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Preface

The Milpitas General Plan was significantly revised in 1994 in order to update and improve the clarity of the document. It has had only a few minor revisions since then. The January 2002 update incorporated the Midtown Specific Plan and included revisions to the General Plan land use map and text for consistency between these documents. The June 2008 update incorporates the Transit Area Plan, adding new land use designations and references to the area plan. ~~Some of the major editorial and map changes include adding the following new land use categories:~~

~~•Retail Mixed-Use: This designation provides for retail, hotel, and office uses located immediately south of the Great Mall.~~

~~•Boulevard Very High Density Mixed-Use: This classification is intended to provide high-density housing, retail, and employment along Montague Expressway with a landscaped boulevard character. Permitted uses include residential, office, commercial, and medical uses.~~

~~•Residential-Retail High Density Mixed-Use: This district is intended to be a true mixed-use area with retail, restaurants, and services on the ground floor, and residential or office uses on floors above. The residential density is a minimum average gross density of 31 units per acre and a maximum of 40 units per gross acre. Sites may be developed for office and hotel uses without residential development, although ground floor retail or restaurant square footage will still be required.~~

~~•Very High Density Transit Oriented Residential: Intended to create residential districts near BART and light rail stations, this designation requires housing to be built at an average density of at least 41 units per gross acre, up to a maximum of 60 units per gross acre. Small, local-serving commercial uses are permitted at the ground floor level, including retail, restaurants, and personal service uses.~~

~~•High Density Transit Oriented Residential: These properties are intended for medium-density residential neighborhoods further from BART, at the interior of subdistrict neighborhoods. A minimum average gross density of 21 units per acre is required, up to a maximum of 40 units per acre. Residential and related uses are allowed, but not commercial uses.~~

~~The Transit Area Plan was developed to create an attractive high-density urban neighborhood with a mix of land uses around the light rail stations and future BART station and to create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit.~~ The October 2010 update consist of text amendments to integrate the City's Park and Recreation Master Plan and Milpitas Bikeway Master Plan as well as other updates to exhibits, tables, and figures, which includes land use designation changes to several creek channels and public right-of-ways.

The land that is now Milpitas was in pre-historic time's part of the home territory of the Tamyen tribelet of the Coastanoan Indians; remnants of two notable village sites from the period can be found in the City. Milpitas' present-day origins can be traced to the presence of Spaniards in the South Bay in the latter part of the 18th century. In the mid-19th century, the area was a stopover-point for travelers between Sutter Fort and San Jose. By the late 1850s, a stage line was operating between San Jose and Oakland with stops in Milpitas.

In the latter part of the 19th century, Milpitas emerged as a marketing center for farmers widely scattered along the plain and the hills. The Southern Pacific Railroad ran a line from Stockton to San Jose reaching Milpitas in 1869, which led to initiation of new commercial enterprises and consolidation of Milpitas' position as an important shipping point of the rapidly farmanizing valley. In 1920s, construction of the San Jose branch of the Western Pacific Railroad gave the community access to a second rail line.

As late as the early 1950s, orchards and farms dotted the Milpitas landscape. In 1953, the Ford Motor Company began constructing an assembly plant south of downtown in a strip between the two railroad tracks; the town was incorporated in the following year.

~~Milpitas has outstripped its origins to rapidly grow into a suburban center of 62,698 people providing 52,090 jobs in 2000[1].~~ Milpitas experience rapid growth in the last 46 years and developed into a suburban center. Majority of the valley floor ~~Even though much of the City~~ is fairly new — with the exception of the Great Mall (previously Ford Motor Company plant), and some scattered subdivisions and buildings along Main Street. ~~, virtually the entire City has been built over the last 30 years.~~ Rapid growth in the region has left little room for expansion of the City boundaries in the flatlands.

~~A comprehensive update of the City's General Plan was conducted in 1994. Several minor amendments have occurred since then.~~ In response to the City's needs and state law, this Plan describes the City's ideas for its future and the ways in which it intends to transform these ideas into reality. The General Plan incorporates the Midtown Specific Plan, approximately ~~800~~ 589 acres of land in the center of Milpitas, and the Transit Area Plan, approximately 437 acres of land at the south end of the City, by reference. The Midtown Specific Plan and Transit Area Plan establish, in more specific terms, the nature, character and location of activities and development; guide the orderly growth of the Midtown area and southern area near transit; define the nature of development and the physical framework of those areas; and provide a basis for future implementing actions to improve and beautify the areas.

This chapter provides an overview of the scope and organization of the General Plan. A glossary of planning terms used in the Plan is included in the Appendix.

~~[1] Based on 2000 Census data and Projections 2002 (ABAG).~~

1.1 Scope and Requirements of the General Plan

State law requires each California City and county to prepare a general plan. A general plan is defined as "a comprehensive, long-term general plan for the physical development of the county or city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning." Thus, the Planning Area can include land beyond the City's corporate limits. State requirements call for general plans that "comprise an integrated, internally consistent and compatible statement of policies for the adopting agency."

While they allow considerable flexibility, state planning laws do establish some requirements for the issues that general plans must address. The California Government Code establishes both the content of general plans and rules for their adoption and subsequent amendment. Together, state law and judicial decisions establish three overall guidelines for general plans:

- **The General Plan Must Be Comprehensive.** This requirement has two aspects. First, the General Plan must be geographically comprehensive. That is, it must apply throughout the entire incorporated area and it should include other areas that the City determines are relevant to its planning. Second, the General Plan must address the full range of issues that affect the City's physical development.

- **The General Plan Must Be Internally Consistent.** This requirement means that the General Plan must fully integrate its separate parts and relate them to each other without conflict. "Horizontal" consistency applies as much to figures and diagrams as to the general plan text. It also applies to data and analysis as well as policies. All adopted portions of the General Plan, whether required by state law or not, have equal legal weight. None may supersede another, so the General Plan must resolve conflicts among the provisions of each element.

- **The General Plan Must Be Long-Range.** Because anticipated development will affect the City and the people who live or work there for years to come, state law requires every general plan to take a long-term perspective. While the time-horizon at which build-out of the Milpitas General Plan would occur is not specified, it is expected that this would take place over a 15- to 25-year period. An on-going review and evaluation process, which enables the Plan's time-horizon to be regularly extended, is provided for in this Plan.

1.2 Planning Area

The Milpitas Planning Area[2] encompasses an area of approximately 18 square miles, extending between the south end of the San Francisco Bay and the Los Buellis Hills of the Mount Diablo Range in northern Santa Clara County (see Figure 1-1). The Planning Area is congruent with Milpitas' Sphere of Influence.[3] Milpitas' incorporated limits represent about 13 square miles of the Planning Area; while the remainder of the land is unincorporated (see Figure 1-2). The northern edge of the Planning Area is defined by the boundary between Santa Clara and Alameda counties, and west and south of the Planning Area lies the city of San Jose. The Calaveras Reservoir lies about 3/4 mile east of the Planning Area, while the San Jose International Airport is barely 4.5 miles to the south.

The Planning Area is topographically diverse, with elevations ranging from sea level to about 2,600 feet near Monument Peak. It includes two distinct ~~, almost equi-sized~~ sub-areas — the Valley Floor and the Hillside.

The relatively flat Valley Floor occupies the western half of the Planning Area, and extends from Coyote Creek in the west to Piedmont Road, Evans Road and the northerly portion of North Park Victoria Drive in the east. All of the Valley Floor is within Milpitas' incorporated limits and is almost fully urbanized; the only substantial vacant sites are adjacent to Coyote Creek.

