated part of the General Plan but is updated more frequently to ensure its relevancy and accuracy. The Housing Element identifies strategies and programs that focus on:

1. Conserving and improving existing affordable housing
2. Maximizing housing opportunities throughout the community
3. Assisting in the provision of affordable housing
4. Removing governmental and other constraints to housing investment
5. Promoting fair and equal housing opportunities

The residential character of Milpitas is largely determined by the variety, location, and maintenance of its housing. The Housing Element is an official response to the need to provide housing for all economic segments of the population, establishing goals, policies, and programs that will guide City decision making and set forth an action plan to implement these housing programs through an established planning period.

2.2 Updates to the Housing Element

State law requires that housing elements be updated every eight years (California Government Code Section 65588). The Housing Element must identify residential sites adequate to accommodate a variety of housing types for all income levels and to meet the needs of special population groups as

defined under State law (California Government Code Section 65583). The Housing Element analyzes market and governmental constraints to housing maintenance, improvement, and development; addresses conservation and improvement of the condition of existing affordable housing stock; and outlines policies that promote housing opportunities for all persons.

The City of Milpitas Housing Element is now being updated as part of the 6th Cycle, and the period runs from January 31, 2023, to January 31, 2031.

2.3 Regional Housing Needs Allocation

The RHNA reflects the HCD's determination of the projected housing needs in a region by household income level as a percent of the Area Median Income (AMI). The Association of Bay Area Governments (ABAG) was tasked with allocating this regional housing need among the jurisdictions in the ABAG region, which includes Santa Clara County. Table 1 shows the breakdown of the RHNA for the City of Milpitas during the 2023-2031 planning period.

Table 1 2023-2031 Regional Housing Need Allocation

Income Group	Milpitas Unit Needs	Percent of Total Units	Regional Unit Needs (ABAG)	Percent of Regional Units
Very low (≤ 50% AMI)	1,685	25%	114,442	25.9%
Low (> 50-80% AMI)	970	14%	65,892	14.9%
Moderate (>80-120% AMI)	1,131	17%	72,712	16.5%
Above Moderate (>120% AMI)	2,927	44%	188,130	42.6%
Total	**6,713**	**100%**	**441,176**	**100%**

AMI = Area Median Income (established annually by the Department of Housing and Urban Development)
Source: ABAG 2022

The City had 78,567 households as of January 2022 (California Department of Finance [DOF] 2022). As of January 2022, 69.8 percent of housing units were single-family, including 52.8 percent single-family detached units and 17.1 percent single-family attached units; multi-family dwelling units comprised 28.3 percent of the city's housing stock; and the remaining 1.9 percent were mobile homes (DOF 2022).

2.4 Changes in State Law

The following items represent substantive changes to State housing law since the City's last Housing Element was adopted and certified in 2015. The Housing Element update has incorporated and addressed all pertinent housing law changes.

- Affordable Housing Streamlined Approval Process: Senate Bill (SB) 35 (2017)
- Additional Housing Element Sites Analysis Requirements: Assembly Bill (AB) 879 (2017) and Assembly Bill 1397 (2017)
- Affirmatively Furthering Fair Housing: AB 686 (2017)
- No-Net-Loss Zoning: SB 166 (2017)

- By Right Transitional and Permanent Supportive Housing: AB 2162 (2018) and AB 101 (2019)
- Housing Crisis Act of 2019: SB 330
- Emergency and Transitional Housing Act of 2019: AB 139 (2019)
- California Housing Opportunity and More Efficiency (HOME) Act: SB 9 (2021)
- Accessory Dwelling Units: AB 2299 (2016), SB 1069 (2016), AB 494 (2017), SB 229 (2017), AB 68 (2019), AB 881 (2019), AB 587 (2019), SB 13 (2019), and AB 671 (2019)

2.5 City of Milpitas General Plan

State law mandates that each city and county in California adopt "a comprehensive, long-term general plan," for the physical development of its planning area. The Milpitas General Plan planning area includes all lands within the incorporated city limits and SOI. The purpose of the General Plan is to plan for important community issues such as new growth, housing needs, and environmental protection. Furthermore, the General Plan is used to project future demand for services such as sewer, water, roadways, parks, and emergency services.

The Milpitas General Plan, adopted in March 2021, is a long-term document which identifies the community's vision for the future and provides a framework that will guide decisions on growth, development, and conservation of open space and resources in a manner that is consistent with the quality of life desired by the city's residents and businesses.

The General Plan policy document contains the goals and policies that will guide future decisions within the city and identifies action items (implementation measures) to ensure the vision and goals of the General Plan are carried out. The General Plan also contains a land use diagram, which serves as a general guide to the distribution of land uses throughout the city.

State law requires that every General Plan, at a minimum, address certain subject categories (called "elements"), which include land use, circulation, housing, conservation of natural resources, open space, noise, and safety. A General Plan may also address other subjects that are of importance to the community future, such as sustainability, community design, and public art. Milpitas' General Plan includes the following elements:

- Land Use
- Circulation
- Community Design
- Economic Development
- Conservation and Sustainability
- Utilities and Community Services
- Safety
- Noise
- Parks, Recreation, and Open Space
- Community Health and Wellness

2.6 Milpitas General Plan EIR

The City of Milpitas General Plan Update EIR (herein called the General Plan EIR) addressed the potential environmental effects of the planned buildout of Milpitas through the year 2040 and concluded that implementation of the General Plan would result in levels of environmental impacts as detailed in Table 2. Mitigation measures were incorporated into the General Plan EIR to reduce potential impacts from project development under the General Plan.

Table 2 Summary of Areas of Potential Impact under the General Plan EIR

Issue Area	Level of Significance after Mitigation	Mitigation Proposed in the General Plan EIR
Aesthetics	Less than Significant	None
Agricultural and Forest Resources	Less than Significant	None
Air Quality	Less than Significant	None
Biological Resources	Less than Significant	None
Cultural and Tribal Cultural Resources	Less than Significant	None
Geology	Less than Significant	None
Greenhouse Gases, Climate Change, and Energy	Less than Significant	None
Hazards and Hazardous Materials	Less than Significant	None
Hydrology and Water Quality	Less than Significant	None
Land Use Planning and Population/Housing	Less than Significant	None
Mineral Resources	Less than Significant	None
Noise	Significant and Unavoidable	Mitigated to the greatest extent feasible through General Plan policies and actions. No additional feasible mitigation is available.
Public Services and Recreation	Less than Significant	None
Transportation	Significant and Unavoidable	Mitigated to the greatest extent feasible through General Plan policies and actions. No additional feasible mitigation is available.
Utilities and Service Systems	Less than Significant	None
Wildfire	Less than Significant	None
Cumulative/Other CEQA-Required Topics	Significant and Unavoidable	Mitigated to the greatest extent feasible through General Plan policies and actions. No additional feasible mitigation is available.

