

RESOLUTION NO. 15-0008

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS
RECOMMENDING THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION
AND TO APPROVE A GENERAL PLAN AMENDMENT UPDATING THE HOUSING
ELEMENT 2015-2013, SEISMIC/SAFETY ELEMENT AND OPEN
SPACE/ENVIRONMENTAL CONESERVATION ELEMENT OF THE GENERAL
PLAN**

WHEREAS, California Government Code Sections 65580 et seq. 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, 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 June 15, 2010 and certified by the State of California, Department of Housing and Community Development (HCD) on February 10, 2010; and

WHEREAS, the updated Housing Element focuses on housing needs from January 1, 2015 through June 30, 2023 in accordance with the Housing Element planning period for San Francisco Bay Area jurisdictions established by law; and

WHEREAS, over the past year, the process to update the Housing Element in the City of Milpitas included: 1) obtaining housing information and data from local and regional housing agencies during the preparation of the updated plan; 2) Two publicly noticed community workshops on February 25 and March 11, 2014 to solicit input from the public on the City’s housing needs and to provide the public with an opportunity to shape the City’s housing goals, policies and objectives; 3) Mailed notices of the meetings to 70 organizations and a variety of other groups and agencies; 4) Conducted outreach for the meetings, to recruit potential participants who would reflect the City’s full ethnic and economic diversity; and 5) Provided appropriate opportunity for the general public to review and comment on the draft and final housing element documents; and

WHEREAS, the Milpitas Planning Commission held two (2) public hearings on May 14 and September 10, 2014 to obtain public input and comments 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 City’s Website for public review and comment; and

WHEREAS, the Association of Bay Area Governments (ABAG) determines the Regional Housing Needs Allocation (RHNA) for the Bay Area and allocated 3,290 residential units to the City of Milpitas for the next Housing Element cycle of 2015 to 2023; and

WHEREAS, a Draft General Plan Housing Element Update was forwarded to the HCD for their review and comments and the City of Milpitas received comments from HCD and responded to their comments; and

WHEREAS, on January 5, 2015, the HCD notified the City of Milpitas in writing that they had reviewed the Draft Milpitas General Plan Housing Element Update and found the document in compliance with State Housing Element Laws (Article 10.6 of the Government Code) when it was submitted to HCD pursuant to Government Code Section 65585(g); and

WHEREAS, the revised Seismic and Safety Element of the General Plan includes an update to the required information related to Federal Emergency Management Agency (FEMA) Flood Rate Maps (FIRMs), dam, inundation zones, and City goals and policies to comply with State Law (Assembly Bill 162 and CA Government Code Section 65302); and

WHEREAS, the revised Open Space and Environmental Conservation Element includes updates to the Water Quality and Conservation Section, specifically, a map of rivers, creeks, streams, and riparian habitat to comply with State Law (Assembly Bill 162); and

WHEREAS, General Plan Amendments (GPA) for Housing, Seismic and Safety and Open Space and Environmental Conservation Elements and Negative Declaration was prepared by the City of Milpitas and legally advertised for public review and comments; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) an Initial Study was prepared and did not find any significant environmental impacts associated with the proposed projects. Based on the Initial Study of no significant impacts associated with the project, a Notice of Intent to Adopt a Negative Declaration was prepared and circulated for public review and comments on December 12, 2014-January 12, 2015; and

WHEREAS Notice of Intent to Adopt a Negative Declaration and General Plan Amendments were advertised on February 13, 2015 for the Planning Commission meeting on February 25, 2015;and

WHEREAS, on February 25, 2015, the Planning Commission held a public hearing on the General Plan Amendments for Housing, Seismic and Safety, and Open Space and Environmental Conservation Element and Negative Declaration. The Planning Commission, among other documents and information, considered the report from staff on the General Plan Amendments for Housing, Seismic and Safety, and Open Space and Environmental Conservation Element and Negative Declaration and written and public testimony from property owners, business owners, outside agencies and other affected parties; and

WHEREAS, the Planning Commission did review and consider the Negative Declaration for the GPA and determined that no significant impacts are associated with the General Plan Amendments for Housing, Seismic and Safety and Open Space and Environmental Conservation Elements; and

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

Section 1: 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: A Initial Study and Negative Declaration pursuant to the California Environmental Quality Act (CEQA) was prepared and certified (SCH#2014122025) for the General Plan Amendments to the Updated Housing Element, Seismic and Safety Element and Open Space and Environmental Conversation Element on January 13, 2015. The Negative Declaration assumed no rezoning or changes to the General Plan or Zoning Districts for residential uses to the proposed project and the project has no potential to cause a significant effect on the environment.