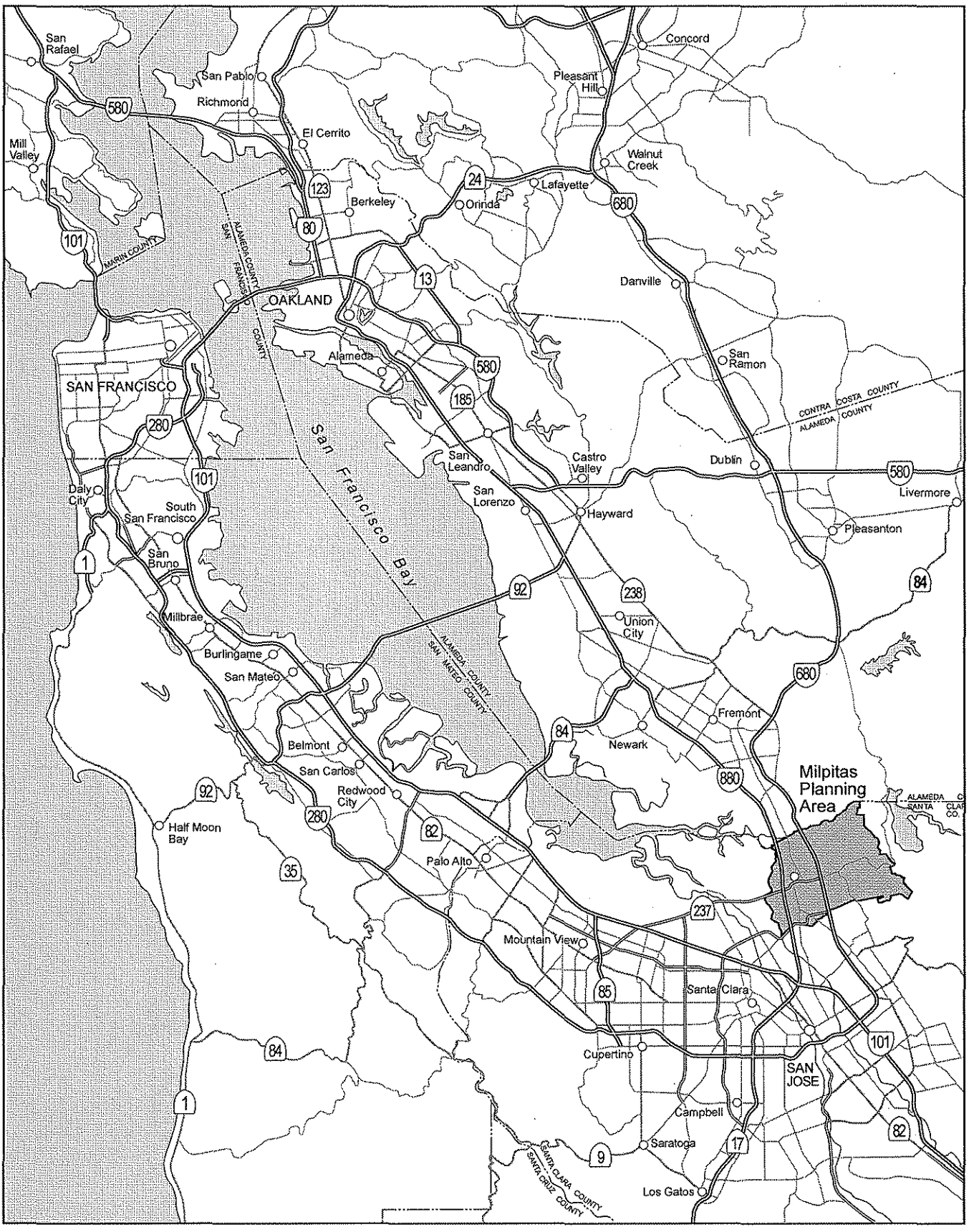
The Hillside occupies the eastern half of the Planning Area. This area is much steeper than the Valley Floor and is characterized by open space with chaparral and native grasses, and some scattered pockets of residences.

---

2 A city's "Planning Area" encompasses incorporated and unincorporated territories bearing a relationship to the city's planning.

3 A city's "Sphere of Influence" is adopted by the Local Agency Formation Commission and encompasses incorporated and unincorporated territory which represent the city's probable ultimate physical boundaries and service area.

Figure 1-1 Regional Location

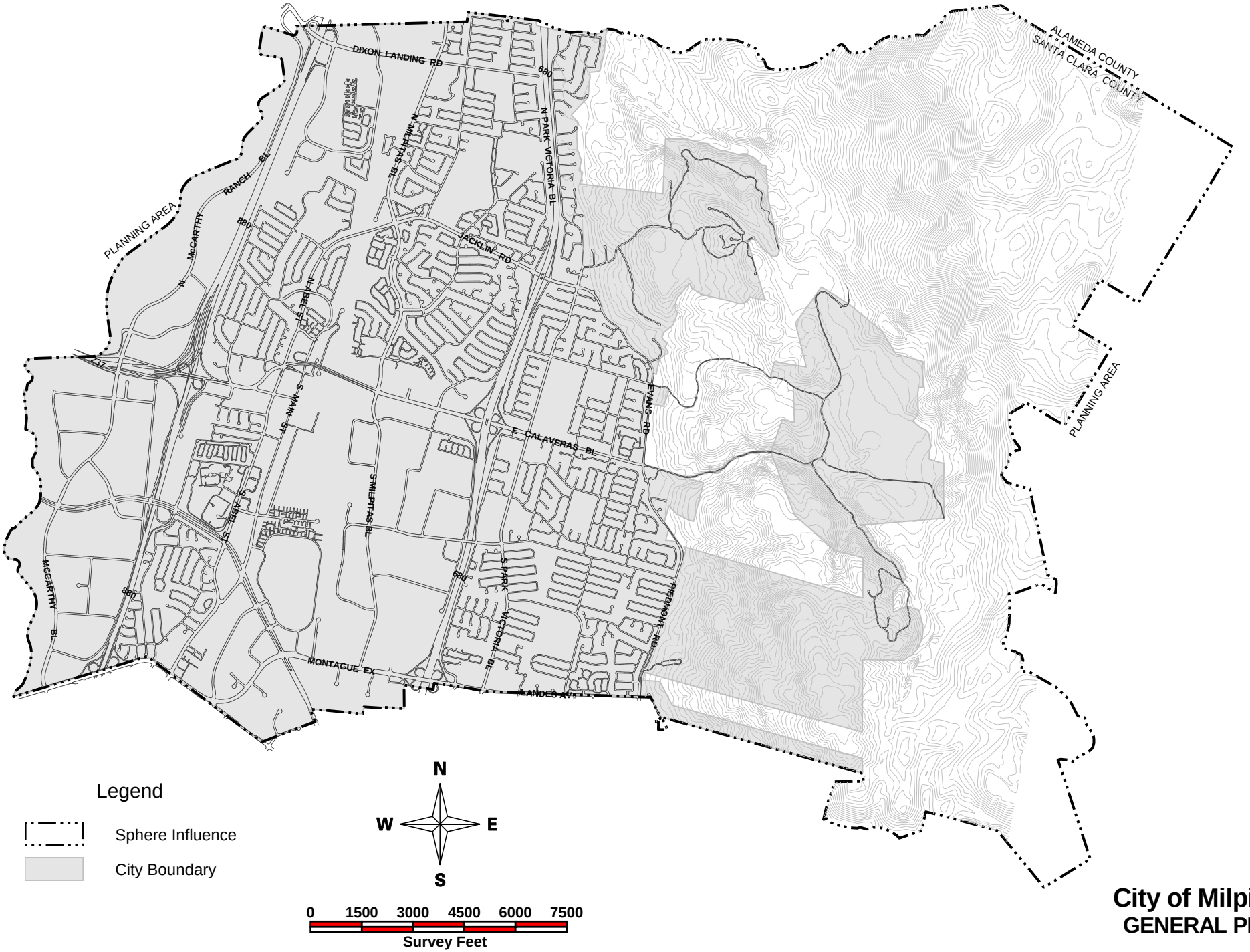


City of Milpitas
GENERAL PLAN

Regional Location
Figure 1-1

Figure 1-2 Boundaries (11 x 17)

Boundaries
Figure 1-2



City of Milpitas
GENERAL PLAN

1.3 Plan Organization

The organization of the General Plan is summarized in Table 1-1. Throughout the Plan, cross-references guide the reader to related policies in other sections and elements.

Table 1-1

Organization of the General Plan

General Plan Element	Major Issues Addressed	Closely Related Elements
Land Use	Distribution of land uses, standards for population density and building intensity, schools, public utilities and services	All
Circulation	Street classifications, transit service, pedestrian and bicyclists needs, rail, truck routes	Land Use, Noise
Open Space and Environmental Conservation (combines two state-required elements)	Parks and recreation, vegetation and wildlife, agriculture, scenic resources and routes, water quality	Land Use
Safety	Seismic safety, flooding, fire	Land Use
Noise	Noise attenuation and reduction	Land Use, Transportation
Housing	Housing objectives for new construction, rehabilitation, and preservation of housing units; housing related policies; and programs	Land Use,
~~Note: The Housing Element is published as a separately bound document.~~		

The General Plan Diagram is included as a fold out in Chapter 2: Land Use Element. It represents a physical illustration of policies relating to land use, circulation, conservation, and public facilities. The legend in the Diagram is an abbreviated version of the use classifications included in the Land Use Element. The Diagram is an important part of the Plan that contains information not presented anywhere else. However, General Plan policies cannot be interpreted from the Diagram alone. Policies throughout the Plan complement the information in the Diagram.