General Plan Assumptions

The General Plan buildout analysis assumes a 20-year horizon, and 2040 is assumed to be the buildout year of the General Plan. The General Plan will accommodate future growth in Milpitas, including new businesses, expansion of existing businesses, and new residential uses.

As detailed in General Plan EIR in Table 2.0-2 on page 2.0-16, at full buildout, the proposed General Plan could accommodate a total of up to 33,401 housing units, a population of 113,530 people, 47,737,536 square feet of non-residential building square footage, and 84,333 jobs within the General Plan planning area. As shown in Table 2.0-2 of the General Plan EIR, this represents development growth over existing conditions of up to 11,186 new housing units, 37,473 people, 19,729,648 square feet of new non-residential building square footage and 36,795 jobs.

2.7 Housing Element Update

The 2023-2031 Housing Element has the following major components:

- **Our Plan** describes the relationship between the Housing Element and the General Plan and the Housing Element organization, including the technical appendices. (Chapter 1)
- **Our Conversation** illustrates the variety of community engagement activities that include virtual workshops, online surveys, pop-up events, stakeholder and focus group meetings, and City Council and Planning Commission meetings. (Chapter 2)
- **Our Story** highlights our past accomplishments, profiles the demographic and socio-economic characteristics of the community, and describes existing constraints to housing in the city. (Chapter 3)
- **Our Future Housing Needs** details the Regional Housing Needs Allocation (RHNA) and shows the adequate sites to meet the RHNA. (Chapter 4)
- **Our Housing Plan** provides the goals, policies, and programs to meet current and future housing needs, support various housing types for all income groups, remove constraints to housing, conserve and improve existing housing, and promote fair housing opportunities. (Chapter 5)

A series of appendices provide additional documentation. Appendix A is a housing needs assessment, Appendix B provides information on housing constraints, Appendix C analyzes housing resources, Appendix D reviews past programs, Appendix E provides information on future housing needs, including the sites inventory, Appendix F is the fair housing assessment, and Appendix G summarizes public engagement and input during the Housing Element update process.

Goals, Policies, and Programs

The primary objective of the Housing Element is to encourage the production of new housing units to meet the RHNA and housing for special needs populations. This is done by adopting a series of policies and programs which aim to maximize development of affordable housing, effectively utilize funding for affordable housing activities, provide housing for special needs populations, and provide housing for all economic segments of the community. The Housing Element update goals, policies, and programs are summarized below and referenced throughout this Addendum as appropriate.

Adequate Sites and Housing Production

The City's goal to maintain adequate sites to accommodate the City's share of the regional housing need, including sites that are appropriate for the development of housing affordable to varied income-level households through appropriate land use and zoning, is supported by policies that support and incentivize housing development and address the city's housing needs. Policies facilitate the development of housing, streamline the development process, require new projects with residential components meet or exceed minimum residential densities, and adopt new zoning districts consistent with the General Plan.

Existing Housing Resources

The City's goal to maintain high-quality residential and mixed-use neighborhoods and preserve existing housing resources is supported by policies that enforce housing codes and regulations, provide assistance for home maintenance, ensure that sites being redeveloped for housing do not

result in a net reduction of housing units, and preserve units affordable to extremely low-, very low-, low-, and moderate-income households.

Barriers to New Housing Production

The City's goal to continually assess barriers to new housing production and proactively mitigate the government constraints to developing new housing is supported by policies that monitor project processing procedures, track State legislation, implement a Housing Opportunity Zones (HOZ) and Objective Design Standards, and prioritize infrastructure improvements.

Housing Diversity and Affordability

The City's goal to support the development of a diverse range of housing types is supported by policies that promote accessory dwelling units (ADU), varied and alternative housing types, alternative models of homeownership, and access to first-time homebuyer's loans.

Fair Housing

The City's goal to ensure equal housing opportunities and equal access to housing resources is supported by policies that protect tenants from discriminatory housing practices, promote housing mobility, improve access to opportunities in moderate resource areas, and provide emergency rental assistance.

Conservation and Sustainability

The City's goal to ensure a sustainable future for the City in existing homes and new residential development projects is supported by policies that encourage transit-oriented development, building best management practices, energy efficiency, and networks of trails and pedestrian bridges to reduce automobile reliance.

Special Needs Populations

The City's goal to support programs aimed at housing for special needs populations is supported by policies that facilitate housing for seniors, large families, and special needs groups, including the developmentally disabled, at-risk youths, and nontraditional family groups.

Unhoused Population

The City's goal to collaborate with regional agencies and organizations to support the unhoused population is supported by policies that pursue funding for programs that assist unhoused populations and prioritize providing permanent and transitional supportive housing for the unhoused population.

Mobility

The City's goal to expand affordable mobility options for lower income households and people with special needs is supported by policies that promote bicycle, transit, and pedestrian facilities; and coordinate accessibility improvements that coincide with projects that provide housing units for people with special needs.

Implementation Capacity

The City's goal to allocate adequate resources to implement programs is supported by policies to implement the Housing Element and other programs to qualify the City for the Prohousing Program, commit sufficient staffing and resources to implement programs, and employ a grants person.

3 Overview of CEQA Guidelines Section 15164 and Section 15162

CEQA Guidelines Sections 15162 and 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when a project has a previously certified EIR.

CEQA Guidelines Section 15164 states that a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. *CEQA Guidelines* Section 15162(a) states that no Subsequent or Supplemental EIR shall be prepared for a project with a certified EIR unless the lead agency determines, based on substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
    A. The project will have one or more significant effects not discussed in the previous EIR.
    B. Significant effects previously examined will be substantially more severe than shown in the previous EIR.
    C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
    D. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The analysis pursuant to *CEQA Guidelines* Section 15162 demonstrates whether the lead agency can approve the activity as being within the scope of the existing certified EIR, that an addendum to the existing EIR would be appropriate, and no new environmental document, such as a new EIR, would be required. The addendum need not be circulated for public review but can be included in or attached to the Final EIR, and the decision-making body shall consider the addendum with the Final EIR prior to deciding on the project.