Pursuant to Government Code Section 65457 (CEQA Guidelines Section 15073) a 30-day public review period prior to adoption of negative declaration. The negative declaration was advised from December 12, 2014-January 12, 2015. The proposed project summary is included:

Proposed Project Summary

The proposed project includes an update to the current (2007-2014) Housing Element for the planning period 2015-2023. The proposed Project supports the goals and policies of the City's current Housing Element and provides policies and implementing programs to further the city's housing goals to meet its Regional Housing Needs Allocation (RHNA-3,290 units). No rezoning or changes to the General Plan or Zoning districts would be required to achieve this yield. The Seismic and Safety Element Amendment includes an update to required information related to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS), dam inundation zones, and City goals and policies to comply with State law (specifically Assembly Bill 162). It also includes the adoption of Santa Clara County's multi-jurisdictional Local Hazard Mitigation Plan and the City of Milpitas' Local Hazard Mitigation Plan Annex to ensure that appropriate emergency measures are implemented when natural disaster occur. The Open Space and Environmental Conservation Element Amendment include update to the water Quality and Conservation Section, map of rivers, creeks, streams, and riparian habitat as per AB 162 has been added.

The Planning Commission has reviewed the Initial Study and Negative Declaration, all supporting evidence and documentation, and considered public comments provided at or before the hearing of this matter. The Initial Study and Negative Declaration reflect the Planning Commission's independent judgment and analysis as to the effects of the project on the environment. Based on the review of the entire record therein, including the Negative Declaration, the Initial Study, all supporting, referenced, and incorporated documents and all comments received, the Planning Commission finds that there is no substantial evidence that the project will have a significant effect on the environment, and that the Negative Declaration, Initial Study and supporting documents provide an adequate description of the impacts of the project and comply with the CEQA and CEQA Guidelines.

Section 3: General Plan Amendments - The Planning Commission makes the following findings based on the evidence in the public record in support of the amendments:

- a) *The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

Government Code Sections 65580 et seq. requires Housing Elements as mandatory elements of the General Plan are updated every eight years and that a general plan and its constituent elements “comprise” an integrated internally consistent and compatible. Assembly Bill No. 162 requires amendments to the Seismic and Safety Element to address information relating to Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps (FIRM’s) dam inundation zones and city goals and policies to comply with state law. Assembly Bill No. 162 requires amendments to the Open Space and Environmental Conversation Element to include update to Water Quality and Conversation Section, map of rivers, creeks, streams, and riparian habitat.

The proposed General Plan amendments are required under State law. The proposed changes will not affect any of the other elements or provisions of the General Plan and will not create any inconsistency.

- b) *The proposed amendment will not adversely affect the public health, safety, and welfare of the residents of Milpitas*

The proposed general plan amendments will require no rezoning or changes to the General Plan or Zoning districts. Transit Area and Midtown Specific Plan have appropriate number of housing sites to meet the Regional Housing Needs Allocation. Furthermore, the amendments will focus compliance with State Laws achieving long term housing goals and policies and addressing updated information relating to flooding and water quality and conversation.

Section 5. The Planning Commission of the City of Milpitas hereby adopts **Resolution No. 15-0008 recommending that the City Council approve a Negative Declaration Environmental Assessment No. EA14-007 and approve the General Plan Amendments No. GP14-004 relating to the Draft Housing Element (2015-2023) and revisions to the Seismic/ Safety Element and Open Space/ Environmental Conversation Element of the General Plan. A copy of the General Plan Amendments are attached to the staff report for this item.**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on February 25, 2015.

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 February 25, 2015, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Zeya Mohsin (alternate)				
Ray Maglalang				
Hon Lien				
Demetress Morris				
Rajeev Mandnawat				
Gurdev Sandhu				
Larry Ciardella				
Sudhir Mandal				