Organization of the Elements

Each element of the General Plan includes a statement of purpose and a summary description of the requirements of state planning law for general plan adequacy. This introductory material is followed by topical sections. Sections include background material, which does not represent adopted City policy except where explicitly noted, followed by adopted Guiding Principles and Implementing Policies:

- Guiding Principles are statements of philosophy or intent; and
- Implementing Policies are commitments to specific actions that are to be undertaken in order to achieve the results called for by the Guiding Policies.

Guiding Principles and Implementing Policies are arranged in a tabular format, with adopted statements printed in roman type. **Explanatory material accompanying some policies is printed in the right-side column in italic type and is not adopted.** This commentary provides background information or is intended to guide Plan implementation.

The General Plan Diagram, other figures within the Plan elements, and the Land Use Classifications in Section 2.2 are also adopted parts of the General Plan.

Policy Numbering System. Policies in the General Plan are organized using the following numbering system: The first number refers to the Chapter/Element; the policies are further grouped by Chapter Sections (represented by lower case letters); the upper case letters distinguish Guiding Principles from Implementing Policies; the last number refers to the order in which the policy appears. For example, the first Guiding Principle in the Circulation Element (Chapter 2) is numbered 2.a-G-1 and the first Implementing Policy is 2.a-I-1. Thus, each principle or policy in the Plan has a discrete number, which will facilitate reference in discussion and in City staff reports and implementation documents.

1.4 Relationship to Other City Regulations, Policies and Programs

The General Plan provides the basis for all of the City's regulations, policies and programs that relate to issues addressed in the Plan. In addition to requiring that the Plan be internally consistent, state law requires “vertical consistency”, i.e., consistency between the General Plan and other City actions. This requirement means that the City's zoning and subdivision ordinances, specific plans and redevelopment plans must be consistent with the Plan. In addition, all development approvals, public works projects, and open space implementation programs have to be consistent with the General Plan.

The state's *General Plan Guidelines* provides the following rule for defining consistency: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."[4] This rule clarifies that consistency does not require all subsequent City actions to be specifically anticipated by the General Plan. Because the Plan is both general and long-range, there are many circumstances where future City actions will be addressed only generally in the Plan.

Consistency ~~Between~~between the Plan and Zoning

The City's Zoning Ordinance is one of its most important tools for implementing the Plan. Requirements for consistency between the General Plan and zoning can be broken down into two major aspects[5]:

- **Uses and Standards.** The General Plan's land use classifications are broader than the Zoning Ordinance classifications. Multiple zoning districts may be consistent with a single General Plan residential classification, as long as all of the densities and unit types allowed in each zoning district are also permitted in the relevant General Plan category. A General Plan/Zoning Consistency matrix is included in Chapter 2: Land Use Element.

- **Spatial Correlation.** The Zoning Map should reflect the general pattern of land use depicted on the Plan Diagram. However the two need not be identical. Boundaries of land use classifications depicted on the General Plan Diagram are generalized; zoning boundaries may follow parcel or other lines. In instances where more than one zoning district corresponds with a single General Plan land use classification, an area with boundaries for the districts should reflect the area of the corresponding use depicted on the Plan Diagram.

Consistency between the General Plan and Specific Plans

Section 65359 of the Government Code requires that specific plans that are applicable to the same areas affected by a general plan should be consistent with the general plan.

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4 *General Plan Guidelines*. Governor's Office of Planning and Research, Sacramento, CA, 1990, p. 212.

5 *Ibid*. p. 214.

The Midtown Specific Plan adopted in 2002 is consistent with the General Plan as follows:

- The Midtown Plan furthers the Land Use Guiding Principles by providing a mixture of land uses that recognize Milpitas' emerging role as a center of housing and employment in the Silicon Valley. It serves to maintain a compact urban form and further diversifies Milpitas' housing stock by providing for higher residential densities, and it extends the city's park-like setting by providing for parks and creek-side trails and open spaces throughout the Specific Plan area.

- The Midtown Plan is consistent with and furthers the Land Use Policies in that it focuses on infill development in a transitioning urban area and supports preservation and adaptive reuse of historical landmarks in the Specific Plan area.

- The Midtown Plan addresses the jobs/housing balance programs by providing for new higher density housing in close proximity to industrial and employment centers.

- The Midtown Plan supports the provision of adequate schools through the payment of developer fees for new development.

- The Midtown Plan provides for improving the viability of pedestrian, bicycle and transit systems by including provisions such as wider sidewalks, traffic calming, streetscape improvements, pedestrian routes to transit stations and improvements to the citywide trail network.

- The Midtown Plan maintains the architectural and landscape elements that contribute to the identity and history of the City by requiring new developments to be harmonious with older structures without falsely attempting to reproduce historic structures, and supports rehabilitation and adaptive reuse of local, state and federally designated historic buildings.

- The Midtown Plan ensures the conservation, development and use of natural resources by providing "smart growth" through infill development and providing for the improvement of parks and creek-side trails designed to serve the needs of all residents of the community.

The Transit Area Plan, adopted in 2008, is consistent with the General Plan as follows:

- The Transit Area Plan furthers the Land Use Guiding Principles by providing high-density residential, mixed use and transit oriented land uses that balance Milpitas' regional and local roles by providing housing, employment and transportation options. It helps promote a compact urban form by allowing increased heights, mixes of uses and growth focused on infill and redevelopment opportunities.

- The Transit Area Plan addresses the jobs/housing balance programs by providing for new higher density housing in close proximity to employment centers and transit hubs.

- The Transit Area Plan supports the provision of adequate schools through the payment of developer fees for new development.

- The Transit Area Plan provides for improving the viability of pedestrian, bicycle and transit systems by including provisions such as pedestrian amenities, wider sidewalks, traffic calming, streetscape improvements, pedestrian routes to transit stations and improvements to the citywide trail network.

- The Transit Area Plan promotes increased transit use and intermodal commuting options by focusing development near existing and proposed transit facilities.

- The Transit Area Plan ensures the conservation, development and use of natural resources by providing “smart growth” through infill development and providing for the improvement of parks and creek-side trails designed to serve the needs of all residents of the community.

1.5 Monitoring and Review

As the City's constitution for development, the General Plan is the heart of the planning process. This section identifies a process to monitor implementation and to ensure currency of the Plan.

Amendments to the General Plan

The General Plan is intended to be a living document and, as such, will be subject to amendments to reflect detailed studies that may be conducted, changes in City policy or state or federal law passed since adoption. To maintain the Plan as current as possible, policies that may become obsolete or unrealistic due to changed conditions (such as completion of a task or project, development or a site, or adoption of an ordinance or plan) will be eliminated or modified during periodic reviews of the General Plan.

State law limits the number of times a jurisdiction can amend its general plan. Generally, no city can amend any mandatory element of its general plan more than four times in one year, although each amendment may include more than one change to the general plan. This restriction, however, does not apply to amendments to:

- Add, modify or delete optional elements;
- Allow development of affordable housing;
- Comply with a court decision;
- Comply with an applicable airport land use plan; or
- Implement a comprehensive development plan under the Urban Development Incentive Act.

Detailed Plans

To provide specific direction for development in certain geographic areas, specific plans, area plans, or redevelopment plans may be prepared. These will need to be consistent with the General Plan. Fees to cover the cost of preparation, adoption, and administering these plans may be imposed by the City, in accord with applicable provisions of state law.

Annual General Plan Report

The Government Code requires that an annual report be submitted by October 1 of each year to the City Council, Governor's Office of Planning and Research (OPR), and Department of Housing and Community Development. This report must address:

- The status of the Plan and progress in its implementation, including progress in meeting the City's share of regional housing needs and local efforts to remove governmental constraints to maintenance, improvement and development of affordable housing; and

- The degree to which the General Plan complies with OPR's *General Plan Guidelines*.

To ensure compliance with these requirements and to monitor Plan implementation, the Annual Report should include the following components:

- Status of each Implementing Policy in the General Plan;

- A summary of all General Plan amendments adopted during the preceding year and an outline of upcoming projects and General Plan issues to be addressed in the coming year;

- A summary of progress in meeting Milpitas' fair-share of regional housing needs; and

- Analysis of compliance with *General Plan Guidelines*.