The City has prepared this Addendum Evaluation, pursuant to *CEQA Guidelines* Sections 15162 and 15164, to evaluate whether the project's environmental impacts are covered by and within the scope of the Milpitas General Plan Update Final EIR (March 2021, State Clearinghouse Number 2020070348). The following Addendum Evaluation details any changes in the project, changes in

circumstances under which the project is undertaken, and/or "new information of substantial importance" that may cause one or more effects to environmental resources.

The responses herein substantiate and support the City's determination that the Housing Element update policies and programs are within the scope of the General Plan EIR, do not require subsequent action under *CEQA Guidelines* Section 15162 and, in conjunction with the EIR, adequately analyze potential environmental impacts.

4 Environmental Effects and Determination

4.1 Environmental Areas Determined to Have New or Substantially More Severe Significant Effects Compared to Those Identified in the Previous EIR

The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances, or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

■ NONE

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

4.2 Determination

Based on this analysis:

☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

■ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate and this evaluation serves as an ADDENDUM to the Milpitas General Plan Update Final Environmental Impact Report (General Plan FEIR), State Clearinghouse Number 2020070348 dated March 2021.

Signature	Date
Printed Name	Title

5 Addendum Evaluation Methodology

5.1 General Plan Consistency

To promote a uniform and compatible vision for the development of the community, California law requires the General Plan be internally consistent in its goals and policies. The Housing Element is a component of the General Plan, and thus, the Housing Element update is consistent with the vision of the General Plan and is supported by goals and policies of the other General Plan elements. General Plan elements and policies that affect housing are summarized below:

- The **Land Use Element** designates the general distribution and intensity of residential, commercial, industrial, open space, public/semi-public, and other categories of public and private land uses. The Land Use Element includes the Land Use Map, which identifies land use designations for each parcel in the city limits and Planning Area.
- The **Circulation Element** correlates closely with the Land Use Element and identifies the general locations and extent of existing and proposed major thoroughfares, transportation routes, and alternative transportation facilities necessary to support a multi-modal transportation system. This element is intended to facilitate mobility of people and goods throughout Milpitas by a variety of transportation modes, including bicycle, pedestrian, and transit.
- The **Community Design Element** identifies high-level community design objectives for the City of Milpitas, including the relationship between the public and private realm, streetscapes, best site planning practices, and placemaking strategies.
- The **Economic Development Element** provides tools and strategies to strengthen and diversify the local economy and ensures the City maintains adequate revenues to provide quality public services. This element seeks to sustain and diversify the City's economy, recognizing the importance of supporting existing and local businesses while broadening and expanding the employment base and economic opportunities within the city.
- The **Conservation and Sustainability Element** addresses conservation topics including: development and use of natural resources, and protections for riparian environments, native plant and animal species, soils, cultural/historical resources, air quality, and opportunities for energy conservation.
- The **Utilities and Community Services Element** establishes policies and programs that address the following public services and facilities: police services; fire protection services; schools; civic, library, medical, and other community facilities; water supplies, sewer services, storm drainage infrastructure, and solid waste disposal. While not specifically required by State law for inclusion in the General Plan, the Utilities and Community Services Element is a critical component in meeting the infrastructure and utility services needs of businesses and residents.
- The **Safety Element** provides the framework to reduce risks associated with a range of environmental and human-caused hazards that may pose a risk to life and property in Milpitas. This element addresses hazards such as fires, geologic hazards, as well as hazardous materials, climate resiliency and adaptation
- The **Noise Element** addresses noise-generating and noise-sensitive uses such as residences and schools. This element also addresses the required topics related to noise, including standards and policies to protect the community from the harmful and annoying effects of exposure to

excessive noise levels. This element includes strategies to reduce land use conflicts that may result in exposure to unacceptable noise levels.

- The **Parks, Recreation, and Open Space Element** addresses conservation topics including the development and use of open space and park resources. This element also ensures adequate planning for park and recreation services and facilities. It also details objectives and measures for preserving open space for natural resources and the managed production of resources.
- The **Community Health and Wellness Element** acknowledges the profound effects of the built environment on travel choices, access to food, levels of physical activity, and exposure to risk from accidents or pollution. The Element addresses the topics of active living, healthy lifestyles, environmental justice, and community building.
- The **Housing Element** (adopted in 2015 and covering years 2015-2023) plans for housing to meet the needs of all segments of the community and addresses state requirements. The Housing Element has not been updated as part of the larger General Plan Update process

Accommodation of the RHNA

Milpitas' RHNA for the current planning period is 6,713 units, including 1,685 very low-income housing units, 970 low-income housing units, 1,131 moderate income housing units, and 2,927 above moderate-income housing units. The City must demonstrate availability of sites with appropriate zoning and development standards that can facilitate and encourage the development of such units. The Housing Element update includes a housing plan that accommodates the RHNA plus a buffer of additional housing sites as recommended by HCD. As shown in Table 3, the City anticipates the development of 248 ADUs during the eight-year planning period and 2,193 units would be accommodated from planned and approved (pipeline) projects which can count towards the RHNA. Each development project would be subject to CEQA review to address potential impacts specific to that project. The City Sites Inventory is made of Opportunity Sites which are vacant or underutilized sites zoned for residential or mixed use and Rezone Sites which will be rezoned to Mixed Use or High-Density Mixed-Use when the Gateway-Main Street Specific Plan is updated in 2023. The City Sites Inventory offers capacity for 7,028 units to accommodate the remaining RHNA.