The Annual Report will be prepared by City staff and submitted for review to the Planning Commission, which will make a recommendation to the City Council. Public comments on the Annual Report may be submitted in writing to the ~~Community Development~~Planning and Neighborhood Services ~~Department~~Division. The Planning Commission and the City Council will also hear public comments on the Annual Report at a duly noticed public hearing.

Five–Year Review

The City will undertake a comprehensive review of the General Plan ~~in~~ every five-years ~~time (in 2007)~~. This review will include:

- Comprehensive evaluation of Plan policies, including all guiding principles and implementing policies;

- Analysis of the effectiveness of implementation programs and strategies initiated to carry out the Plan; and

- Review of five-year growth trends and re-assessment of future urban land needs in light of the Planning Area's carrying capacity and available land inventory.

The focus of this five-year review will be to determine how well the General Plan has performed — whether policies related to development and environmental conservation have been effective or if new policies are needed. A report summarizing City staff's findings and recommendations will be circulated for public comment and then presented to the Planning Commission. The Planning Commission will review the report on the five-year review and make a recommendation to the City Council. The Planning Commission and the City Council will also hear comments on the report at duly noticed public hearings.

Purpose

The text and policies of the Land Use Element, and the General Plan Diagram (color foldout Figure 2-1~~on page 2-3~~) provide the physical framework for development in the Planning Area. The Diagram designates the proposed general location, distribution and extent of land uses. Uses on sites less than two acres in size are generally not depicted on the Diagram. As required by state law, land use classifications, shown as letter designations, labels or graphic patterns on the Diagram, specify a range for population density and building intensity for each type of designated land use. These standards of population density and building intensity allow circulation and public facility needs to be determined; they also reflect the environmental carrying-capacity limitations established by other elements of the General Plan.

Relationship to Other Elements

The Land Use Element correlates land use policies contained in the other elements. Land Use designations on the General Plan Diagram, and building density and intensity standards contained in the Land Use Element provide a basis for determining future traffic conditions and the need for capital facilities, such as street improvements, parks and schools.

2.1 Population and Growth

Population Growth

The Planning Area's 20~~00~~10 population is ~~62,698~~69,100. Between ~~1980~~ 2000 and ~~1990~~2010, the Planning Area population increase by 6,290 people ~~grew~~ at a rate of ~~2.44~~1.00 percent per year. ~~, twice as fast as Santa Clara County as a whole (Table 2-1). The City has recently (between 1990 and 2000) grown at an even faster rate as compared to the County (2.1 percent compared to 1.2 percent per year).~~

~~Build-out under the 2008~~ 2010 land use designations of the General Plan would result in an additional population of approximately ~~17,900~~37,000 in the City, or a total population of about ~~108,400~~106,100 in the Planning Area. However, this may be affected as a result of any Plan amendments that may subsequently be adopted.

Table 2-1

Population Estimates and Projections

	~~1980~~2010	~~1990~~2015	~~2000~~2020	~~2005~~2025	~~2010 Population Projections~~2030	~~Estimated Build-out Population~~2035
City of Milpitas	~~37,820~~69,~~0~~000	~~50,690~~74,700	~~62,698~~82,300	~~64,800~~90,400	~~69,200~~98,100	~~108,300[b]~~106,000
Milpitas Planning Area	~~37,950~~69,100	~~50,951~~74,800	~~63,392~~82,400	~~64,900~~90,500	~~69,300~~98,200	~~108,400[b]~~106,100
Santa Clara County	~~1,295,073~~ 1,822,000	~~1,497,577~~1,945,300	~~1,682,585~~ 2,063,100	~~1,763,000~~ 1,185,800	~~1,867,500~~ 2,310,800	~~2,279,100[a]~~ 2,431,400

Sources: Association of Bay Area Governments, Projections and Priorities 2009

~~[a] ABAG's, Projections 2007, projects a 2030 population of 2,279,100 for Santa Clara County.~~

~~[b] Adjusted to include General Plan Amendments since 2002 and the 2008 Transit Area Specific Plan which projects a 2030 population.~~

~~Sources: Association of Bay Area Governments, 2007~~2009;

While build-out of the General Plan is expected to occur over a 15- to 25-year period, the time at which build-out would occur is not specified in or anticipated by the Plan.

Land Availability

Table 2-2 summarizes the status, as of May ~~2008~~2010, of developed and vacant land within City limits under the different General Plan land use classifications. About one-third of the developed land in the Valley Floor is devoted to Single Family Low-Density Residential use, with all designated residential areas accounting for about 46 percent of the Valley Floor. ~~Half~~ About 25 percent ~~of the vacant land in~~of the Valley Floor is designated for industrial (Manufacturing and

Industrial Park) uses. About 15 percent of the total land in the Valley Floor is vacant and available for development.

Table 2-2
~~2008~~ 2010 Citywide Land Availability

	DEVELOPED		UNDEVELOPED[1]		TOTAL	
	Acres	Units	Acres[2]	Units[32]	Acres	Units
HILLSIDE						
Hillside Medium Density	~~95~~234	99	~~10~~2	6	~~105~~236	105
Hillside Low Density	~~218~~297	39	~~154~~77	~~39~~23	~~372~~374	~~78~~62
Hillside Very Low Density	~~42~~59	16	~~3576~~551	39	~~3,618~~610	55
Ed. R. Levin County Park	~~1,530~~1541	0	0	0	~~1,530~~1,541	0
Total Hillside	~~1,878~~2,131	154	~~3740~~630	84	~~5,625~~2,761	238
VALLEY FLOOR						
Single Family Low Density	~~2097~~1,454	~~9495~~9500	5	~~36~~18	~~2102~~1,459	~~9531~~9518
Single Family Mod. Density	~~185~~121	~~1,359~~1,359	~~30~~10	~~283~~80	~~215~~131	~~1,642~~1,439
Multi-Family Med. Density	~~165~~140	1,417	0	0	~~165~~140	1,417
Multi-Family High Density	~~237~~257	~~4707~~5,075	~~0~~77	~~0~~1,732	~~237~~3,34	~~4707~~6,877
Mulit-Family Very High Density	~~44~~79	~~2484~~2,946	~~76~~71	~~3580~~2,083	~~120~~150	~~6064~~5,029
Transit Oriented Residential High Density	~~94~~14	~~0~~137	~~94~~34	~~3760~~1,086	~~94~~48	~~3760~~1,223
Transit Oriented Residential Very High Density	~~47~~0	0	~~47~~29	~~2820~~1,172	~~47~~29	~~2820~~1,172
Mixed Use	~~3~~57	195	~~71~~13	~~2470~~298	~~74~~70	~~2665~~493

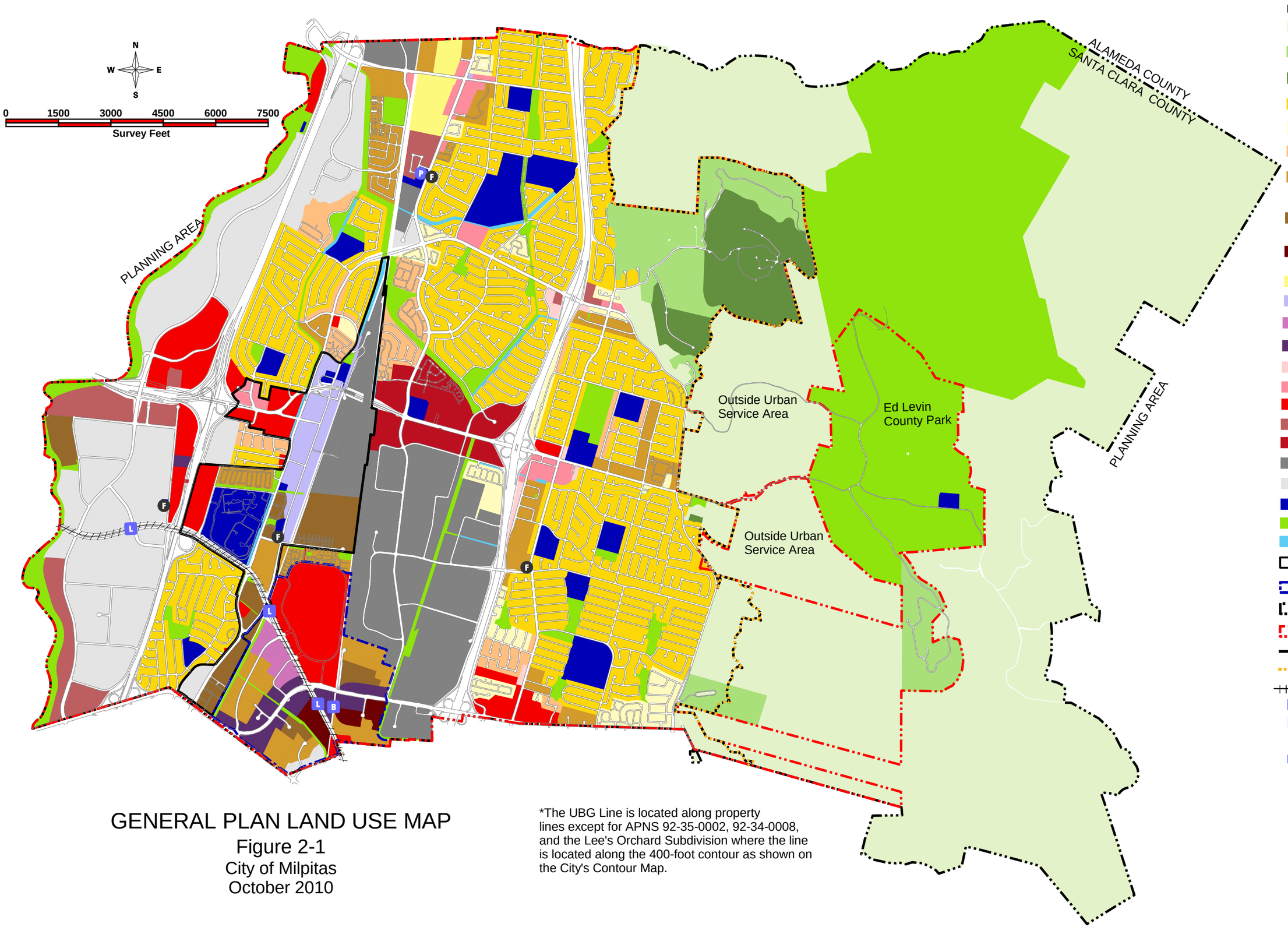
Table 2-2
~~2008~~ 2010 Citywide Land Availability

	DEVELOPED		UNDEVELOPED[1]		TOTAL	
	Acres	Units	Acres[2]	Units[~~3~~2]	Acres	Units
Residential-Retail High Density Mixed Use	0	0	29	1,057	29	1,057
Boulevard Very High Density Mixed Use	0	0	66	3,062	66	3,062
Town Center	~~87~~137	396	0	0	~~87~~137	396
Professional/Admin. Office	13	0	1	0	14	0
Retail Subcenter	59	0	3	0	62	0
General Commercial	332	0	16	0	348	0
Highway Service	210	563	0	0	210	563
Industrial Park	~~657~~607	0	116	0	~~773~~723	0
Manufacturing	651	0	6	0	657	0
Public	301	0	0	0	301	0
Parks and Greenways	199	0	0	0	199	0
Major Streets, Freeways & Rail	329	0	121	0	450	0
Total Valley Floor	~~4,843~~4959	2,1588	~~707~~598	~~13,580~~10,682	~~5,55~~05,557	~~35,168~~32,270

1. Undeveloped acres include parcels that are either vacant or under-developed in terms of their potential under the current General Plan land use designation and reflects anticipated build out growth analyzed in the Midtown Specific Plan and Transit Specific Plan.

2. Estimate of potential number of future dwelling units area based on the 90% of the median density range

Figure 2-1 Land Use (11 x 17)



GENERAL PLAN LAND USE MAP

Figure 2-1

City of Milpitas

October 2010

*The UBG Line is located along property lines except for APNS 92-35-0002, 92-34-0008, and the Lee's Orchard Subdivision where the line is located along the 400-foot contour as shown on the City's Contour Map.

2.2 Land Use Classifications

The following descriptions apply to land uses indicated on the General Plan Diagram. The legend on the General Plan Diagram is an abbreviated version of the descriptions. The classifications represent adopted City policy and are meant to be clear, but broad enough to give the City flexibility in implementing the Plan. The City's Zoning Ordinance contains more detailed use provisions and development standards than are described in the classifications. More than one zoning district may be consistent with a single General Plan land use classification. Table 2-3 shows a correspondence between the General Plan and the Zoning Ordinance.

According to state law, the General Plan must establish standards of population density and building intensity for each land use classification. The General Plan expresses residential density as housing units and persons per gross acre, as established in Table 2-4 and the land use classifications that follow. Density ranges specified for each category are discrete and not cumulative. However, housing types are cumulative (i.e. single family units are permitted in areas designated for multifamily use), provided the overall development project falls within the stipulated density range. If a project's density falls between the density ranges of separate designations, its density is to be rounded to the nearest whole number to determine if it conforms to the indicated General Plan density range. For example, in Multifamily Medium Density (7-11 units per gross acre) areas, a residential project would have to have a gross density of at least 6.5 units per acre and less than 12.5 units per acre in order to be in conformance with that General Plan designation.

For nonresidential uses, a maximum permitted ratio of gross floor area to site area (FAR) is specified. FAR is a broad measure of building bulk that controls both visual prominence and traffic generated. It can be clearly translated to a limit on building floor area in the Zoning Ordinance and is independent of the type of use occupying the building. The Zoning Ordinance will include provisions for reviewing and approving deviations from the FAR limitations for uses with low employee densities, such as wholesaling and distribution, or low peak-hour traffic generation, such as a hospital.

The density/intensity standards do not imply that development projects will be approved at the maximum density or intensity specified for each use. Zoning regulations consistent with General Plan policies and/or site conditions may reduce development potential within the ranges stated in the Plan.

Valley Floor

The following use descriptions apply to the Valley Floor portion of the Planning Area.

RESIDENTIAL

Residential densities are expressed as a range of housing units per gross acre of developable land, provided that at least one housing unit may be built on each existing legally-subdivided parcel designated for residential use. Second units permitted by local regulations (i.e. "granny flats", "in-law units"), and state-mandated density bonuses for affordable housing are in addition to densities otherwise permitted.

Table 2-3 Milpitas General Plan Land Use/Zoning Consistency

Table 2-3 Milpitas General Plan Land Use/Zoning Consistency

General Plan Land Use Designations	Zoning Districts R1-H	R1-6	R1-5	R1-4	R1-3	R1-2.5	R2	R3	CO	C1	C2	HS	TC	M1	M2	MP	A
HILLSIDE																	
Very Low Density	●																
Low Density	● [3]																
Medium Density	● [3]																
VALLEY FLOOR																	
S.F.[1] Low Density		● (5)															● [5]
S.F. Moderate Density			● (6)	◒ (8)	◒ (10)	○ (15)											● [5]
M.F.[2] Medium Density							● (11)										● [5]
M.F. High Density								● (20) <40>									● [5]
Mobil Home Park		◒ (7)					◒ (7)	◒ (8)				◒ [4] (8)					● [5]
Prof/Admin. Office									●								● [5]
Retail Subcenter										●							● [5]
General Commercial											●						● [5]
Highway Service												●		●			● [5]
Industrial Park																●	● [5]
Manufacturing														●	●		● [5]
Town Center													● <40>				

[1] Single Family
[2] Multi Family
[3] Existing development built under prior zoning.
[4] Existing mobile home parks built at higher density than currently allowed by zoning.
[5] Interim zoning rezoning required for development.

● Consistent

◒ Consistent if proposed use is found by the City Council to be consistent with policies and programs of the General Plan and is compatible with the surrounding neighborhood.

○ Consistent only on sites 5 acres or less and if specific findings are made.

(blank) Inconsistent

(20) Maximum number of dwelling units per gross acre for Planned Unit Developments.
<40> Maximum number of dwelling units per gross acre when specific findings are made.

Note: Parks, public schools, police and fire stations, and other city-owned buildings may be in any zoning district.

Table 2-4

Standards For Density And Development Intensity

Land Use Designation	Residential Density (units/ gross acre)	Maximum Permitted Floor-Area Ratio — FAR	Residential Population Persons/ Housing Unit[1]	Residential Population Persons/ Acre
VALLEY FLOOR				
Residential				
Single-family Low	3-5	n.a.	3.87	12-20
Single-family Moderate	6-15	n.a.	3.13	19-47
Multifamily Medium[a]	7-11	n.a.	3.13	22-35
Multifamily High	12-20	n.a.	3.13	38-63
Multifamily High with Special PUD approval	21-40	n.a.	2.52	53-101
Multifamily Very High	31-40	n.a.	2.52	79-101
Multifamily Very High with TOD Overlay	41-60	n.a.	2.52	104-152
High Density Transit-Oriented Residential	21-40	n.a.	2.52	53-101
Very High Density Transit-Oriented Residential	41-75[2]	n.a.	2.52	104-189
Mobile home Park	6-7	n.a.	1.6	10-11
Mixed Use				
Mixed Use (Residential)	21-30	n.a.	2.52	56-81
Mixed Use (Residential) with TOD Overlay	31-40	n.a.	2.52	83-108
Mixed Use (Non-Residential)	n.a.	.75	n.a.	n.a.
Mixed Use (Non Residential) with TOD overlay	n.a.	1.0	n.a.	n.a.