Table 3 Housing Unit Yield per Site Category

		Very Low	Low	Moderate	Above Moderate	Total
RHNA		**1,685**	**970**	**1,131**	**2,927**	**6,713**
RHNA Credits	Potential ADUs	74	74	74	25	248
	Pipeline Projects	123	200	95	1,775	2,193
	Total	**197**	**274**	**169**	**1,800**	**2,441**
Remaining RHNA After Credits		1,488	696	962	1,127	4,272
Capacity of Sites Inventory	Opportunity Sites	1,090	1,090	1,576	2,027	5,783
	Rezone Sites	224	224	319	478	1,245
	Total	**1,314**	**1,314**	**1,895**	**2,505**	**7,028**
Total Units (Credits + Sites)		1,511	1,785	2,064	4,305	9,472
RHNA Surplus		445		**933**	**1,378**	2,756
% Buffer (Remaining RHNA)		20%		97%	122%	65%

Source: City of Milpitas 2022

The 6,713 units that would be accommodated by the Housing Element update would not exceed the 33,401 units included in the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR. Furthermore, the Housing Element update would be consistent with State requirements for the RHNA to plan adequately to meet existing and projected housing needs for all economic segments of the community. In addition, the Housing Element update would first be submitted to the HCD for review and approval to ensure that it would adequately address the housing needs and demands of the City.

A detailed discussion of the Housing Element update development assumptions and housing plan is provided below.

ADUs

Jurisdictions may count the potential for ADU development as credits towards their RHNA. Legislation in California has recently facilitated the increased permitting and production of ADUs in many communities, including Milpitas. The City anticipates the development of 248 ADUs during the eight-year planning period.

Planned, Approved, and Pending Projects

Jurisdictions may count planned, approved, and pending residential units as credits towards their RHNA. These units can be counted based on affordability and unit count, provided it can be demonstrated that the units can be built within the planning period. The City currently has 2,193 RHNA credits for planned, approved, and pending projects.

Vacant and Non-Vacant Housing Opportunity Sites

The City Sites Inventory is made of Opportunity Sites which are vacant or underutilized sites zoned for residential or mixed use and Rezone Sites which would be rezoned to Mixed Use or High-Density Mixed-Use when the Gateway-Main Street Specific Plan is updated in 2023. Rezone Sites under the Gateway-Main Street Specific Plan will be evaluated in the EIR for the Gateway-Main Street Specific Plan which is scheduled to be conducted in 2023. The City Sites Inventory offers capacity for 7,028 units to accommodate the remaining RHNA.

5.2 Preliminary Environmental Constraints

State housing law requires the City to review both governmental and non-governmental constraints to the maintenance and production of housing for all income levels. Since local governmental actions can restrict the development and increase the cost of housing, State law requires the Housing Element to "address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Government Code Section 65583[c][3]).

Several factors can constrain residential development. These include market constraints, such as development costs and interest rates, and governmental constraints, which include land use controls, fees, processing times, and development standards, among others. In addition, environmental and infrastructure constraints can also impede residential development. For purposes of the Addendum Evaluation, only the potential environmental constraints, as they relate to CEQA, were evaluated.

Environmental constraints to residential development typically relate to the presence of sensitive habitat, flooding, topography, and other natural and physical characteristics that can limit the amount of development in an area or increase the cost of development. The Housing Element update, in and of itself, does not propose specific development projects, but rather puts forth goals, policies, and programs that regulate or encourage new housing development in Milpitas. Each future housing development project would be subject to developmental review before project approval.

6 Addendum Evaluation

6.1 Aesthetics

General Plan EIR Findings

Aesthetics are discussed in Section 3.1, *Aesthetics and Visual Resources*, of the General Plan EIR. The General Plan EIR determined that with implementation of General Plan policies and actions, impacts to aesthetic resources would be less than significant for scenic vistas, scenic highways, visual quality, and light and glare.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to the greatest extent possible. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to scenic vistas, scenic resources, or visual character, and would not create new sources of substantial light or glare which adversely affects views.

Future development facilitated by the Housing Element update be subject to adopted development guidelines, including General Plan policies and actions and the City's municipal code.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of aesthetics is required.

6.2 Agriculture and Forestry Resources

General Plan EIR Findings

Agriculture and forestry resources are discussed in Section 3.2, *Agricultural and Forest Resources*, of the General Plan EIR. The General Plan EIR found that impacts regarding the potential to conflict with existing farmlands, agricultural zoning or Williamson Act Contracts, and the conversion of farmlands, including prime farmland, unique farmland, and farmland of statewide importance would be less than significant.

There are no forest lands or timber lands located within the Milpitas Planning Area. The General Plan EIR found no impacts related to forest lands or timber lands.

Addendum Analysis

The General Plan planning area does not include a land use designation for agricultural uses. Furthermore, none of the housing sites identified in the Housing Element update are within permanent open space or hillside areas. Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to agriculture and forestry.

Future development facilitated by the Housing Element update be subject to adopted development guidelines, including General Plan policies and actions adopted Land Use standards.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of agriculture and forestry is required.

6.3 Air Quality

General Plan EIR Findings

Air quality is discussed in Section 3.3, *Air Quality*, of the General Plan EIR. The General Plan EIR determined that impacts to air quality would be less than significant regarding conflicting with applicable air quality plans, cumulatively considerable net increase of criteria pollutants for which the region is in non-attainment, exposure of sensitive receptors to pollutant concentrations, and the potential to create objectionable odors. The General Plan EIR also stated that the City would enforce compliance with the Bay Area Air Quality Management District's 2017 Clean Air Plan and all applicable regional plans and programs that reduce air quality impacts.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to air quality.

Future development facilitated by the Housing Element update would be required to comply with State, regional, and local requirements and regulations regarding air quality including SB 32, AB 32, SB 97, and SB 375; and the California Air Resources Board and Bay Area Air Quality Management District guidelines.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of air quality is required.

6.4 Biological Resources

General Plan EIR Findings

Biological resources are addressed in Section 3.4, *Biological Resources*, of the General Plan EIR. The General Plan EIR determined that impacts regarding special status species, riparian habitat or other sensitive natural communities, or protected wetlands would be less than significant. Similarly, impacts to protected movement corridors were determined to be less than significant.

The General Plan EIR found that the General Plan would not conflict with any local policies or ordinances protecting biological resources, the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Impacts were determined to be less than significant.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to biological resources.

Future development facilitated by the Housing Element update would be required to comply with federal, State, and local requirements and regulations regarding biological resources including General Plan policies and actions.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of biological resources is required.

6.5 Cultural Resources

General Plan EIR Findings

Cultural resources are addressed in Section 3.5, *Cultural Resources*, of the General Plan EIR. The General Plan EIR determined that the implementation of the General Plan would result in a less than significant impacts regarding historic resources, archaeological resources, and human remains.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to cultural resources.