Table 2-4

Standards For Density And Development Intensity

Land Use Designation	Residential Density (units/ gross acre)	Maximum Permitted Floor-Area Ratio — FAR	Residential Population Persons/ Housing Unit[1]	Residential Population Persons/ Acre
Residential-Retail High Density Mixed Use	31-50[3]	1.5 for office[4] No density limit for hotels	2.52	79-126
Boulevard Very High Density Mixed Use	41-75[3]	1.5[4]	2.52	104-189
Commercial				
Town Center	up to 40[5]	0.85	Varies[6]	Varies[6]
General Commercial [a]	n.a.	0.50	n.a.	n.a.
Retail Sub-center[a]	n.a.	0.35	n.a.	n.a.
Professional and Administrative Office	n.a.	0.5	n.a.	n.a.
Retail Transit-Oriented	n.a.	2.25	n.a.	n.a.
Industrial				
Industrial Park	n.a.	0.5	n.a.	n.a.
Manufacturing and Warehousing[a]	n.a.	0.4	n.a.	n.a.
HILLSIDE				
Residential				
Very Low Density	up to 0.1	n.a.	3.6	less than 1
Low Density	up to 1.0	n.a.	3.6	up to 4
Medium Density	up to 3.0	n.a.	3.6	up to 11

Table 2-4

Standards For Density And Development Intensity

Land Use Designation	Residential Density (units/ gross acre)	Maximum Permitted Floor-Area Ratio — FAR	Residential Population Persons/ Housing Unit[1]	Residential Population Persons/ Acre

[a] The TOD Overlay does not change the standards for density and development intensity for the underlying land use designations.

[1] Based on an overall average 3.14 household population per Milpitas total housing unit (Census 2000 baseline with Department of Finance data update).

[2] Up to 90 du/ac with a Use Permit pursuant to the Transit Area Plan.

[3] Up to 60 du/ac with a Use Permit pursuant to the Transit Area Plan.

[4] Up to 2.5 FAR with a Use Permit pursuant to the Transit Area Plan.

[5] Findings necessary.

[6] Depends on the density of housing provided.

Single-family Low Density. (3 to 5 units per gross acre). All housing units are to be individually owned, either on separate lots or as part of a clustered Planned Unit Development. Single-unit detached residences will be the typical housing type in this category.

Single-family Moderate Density. (6 to 15 units per gross acre.) All housing units are to be individually owned, either on separate lots or as part of a clustered Planned Unit Development. Developments with densities ranging from 7 to 10 units per acre may be approved only if proposals are found to be consistent with policies and programs of the General Plan and compatible with the surrounding neighborhood. Single-unit attached residences will typically be built within this density range. Densities higher than 10 units per acre would be consistent only for sites of 5 acres or less, accompanied by specific findings relating to:

- Appropriate relationship to surrounding land uses.
- Affordability (for PUDs the acceptable floor area range is 600 to 1,100 sq. ft.)

Multifamily Medium Density. (7 to 11 units per gross acre.) This density range would allow single-family attached and semi-detached houses and duplexes.

Multifamily High Density. (12 to 20 units per gross acre.) This density range would accommodate a variety of housing types, ranging from row houses to triplexes and four-plexes, stacked townhouses and walk-up garden apartments. Densities up to 40 units per gross acre

may be permitted for proposals designed as Planned Unit Developments (PUDs) provided that the following criteria are met:

- Sewer and water service is sufficient to accommodate the proposal as well as other developments permitted by the General Plan. Any improvements to the sewer or water system that would be required to accommodate any such higher density proposals would be made conditions of project approval;

- Cumulative traffic, from the increased density and other existing or future projects, must not cause any street intersection to operate below Level of Service (LOS) E; and

- The design of such higher density projects will not have adverse shadow, view obstruction or loss of privacy impacts that are not mitigated to acceptable levels.

Multifamily Very High Density. ~~This designation allows for multifamily housing at (~~31 to 40 dwelling units per gross acre)~~.~~ This density range would accommodate a variety of housing types, ranging from row houses and townhouses to lofts and stacked flats with structured parking. Increased densities are permitted within the Transit Oriented Development overlay zone (TOD). Refer to page 2-15.

High Density Transit-Oriented Residential. A classification similar to the Midtown Plan's "Multifamily Very High Density" designation, these properties are intended for medium-density residential neighborhoods further from BART, at the interior of subdistrict neighborhoods. A minimum average gross density of 21 units per acre is required, up to a maximum of 40 units per acre. Residential and related uses are allowed, but not commercial uses.

Very High Density Transit-Oriented Residential. Intended to create residential districts near BART and light rail stations, this designation requires housing to be built at an average density of at least 41 units per gross acre, up to a maximum of 60 and 90 units per gross acre. Small local-serving commercial uses are permitted at the ground floor level, including retail, restaurants, and personal services uses.

Mobile-home Park. This is an overlay category that may be combined with Single-family Low Density, Multifamily Medium Density and Multifamily High Density Residential, or Highway Service classifications. Mobile home Park, along with accessory uses, is the permitted use. Maximum residential density would range from 6 to 7 units per gross acre when combined with the use classifications as follows:

- ~~**Single-family Low Density Residential:** 6 housing units per gross acre.~~

~~- **Multifamily Medium & High Density Residential, and Highway Service:** 7 housing units per gross acre.~~

In addition to the above-stipulated densities, one additional housing unit per gross acre may be permitted upon a finding by the Planning Commission that the proposed project is of a superior functional and aesthetic design based upon it exceeding adopted mobile home park development standards.

Mixed Use

Mixed Use. (Residential component: 21 to 30 units per gross acre; non-residential component: FAR of .75.) This designation allows for commercial offices, retail and services, high density residential and public and quasi-public uses. Mixed-use buildings can contain a combination of residential and commercial uses. The intensity for the non-residential component is a maximum floor area ratio (FAR) of .75. The residential density is 21 to 30 units per gross acre and is calculated separately from the non-residential component. Increased residential densities are permitted within the Transit Overlay District (TOD). Refer to page 2-15.

Residential – Retail High Density Mixed Use. This district is intended to be a true mixed use area with retail, restaurants, and services on the ground floor, and residential or office uses on the floors above. The residential density is a minimum average gross density of 31 units per acre and a maximum of between 40 and 60 units per gross acre. In addition, 200 square feet of retail or restaurant space is required per unit, using the minimum density (i.e. the requirement is based on the number of units required to meet the minimum density). Sites may be developed for office and hotel uses without residential development, although ground floor retail or restaurant square footage will still be required. For nonresidential projects, the minimum FAR ranges from 1.5 to 2.25. However there is no FAR limit for hotels. A FAR of 2.5 may be permitted on individual sites with approval of a conditional use permit by the Planning Commission.

Boulevard Very High Density Mixed Use. This classification is intended to provide high-density housing, retail, and employment along Montague Expressway with a landscaped boulevard character. Projects may include a wholly residential or non-residential concept or a project that integrates residential and non-residential uses vertically or horizontally.

Permitted uses include residential, office, commercial, and medical uses. Sites developed with a mix of uses, or non-residential uses, must adhere to the FAR maximum which ranges from 1.5 to 2.25. Residential projects shall have a minimum average gross density of 41 units per acre and can be built up to between 60 to 90 units per acre.

A FAR of 2.5 may be permitted on individual sites with approval of a conditional use permit by the Planning Commission. Special criteria would need to be met, including the following: (1) the proposed uses include a hotel or office uses that create substantial new jobs, and do not include residential uses; (2) the design of the project is on extremely high quality and is compatible with the scale of surrounding buildings; (3) there are no adverse traffic impacts beyond those studied in the Transit Area Plan EIR or the project will be required to mitigate such impacts individually; and (4) buildings do not shade public parks or plazas more than 30% between 10 AM and 3 PM as measured on March 15.