Future development facilitated by the Housing Element update would be required to comply with State, regional, and local requirements and regulations regarding cultural resources including General Plan policies and actions, the City's municipal code, California Health and Safety Code Section 7050.5, and California Public Resources Code Section 5097.98.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of cultural resources is required.

6.6 Energy

General Plan EIR Findings

Energy impacts are discussed in Section 3.7, *Greenhouse Gases, Climate Change, and Energy*, of the General Plan EIR. The General Plan EIR determined that compliance with all applicable Federal,

State, and local regulations regarding energy use, increased use of renewable energy, and new building energy efficiency standards would result in less than significant impacts.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to energy consumption.

Future development facilitated by the Housing Element update would undergo project-specific developmental review to address potential impacts related to energy resources and energy consumption with new residential construction, including consistency with Title 20, *Energy Building Regulation,* and Title 24, *Energy Conservation Standards*, of the California Code of Regulations.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of energy is required.

6.7 Geology and Soils

General Plan EIR Findings

Geology and soils are discussed in Section 3.6, *Geology and Soils*, of the General Plan EIR. The General Plan EIR determined that implementation of General Plan policies and actions, including those requiring project-specific geotechnical investigations, and applicable State and City regulations, impacts to geology and soils would be less than significant for adverse effects related to ground shaking, seismic-related ground failure, unstable soil, landslide, loss of topsoil, soil erosion, and paleontological resources.

The General Plan EIR determined that construction within the city limits allowed by the proposed Plan would not require the use of septic tanks or alternative wastewater disposal systems. Limited use of septic tanks may be required within hillside areas of the Planning Area outside the city limits and within the SOI. Adherence to required county health permits and reviews would reduce potential impacts. Impacts would be less than significant.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to geology and soils.

Future development facilitated by the Housing Element update would be required to adhere to State and City grading and building standards and requirements related to paleontological resources including General Plan policies and actions, the California Building Standards Code, and the City's municipal code.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of geology and soils is required.

6.8 Greenhouse Gas Emissions

General Plan EIR Findings

Greenhouse gas (GHG) impacts are discussed in Section 3.7, *Greenhouse Gases, Climate Change, and Energy*, of the General Plan EIR. The General Plan EIR determined that the General Plan is consistent with Milpitas' adopted Climate Action Plan (CAP) and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of

greenhouse gases. The General Plan EIR determined that with implementation of General Plan policies and actions, General Plan implementation would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts were determined to be less than significant.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to GHG emissions.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies and the City's CAP as well as Federal, State, and regional plans, standards and requirements designed to reduce GHG emissions with new residential construction, including Title 20, Division 2, *State Energy Resources Conservation and Development Commission*; and Title 24, Part 11, *California Green Building Standards Code* of the California Code of Regulations.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of GHG emissions is required.

6.9 Hazards and Hazardous Materials

General Plan EIR Findings

Hazards and hazardous materials are discussed in Section 3.8, *Hazards and Hazardous Materials,* of the General Plan EIR. The General Plan EIR determined that impacts for hazardous materials would be less than significant with implementation of General Plan policies and actions for impacts related to the routine transport, use, or disposal of hazardous materials; the emission of acutely hazardous

materials, substances, or waste within 0.25 mile of an existing or proposed school; development on or near sites listed as hazardous material sites pursuant to Government Code Section 65962.5; implementation of emergency response or evacuation plans; and risk of loss, injury, or death involving wildland fires.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to hazards and hazardous materials.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies as well as Federal, State, and the City's municipal code requirements regarding hazards and hazardous waste including Title 49, Parts 171-180 of the Code of Federal Regulations, and Title 8, Title 22, and Title 26 of the California Code of Regulations, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of hazards and hazardous materials is required.

6.10 Hydrology and Water Quality

General Plan EIR Findings

Hydrology and water quality is discussed in Section 3.9, *Hydrology and Water Quality*, of the General Plan EIR. The General Plan EIR determined that impacts to hydrology and water quality would be less than significant relating to violating any water quality standards or waste discharge requirements, substantially decreasing groundwater supplies or interfering substantially with

groundwater recharge, creating or contributing to runoff water which would exceed the capacity of existing or planned stormwater drainage systems, degrading water quality, and exposing people or structures to a significant risk of loss, injury or death involving flooding.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to hydrology and water quality.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies as well as Federal, State, regional, and municipal code regulations and requirements related to hydrology and water quality.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of hydrology and water quality is required.

6.11 Land Use and Planning

General Plan EIR Findings

Land use is discussed in Section 3.10, *Land Use Planning and Population/Housing*, of the General Plan EIR. The General Plan EIR determined that impacts to land use would be less than significant as they pertain to conflicts with applicable land use plans, policies, or regulations; and the physical division of an established community.

Addendum Analysis

As described in Section 1.5, *Project Description*, the Housing Element update includes potential sites that can be rezoned to allow residential uses or greater residential densities. The total number of units facilitated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR. Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to land use.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies as well as Federal, State, regional, and the City's municipal code regulations and requirements.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of land use is required.

6.12 Mineral Resources

General Plan EIR Findings

Mineral Resources are discussed in Section 3.11, *Mineral Resources*, of the General Plan EIR. The General Plan EIR states that there are areas of Regionally Significant Construction Aggregate Resources and important mineral resources within the General Plan Planning Area and Milpitas SOI; however, development facilitated by the General Plan would be within City limits and would not be developed within an identified regional mineral resource area or mining operation. Impacts related to loss of availability of a known mineral resource and locally-important mineral resource recovery were determined be less than significant.

Addendum Analysis

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to mineral resources. Additionally, the Housing Element update would not facilitate development in mineral resource zones.

Future development facilitated by the Housing Element update would be required to remain consistent with the General Plan.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of mineral resources is required.

6.13 Noise

General Plan EIR Findings

Noise impacts are discussed in Section 3.12, *Noise*, of the General Plan EIR. The General Plan EIR determined that implementation of the General Plan would result in significant and unavoidable impacts regarding traffic noise on existing noise-sensitive uses in the city. Impacts due to noise from to railroad, stationary, and construction sources; construction vibration; and ground borne vibration were found to be less than significant. The General Plan EIR discusses airport land use in Section 3.8, *Hazards and Hazardous Materials*, and determined that General Plan implementation is not located within an airport land use plan.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to the greatest extent possible. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to noise.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies as well as the City's municipal code, including the noise ordinance.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of noise is required.

6.14 Population and Housing

General Plan EIR Findings

Population and housing are discussed in Section 3.10, *Land Use Planning and Population/Housing*, of the General Plan EIR. The General Plan EIR determined implementation of the General Plan would result in a less than significant impact relating to unplanned population growth or the displacement of people or housing.

Addendum Analysis

As discussed in Section 5, *Addendum Evaluation Methodology*, and Section 2.6, *Milpitas General Plan EIR*, the 6,713 units that would be accommodated by the Housing Element update would not exceed the 33,401 units included in the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR or the 11,186 new housing unit growth over existing conditions described in the General Plan EIR. The California Department of Finance estimates Milpitas has an average household size of 3.18 residents per unit (DOF 2022). The potential increase of approximately 21,348 residents that would result from implementation of the Housing Element update would not exceed the population growth anticipated under the General Plan of 37,473 new residents.

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As discussed in Section 1.5, *Project Description*, Rezone Sites in the NCMU designation would allow for an increase in density on individual sites which may result in more residential units and greater population of the specific Rezone Sites. However, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to population and housing. The development that would be facilitated by the Housing Element update would not exceed General Plan buildout assumptions.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of population and housing is required.

6.15 Public Services

General Plan EIR Findings

Public services are discussed in Section 3.13, *Public Services and Recreation*, of the General Plan EIR. The General Plan EIR determined that implementation of the General Plan would not result in substantial adverse physical impacts associated with new or physically altered public services facilities, including those related to fire, police, schools, parks, and libraries, and impacts would be less than significant.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to public services.

Future development facilitated by the Housing Element update would be required to adhere to any State or local regulations, General Plan actions and policies, and the City's municipal code, including the payment of fees.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of public services is required.

6.16 Recreation

General Plan EIR Findings

Recreation is discussed in Section 3.13, *Public Services and Recreation*, of the General Plan EIR. The General Plan EIR determined that implementation of the General Plan would not result in substantial adverse physical impacts associated with new or physically altered recreational facilities, and impacts would be less than significant.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites

already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

Site-specific physical impacts of future park development and construction cannot be determined until future projects are proposed. The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to recreation.

Future development facilitated by the Housing Element update would undergo developmental review and would be evaluated for consistency with the General Plan policies and actions, State law, the City's municipal code including the dedication of land or the payment of fees and other applicable regulations.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of recreation is required.

6.17 Transportation/Traffic

General Plan EIR Findings

Transportation impacts are discussed in Section 3.14, *Transportation and Circulation*, of the General Plan EIR. The General Plan EIR determined that impacts related to conflicts with an applicable plan, ordinance, or policy addressing the circulation system including roadway, bicycle, or pedestrian facilities would be less than significant.

The General Plan EIR determined that vehicle miles travelled (VMT) generated by the residential development associated with the proposed General Plan would constitute a less than significant impact. However, the VMT impacts associated with employment-based development and employment-based uses allowed by the proposed General Plan were determined to be considered significant and unavoidable.[2]

The General Plan determined that General Plan implementation would not substantially increase hazards due to a geometric design feature or incompatible use or result in inadequate emergency access. Impacts would be less than significant.

[2] Guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018, was used to evaluate VMT. After the General Plan EIR was certified, the Milpitas City Council adopted the SB 743 VMT policy on May 18, 2021 and guidelines are established in the City of Milpitas Transportation Analysis Guidelines (City of Milpitas 2022).

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to the greatest extent possible. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR. Additionally, the proposed housing sites would concentrate housing development in the city rather than in the SOI, which would reduce overall vehicle miles traveled.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to transportation.

Future development facilitated by the Housing Element update would be required to comply with applicable regulations including the City's municipal code, and General Plan policies and actions.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of transportation is required.

6.18 Tribal Cultural Resources

General Plan EIR Findings

Tribal cultural resources are discussed in Section 3.5, *Cultural Resources*, of the General Plan EIR. The General Plan EIR determined that impacts to tribal cultural resources would be less than significant.

During the 2016 General Plan update process, the City sent SB 18 Tribal consultation letters to eight Tribal Organizations including the Native American Heritage Commission, Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Coastanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts, Ohlone Indian Tribe, and the Milpitas Historical Society via certified mail. Follow up letters were sent on June 23, 2020, during the

NOP comment period to all tribes identified in the EIR. No responses had been received when the EIR was prepared.

Regarding tribal consultation pursuant to AB 52, City staff noted that no tribes have requested the City of Milpitas notify them through a formal notification process of proposed projects requiring the preparation of a negative (mitigated) declaration or EIR; therefore, no AB 52 tribal notification letters were sent out for the General Plan update.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to tribal cultural resources.

On May 4, 2022, during the Housing Element update process, the City sent letters to nine Tribal Organizations pursuant to SB 18: Amah Mutsun Tribal Band, Amah MutsunTribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts Tribe, The Ohlone Indian Tribe, Wuksache Indian Tribe/Eshom Valley Band, The Confederated Villages of Lisjan, and Tamien Nation. None of these tribes requested consultation. No previously unidentified tribal cultural resources within the city have been identified during consultation, and the Housing Element update would not result in increased impacts to potential tribal cultural resources. However, future development facilitated by the Housing Element update would be required to comply with applicable State regulations including the City's municipal code, and General Plan policies and actions.

Conclusion

Development facilitated by the Housing Element update would does not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of tribal cultural resources is required.

6.19 Utilities and Service Systems

General Plan EIR Findings

Utilities and services systems are discussed in Section 3.15, *Utilities and Service Systems*, of the General Plan EIR. The General Plan EIR determined that General Plan implementation would result in sufficient water supplies available to serve the City and the impacts related to construction of new water treatment facilities or expansion of existing facilities would be less than significant. The General Plan EIR further determined that impacts related to wastewater treatment capacity, the relocation or construction of new or expanded wastewater facilities, and the relocation or construction of new or expanded storm water drainage facilities would be less than significant.

The General Plan EIR determined that General Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste and would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts were determined to be less than significant.

The General Plan EIR stated that future development would be required to connect to existing water distribution infrastructure, pay the applicable water system connection fees and water usage rates, and demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as required by the City's NPDES Municipal Regional Permit.

Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to utilities.