INSTITUTIONAL

The Institutional classification is for parcels owned by public agencies and intended to be accessed by the public. There are three institutional classifications:

1. Schools

2. Correctional Facility
3. Public Facilities

COMMERCIAL

Town Center. This designation provides for a variety of commercial, civic and residential uses appropriate to the Center's role as the functional and visual focus of Milpitas. The Town Center is a meeting place and a market place, the home of commercial and professional firms, an entertainment area and a place for restaurants and hotels. ~~The Center consists of two distinct sub-areas, one to the east of Hillview Drive, the other to the west. The development concept for the Town Center is to have predominantly office and highway serving uses (hotels, restaurants, etc.) in the East Area, and predominantly retail and entertainment uses in the West Area. This separation into distinct sub-areas allows for a variety of uses within the Town Center and yet, through their separateness, ensures that they will reinforce rather than negatively affect each other.~~

Because of this unique and relatively intensive mix of activities, very high density residential developments (i.e., up to 40 units per acres) may be permitted within the Town Center because of the increased economic support the residents would offer to the commercial uses.

General Commercial. This classification provides for a wide range of retail sales, and personal and business services accessed primarily by the automobile. It includes commercial uses in which shopping may be conducted by people walking to several stores as in a center, and may include uses customarily of a single-purpose character served from an adjacently parked automobile.

Retail Sub-Center. This classification accommodates neighborhood shopping facilities that provide for convenience needs, such as groceries and minor hardgood purchases. The General Plan provides for nine sub-centers, between two and 20 acres in size, distributed throughout the City.

Professional and Administrative Office. This classification provides advantageous locations for medical, law, and similar services required to serve residents and businesses. While office uses can be located in all of the commercial districts, the Professional Administrative Office areas are solely for these uses.

Highway Service. This classification provides for motels, mobile home parks, and non-retail services such as car-rental offices. Eight highway service areas are designated on the General Plan Diagram, typically at the intersection of major streets and/or freeways.

INDUSTRIAL

Manufacturing. This classification encompasses a variety of light and heavy industrial activities, such as manufacturing, packaging, processing, warehousing and distribution, and ancillary support uses.

Industrial Park. This classification accommodates research, professional, packaging and distribution facilities in a park-like setting, free from noise, odor and other such nuisances.

HILLSIDE

The Hillside Area comprises approximately 6,000 acres generally east of Piedmont Road, Evans Road and the portion of North Park Victoria Drive north of Evans Road. The undeveloped portion of the Hillside Area is characterized by gentle to steep slopes, grassy terrain with some chaparral and trees, wildlife, geologically unstable areas, the Ed R. Levin County Regional Park, and a feeling of remoteness from the more urban portions of the City. These conditions warrant Plan proposals and use classifications that differ considerably from those for the Valley Floor Area.

To ensure safety and to preserve its natural ambiance, all development in the Hillside Area is to be of low-density rural residential nature. Three categories of residential uses are provided. The Low and the Medium Density categories accommodate existing development; all new development is to be at a Very Low Density.

RESIDENTIAL

Residential densities are per gross acre of developable land provided that at least one housing unit may be built on each existing parcel designated for residential use. Densities outlined in the classifications are maximums for the classifications; these decrease with increase in slope as outlined in the classifications and defined in detail in the City's Zoning Ordinance. The City may further reduce the permitted density on a site if such a reduction is necessary or appropriate for reasons of site conditions, access, views or geologic hazards. Second units permitted by local regulations and state access-mandated density bonuses for affordable housing are in addition to densities otherwise permitted.

Very Low Density. The maximum permitted density for this classification is one dwelling unit per ten gross acres. The maximum density decreases with increase in slope until 80 acres per housing unit is required for land with an average slope of 50 percent or greater. This designation includes most of the Hillside Area.

Low Density. The maximum density for this classification is 1.0 housing unit per gross acre. This density decreases with increase in slope until ten acres of land are required per housing unit for sites with an average slope of 27 percent or more. Three relatively small areas of the Hillside (representing prior developments) are shown on the General Plan Diagram with this designation.

Medium Density. The maximum density for this classification is approximately 3.0 units per gross acre on level land and decreases with increasing slope until ten acres of land are required per unit for sites with an average slope of approximately 27 percent or more. Areas designated as Medium Density (all existing) include:

- Development along the base of the hillside area;
- Summit~~ P~~pointe residential~~/Tularcitor~~ and golf course;
- Calaveras Ridge PUD; and
- The ~~Lytton-Everett Subdivision~~Country Club Estates~~ off Country Club Drive~~.

OVERLAY ZONES

Transit Oriented Development (TOD) Overlay Zone

The Transit Oriented Development (TOD) Overlay Zones are located near transit stations, and are applicable to land generally located within a 2,000 foot walking distance from a Light Rail Station or future BART station. Development within the TOD overlay zone is subject to special requirements regarding development density, parking, mix of uses, and transit supportive design features.

The south Midtown TOD increases densities in the Multifamily-Very High Density designation to a range of 41 to 60 dwelling units per gross acre. The north Midtown TOD increases densities in the Mixed Use designation to a range of 31 to 40 dwelling units per gross acre.

Gateway Office Overlay Zone

The Gateway Office Overlay Zone is located in areas that are well-suited for a 'gateway' higher intensity office development. This overlay zone allows office developments to be developed to an intensity of FAR 1.5 for Class A office only; not for retail or other office buildings.

Recreation and Entertainment Overlay

The purpose of the Recreation and Entertainment (-RE) Overlay District is to encourage the interaction between commercial and entertainment uses to create a destination that attracts visitors to Milpitas, which in turn, enhances retail spending opportunities. The overlay would expand the type of recreation and entertainment uses that could be allowed with a conditional use permit in the non-residential (C2, HS, M1, and MP) zoning districts covered by the district. Such uses include but not limited to conference centers, movie theatres, nightclubs, indoor recreational facilities, etc.

High Rise Overlay

The purpose of the High Rise Overlay is intended to be a special district to allow greater building height and density at strategic locations to frame major City gateways and provide unique housing, shopping and employment opportunities. This overlay would allow between 60-150 dwelling units per gross acre and is intended for areas that are well suited for taller, high density mixed-use buildings located along freeways or expressways.

2.3 Jobs/Housing Relationship

The job/housing balance is the relationship between the number of jobs provided by a community and the number of housing units needed to house the workers in those jobs. The best measure of job/housing balance if the jobs/employed resident ratio. A ratio of 1.00 indicates there is a numeric balance between the number of jobs and the number of employed residents in a community. A ratio of less than 1.00 indicates that a community is "job poor" and that its economic development has not kept pace with its housing growth, which can imply that the community's tax base is weak and maybe unable to support adequate levels of urban services. It is also an indicator for other factors such as community's housing cost in relation to worker's income; travel distances between homes and jobs; and the environment and quality of life in that community.

~~The 2009~~ ABAG 2009 Projections estimated ~~2.54~~1.54 workers per household in Milpitas. There were a total of 19,0~~3~~70 households in Milpitas and ~~therefore~~ housed ~~48,336~~31,274 workers. The 2035 projected growth in jobs and employed residents for Milpitas and Santa Clara County are summarized in Table 2-5. ~~Milpitas is one of the fastest growing employment centers in Santa Clara County. Between 1980 and 2000, Milpitas added jobs at about twice (1.85 times) the rate of Santa Clara County, going from a 1980 deficiency of jobs compared to employed residents to over 35 percent more jobs than employed residents in both 1990 and 2000 (Table 2-5). Leading employers in the City are manufacturers of computer peripherals, electronic and medical equipment.~~

Table 2-5

Growth in Jobs and Employed Residents

Milpitas and Santa Clara County

	~~1980~~~~2000~~2010			~~1990~~~~2010~~2020			~~2000~~2035		
	Employed Residents	**Jobs**	**Jobs/ Employed Residents**	**Employed Residents**	**Jobs**	**Jobs/ Employed Residents**	**Employed Residents**	**Jobs**	**Jobs/ Employed Residents**
~~**Milpitas Planning Area**~~**Milpitas**	~~19,000~~31,340	~~16,059~~5 ~~3,980~~48 ~~,370~~48, 450	~~0.85~~1.54	~~26,339~~39,6 50	~~35,290~~4 ~~9,900~~52 ~~,550~~52, 650	~~1.35~~1.32	~~35,153~~54,7 30	~~47,280~~66,0 ~~70~~59,160~~59~~ ,280	~~1.34~~1.08
Santa Clara County	~~666,510~~959,0 ~~71~~815,800	~~702,922~~ 1,044,1 30	~~1.05~~1.08	~~812,345~~879 ~~,900~~985,40 0	~~864,110~~ 938,330	1.06	~~959,071~~1,3 ~~26,600~~1,25 2,500	~~1,09,233~~1,3 65,810	~~1.14~~1.02