Future development facilitated by the Housing Element update would be required to adhere to any Federal, State, regional, and City regulations, General Plan actions and policies, and the City's municipal code including applicable fees and NPDES permits.

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of utilities is required.

6.20 Wildfire

General Plan EIR Findings

Wildfire is discussed in Section 3.16, *Wildfires*, of the General Plan EIR. The General Plan EIR determined that there are some State Responsibility Areas to the east of the city limits within the SOI. However, there are no State Responsibility Areas within the city limits of Milpitas, and there are no "Very High Fire Hazard" areas within the Milpitas SOI. The General Plan EIR determined that impacts would be less than significant regarding adopted emergency response plan or emergency evacuation plan, hazards due to flooding or landslides, the installation or maintenance of associated infrastructure that may exacerbate fire risk. The General Plan EIR further determined that General Plan implementation would not exacerbate wildfire risks, or thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire and impacts would be less than significant.

Addendum Analysis

None of the sites proposed in the Housing Element update are located within a State Responsibility or Very High Fire Severity zone (California Department of Forestry and Fire Protection 2007). Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to wildfire.

Future development facilitated by the Housing Element update would be required to adhere to any Federal, and State and regulations, including the California Building Code, and California Fire Code,

Public Resources Code Section 4292, Public Resources Code Section 4293, and Title 14, Section 1104.1(d) of the California Code of Regulations. Future development would also be required to comply with General Plan actions and policies, Zoning Ordinance, and the City's municipal code, including Title 5 – Public Health, Safety and Welfare (Chapter 300 Fire Code).

Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of wildfire is required.

7 Summary of Findings

The City of Milpitas, acting as the lead agency, determined that an addendum is the appropriate environmental document under CEQA because the proposed project would not require revisions to the certified General Plan EIR due to the involvement of new significant environmental effects or substantial increases in the severity of significant effects previously identified in the General Plan EIR.

There are no changed circumstances or new information that meets the standards for requiring further environmental review under *CEQA Guidelines* Section 15162. Thus, these circumstances and information would not result in new or more severe impacts beyond what were addressed in the General Plan EIR and would not meet any other standards under *CEQA Guidelines* Section 15162(a)(3). No additional analysis is required based on the discussions throughout this addendum. The proposed Housing Element update would not involve development in areas not assumed for development in the General Plan EIR, nor would it result in population growth and density beyond what was analyzed in the General Plan EIR. The project would not result in significant or substantially more severe impacts that were not discussed in the General Plan EIR. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, would be substantially more severe than discussed in the General Plan EIR. Accordingly, no additional CEQA review is required.

CEQA Guidelines Section 15164 states that "[t]he lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in *CEQA Guidelines* Section 15162 calling for preparation of a subsequent EIR have occurred." An addendum is therefore appropriate because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

8 References

8.1 Bibliography

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Milpitas, City of. 2020. Cotati General Plan Update Draft Environmental Impact Report. November 2020. https://static1.squarespace.com/static/57277b461d07c02f9c2f5c2c/t/5fa094bab97246713f3e4e9a/1604359401370/Milipitas_Public_Draft_EIR_reduced.pdf (accessed December 2021).

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8.2 List of Preparers

Rincon Consultants, Inc. prepared this Addendum under contract to the City of Milpitas. Persons involved in data gathering analysis, project management, and quality control are listed below.

RINCON CONSULTANTS, INC.

Darcy Kremin, AICP, Director-in-Charge
Aileen Mahoney, Project Manager
Amber McEldowney, Environmental Planner
Debra Jane Seltzer, Production Specialist

Attachment E

RESOLUTION NO. ___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING AN ADDENDUM TO THE MILPITAS 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (SCH#: 2020070348) AND ADOPTING GENERAL PLAN AMENDMENT GP23-0001 TO UPDATE THE HOUSING ELEMENT FOR THE 6th CYCLE PERIOD OF 2023-2031

WHEREAS, the City of Milpitas, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Title 7, Division 1, Chapter 3, Article 10.6 [65580 – 65589.11] requires a Housing Element as a mandatory element of the General Plan and that Housing Elements are required to be updated every eight years; and

WHEREAS, the California Legislature has found that "California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives" (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature has further found that "Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration" (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that "In 2018, California ranked 49th out of the 50 states in housing units per capita… California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over seven years"; and

WHEREAS, State law requires that a General Plan and its constituent elements "comprise" an integrated internally consistent and compatible statement of policies; and

WHEREAS, the previous Milpitas Housing Element was adopted by the City Council on April 28, 2015, and subsequently certified by the State of California, Department of Housing and Community Development (HCD); and

WHEREAS, the updated Housing Element focuses on housing needs from January 1, 2023, through June 30, 2031, in accordance with the Housing Element planning period for San Francisco Bay Area jurisdictions established by law; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Milpitas regional housing need allocation (RHNA) of 6,713 housing units, comprised of 1,685 very-low-income units, 970 low-income units, 1,131 moderate-income units, and 2,927 above-moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Milpitas has prepared Housing Element 2023-2031 (the Housing Element) in compliance with State Housing Element Law and has identified

sites that can accommodate housing units meeting the City's RHNA. As provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, the Housing Element update covers an eight-year planning period from 2023 to 2031 and: 1) analyzes the housing needs of the City across various income categories; 2) provides policy guidance for housing production and conservation in the City, and: 3) identifies sites to accommodate the City's Regional Housing Needs Allocation (RHNA) goals. The Housing Element is one of eight State-mandated General Plan elements and is the only General Plan element that requires mandatory review from a State agency – the California Department of Housing and Community Development (HCD). The City has prepared an Addendum to the Milpitas 2040 General Plan Environmental Impact Report (EIR) to comply with the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15164; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5, the City of Milpitas referred the draft Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, no California Native American tribe requested consultation; and

WHEREAS, the preparation, adoption, and implementation of the Housing Element requires a diligent effort to include all economic segments of the community; and

WHEREAS, the City conducted extensive community outreach during preparation of the draft Housing Element, including 12 stakeholder interviews with 31 attendees, three web-based surveys, three virtual community workshops, three roundtable discussions with community development partners, and five public workshops before the Planning Commission, City Council Housing Subcommittee, and City Council; and

WHEREAS, in accordance with Government Code Section 65585 (b), on August 31, 2022, the City posted the draft Housing Element and requested public comment for a 30-day review period, and on October 17, 2022, after responding to public comments, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, the Milpitas Planning Commission held two (2) public hearings on August 31, 2022 and January 11, 2023 to obtain public input and comments on the Draft Housing Element Update; and

WHEREAS, the Milpitas City Council held a public hearing on January 24, 2023 on the Draft Housing Element Update; and

WHEREAS, the public was provided a thirty (30) day review and comments period and copies of the Draft Housing Element Update was on file at the Milpitas City Hall, Milpitas Public Library and the City's website for public review and comment; The public review period for the Public Draft Housing Element ended on September 30, 2022. During the review period, the following meetings were held to provide information and receive public comments: Planning Commission (August 31, 2022), Community Workshop #3 (September 13, 2022), Community Development Roundtable (September 16, 2022), Great Mall Farmers' Market Pop-Up Event (September 18, 2022), City Council Meeting (September 20, 2022), and the Santa Clara Collaborative Equity Advisory Group (September 29, 2022); and

WHEREAS, the Association of Bay Area Governments (ABAG) determines the Regional Housing Needs Allocation (RHNA) for the Bay Area and allocated 6,713residential units to the City of Milpitas for the 6th Cycle Housing Element for the years 2023 to 2031; and

WHEREAS, on January 6, 2023, a Draft General Plan Housing Element Update was forwarded t HCD for their review and comments and the City of Milpitas received comments from HCD on January 10, 2023, and will respond to comments; and

WHEREAS, on January 10, 2023, the HCD notified the City of Milpitas in writing that they had reviewed and have completed review of the City's initial draft Housing element submission of the 6th cycle element via a findings letter. The four revision topic areas include: Affirmatively Furthering Fair Housing (AFFH), inventory of land suitable and available for residential development, potential and actual governmental constraints on development of housing for all income levels, and public participation of all economic segments of the Milpitas community in developing the draft Housing Element; and

WHEREAS, City staff held three virtual meetings with HCD on December 5, 2022, December 16, 2022, and December 28, 2022, to discuss the draft Housing Element and address HCD comments; and

WHEREAS, on December 29, 2022, the City received preliminary feedback and direction via email from HCD with initial findings regarding the draft Housing Element; and

WHEREAS, on December 30, 2022, the City published a revised draft Housing Element responding to HCD's initial findings and requested public comment on the draft; and

WHEREAS, on January 11, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the staff report and all attachments, and oral and written public comments, and they strongly supported the draft Housing Element by a unanimous vote and formally recommend to the City Council that the draft Housing Element be adopted as substantially compliant with state law and submit to HCD for compliance and certification; and

WHEREAS, based on the building age and condition of non-residential structures on nonvacant sites, developer interest, adjacency to high-quality transit, and the likelihood of commercial uses on nonvacant sites converting to mixed-use residential developments, the existing uses on the sites identified in the Future Housing Needs (site inventory) to accommodate the lower income RHNA are likely to be discontinued during the planning period, and therefore are not considered significant impediments to additional residential development during the period covered by the housing element; and

WHEREAS, in accordance with CEQA Guidelines Sections 15162 and 15164, the City prepared an Addendum to evaluate whether the project's environmental impacts are covered by and within the scope of the Milpitas General Plan Update Final EIR (March 2021, State Clearinghouse Number 2020070348). The Addendum Evaluation substantiates the City's determination that the Housing Element update policies and programs are within the scope of the General Plan EIR, do not require subsequent action under CEQA Guidelines Section 15162 and, in conjunction with the EIR, adequately address potential environmental impacts.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

SECTION 1. Recitals

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City Agenda Report, testimony by staff and the public, and other materials and evidence

submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true a correct and are incorporated herein by reference.

SECTION 2. CEQA Finding

The City Council has received an Addendum to the Milpitas General Plan Update Environmental Impact Report ("General Plan EIR") (State Clearinghouse No. 2020070348, certified March 2021) and findings to review and consider in making a recommendation to the City Council to adopt the Housing Element Update for the period of 2023-2031. In accordance with CEQA Guidelines Sections 15162 and 15164, the Addendum evaluated whether the project's environmental impacts are covered by and within the scope of the General Plan EIR and substantiated the City's determination that the Housing Element update policies and programs are within the scope of the General Plan EIR. Therefore, the Housing Element update does not require subsequent action under CEQA, and the Addendum Evaluation, in conjunction with the EIR, adequately analyzes potential environmental impacts.

SECTION 3. Findings for General Plan Amendment

In accordance with Milpitas Municipal Code Section XI-10-57-02(G)(1)), the City Council makes the following findings in support of General Plan Amendment No. GP23-0001:

1. *The proposed amendment is internally consistent with portions of the General Plan which are not being amended.*

The proposed General Plan amendment is consistent with the City of Milpitas General Plan. The Housing Element provides for a range of high-quality housing options and addresses new requirements of State law consistent with the General Plan's objectives. Further, the Housing Element would serve to implement goals and policies in the Land Use and Conservation and Sustainability Elements. The Housing Element provides for a range of housing types, promotes development consistent with the adopted specific plans, coordinates land use planning with transportation investments. In these ways, the amendment would help the City offer a full range of diverse affordable housing and balanced mix of land uses.

2. *The proposed amendment will not adversely affect the public health, safety and welfare*

The proposed General Plan amendment for the 2023-2031 Housing Element protects public health and welfare by promoting high-quality neighborhoods and housing for all. It maintains and expands programs that enhance neighborhood conditions and rehabilitate housing. It also includes programs to support a diverse range of housing types for all economic segments of the community, ensure equal housing opportunity, and support programs aimed at special needs populations, such as seniors, persons with disabilities, and the unhoused population, among other activities.

SECTION 4. Consistency with State Law

The City Council finds that the Housing Element substantially complies with State Housing Element Law.

SECTION 5. City Council Action

The City Council of the City of Milpitas hereby adopts Resolution No. _____, approves the Add to the General Plan EIR, adopts a General Plan Amendment, and adopts the Housing Element Update for the period from 2023 to 2031 attached hereto as **Exhibit A**, incorporated by this reference.

PASSED AND ADOPTED this 24th day of January 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVE:

_____
Suzanne Guzzetta, City Clerk

_____
Carmen Montano, Mayor

APPROVED AS TO FORM:

_____
Michael Mutalipassi, City Attorney