Sources: Association of Bay Area Governments, Projections and Priorities 2009~~Projections 2002 ABAG; U.S. Census data 1980, 1990, and 2000.~~

~~Despite this large increase in jobs and the resulting surplus, only 21 percent of workers who live in Milpitas actually work in the City (Table 2-6). Increasingly, jobs in Milpitas, like other places in the Bay Area, are being filled by workers who work in places outside the ones they reside in. This is reflected in the growing inter-city and inter-county commuting and increasing commuting times in the South Bay[1]. Out of City residents fill an estimated 85 percent of jobs in Milpitas. Because Milpitas is a part of larger urban Bay Area, with many job and housing opportunities within commuting distance of the City, a greater balance between the number of jobs and housing in Milpitas will not by itself lead to a decline in commuting to and from the City.~~

~~**Table 2-6**~~ ~~**Place of Work of Workers Living in Milpitas, 1990**~~	
~~Milpitas~~	~~5,449~~
~~San Jose or Palo Alto~~	~~7,630~~
~~Elsewhere Santa Clara County~~	~~8,590~~
~~Ca. Outside Santa Clara County~~	~~4,053~~
~~Outside of State~~	~~35~~
~~**Total Workers**~~	~~**25,757**~~
~~Source: U.S. Census, 1990.~~	

In comparison to other cities in the Santa Clara County, Milpitas has one of the highest Employed Residents per Household ratio based on ~~1990~~2035 Estimates. Figures for other cities in Santa Clara County are shown in Table 2-6:

~~[1] Between 1980 and 1990, the percentage of workers living in Santa Clara County who also worked in the County decreased from 92.5 to 89.2 percent. The number of inter-county commuters living in the County increased by 60.9 percent between 1980 and 1990, even though the total number of commuters increased by 22.3 percent~~.

Table 2-6

Jobs/Housing Comparison in the Ten Largest Cities in Santa Clara County

1990~~2035~~ Estimates

Jurisdiction	Jobs	Households	Employed Residents	Jobs per Household	Jobs per Employed Residents	Employed Residents per Household
San Jose	318,150708,980728,100	250,218435,110453,610	407,862723,010	1.611.271.62	1.010.78	1.591.63
Sunnyvale	127,620109,900110,200	48,75366,98068,290	70,6.3094,430	1.612.621.64	1.171.81	1.381.45
Santa Clara	68,370153,940153,940	36,31360,430	54,84892,730	2.553.102.54	1.662.05	1.531.51
Mountain View	81,29072,470079,300	30,50742,120042,500	44,63857,800	1.872.241.72	1.371.53	1.361.46
Palo Alto	35,65082,160107,000	28,86836,500040,760	40,82254,740	2.632.822.25	1.951.99	1.341.41
Cupertino	35,65037,62037,890	17,53921,480021,800	27,16327,390	1.742.031.75	1.381.31	1.261.55
Campbell	26,50028,900	16,01020,030020,180	22,94427,430	1.431.661.44	1.051.15	1.361.43
Milpitas	**36,56059,16059,280**	**14,15830,470030,510**	**26,349 54,730**	**1.942.581.94**	**1.081.39**	**1.791.86**
Los Gatos	16,40021,80022,850	12,44413,100014,370	18,151 16,890	1.591.321.66	1.350.90	1.181.46
Gilroy	12,79026,35032,54	11,04919,970022,470	17,495 36,370	1.451.161.31	0.890.73	1.621.58

	0					

Note: City numbers, except for San Jose are Sphere of Influence and are not limited to incorporated areas of individual cities.

Employment Growth Prospects

According to projections by the Association of Bay Area Governments, Milpitas will add about 5,9505,27010,830 jobs between 1990 20000010 and 20102035. Only San Jose will add more jobs in the County during the period. Application of average development and employment intensities to vacant sites shows that Milpitas would be able to accommodate about 25,40022,000 new jobs under current General Plan designations (Table 2-7), more than enough to meet projected needs over the next 20 years.

Table 2-7

Land Availability For Job Growth, 2010~~08~~

General Plan Land Use Designation	~~2008~~ 2010 Vacant and Under-developed Land (Acres)	Estimated Potential New Jobs[1]	Assumptions	
			Average FAR	Building square feet/ employee
Retail Subcenter	~~2.68~~3	~~122~~65	.25	500
General Commercial	~~6.43~~16	~~823~~348	.25	500
Industrial Park	~~109~~116	~~6450~~4716	.35	375
Manufacturing	~~1.48~~6	~~1~~244	.35	375
Mixed Use	~~2.13~~67	~~160~~5150	.75	425
Mixed Use w/ TOD Overlay	~~2.61~~87	~~270~~8917	1.0	425
General Commercial w/ Gateway Office Overlay	~~12~~14	~~2,091~~2439	1.5	375
Total	**~~184~~ 309 Acres**	**~~9805~~ 21,881 Jobs**		

FAR = Building floor area to site area ratio.

1 Estimated new jobs rounded to nearest 10.

2.4 Schools

Facilities and Enrollment

The Planning Area is served by the Milpitas Unified School District (MUSD), Berryessa Union High School District and Eastside Union School District. MUSD operates nine

elementary (grades K-5; Burnett, Curtner, Pameroy, Randall, Rose, Sinnott, Spangler, Weller and Zanker), two middle (grades 6-8; Rancho Milpitas and Russell) and two high (grades 9-12; Milpitas High and Calaveras Hills) schools. In addition to public schools, private and parochial schools also serve the Area. A total of ~~9,445~~9,869 students were enrolled in the MUSD in ~~October~~April ~~2001~~2010; less than the total capacity of ~~10,380~~11,466 (Table 2-8). The Berryessa Union High School District had a total enrollment of ~~8,700~~8,361 students; less than the capacity of 9,764 and the Eastside Union School District had a total enrollment of ~~4,200~~24,728 students ~~; less than the capacity of 5,000~~ as of ~~October 2001~~April 2010.

Table 2-8

Capacity, Enrollment, and Projected Increase

Milpitas Unified School District			
Grade[1]	**Capacity**	**Total Enrollment**	**Additional Enrollment from General Plan Buildout**
K-6	~~5760~~6,270	~~5079~~5,203	~~237~~667
7-8	~~1590~~1,641	~~1,431~~1,484	~~68~~101
9-12	~~3030~~3,555	~~2,844~~3,182	~~136~~223
~~Community~~		~~20~~	
~~Home School~~		~~6~~	
~~Home Teach~~		~~1~~	
~~Individual study~~		~~64~~	
Total	~~10,380~~11,466	~~9,445~~9,869	~~441~~992
Berryessa Union School District			
Grade	**Capacity**	**Total Enrollment**	**Additional Enrollment from General Plan Buildout**
K-8	~~9,764~~8,965	~~8,700~~8,361	~~166~~329
Total	~~9,764~~8,965	~~8,700~~8,361	~~166~~329

Eastside Union School District			
Grade	**Capacityy**	**Total Enrollment**	**Additional Enrollment from General Plan Buildout**
9-12	5000 25,040	4,200± 24,728	95 107
Total	5000	4,200±	95 107

Source:- Milpitas Unified School District, October 2001September 2010, Carl BlackBessie Louie and Charito Cabantac.

-East Side Union High School District, October 2001May 2010, Stan Dobbs.Nadia Davis

-Berryessa Union School District, October 2001May 2010, Pamela DayoffBecker. Methodology for additional enrollment is based on additional housing units multiplied by student generation rates obtained from the Projected Enrollments from 2009-2019 Report, Enrollment Projection Consultants, February 2/15/10

Projections

Growth from the buildout of the General Plan would result in the addition of 441 1,428 students. Table 2-8 lists the additional students that would be generated by grade category using MUSD's student generation rates of 0.27.031 students perfor sSingle fFamily dDwelling unitdevelopments, 0.1240.12 students per townhome/condominium dwelling unit,for Regular Attached developments, and 0.40 for Below Market-Rate (BMR) developments 0.235 students per multifamily dwelling unit below market rate housing, and .170 students per multifamily dwelling unit; and broken down by grade in proportion to the current enrollment.[1]

The School Facilities Act of 1986 expressly prohibits denial of a project based on the adequacy of school facilities. However, courts have held that prohibitions apply only to adjudicatory approvals (such as tentative maps, use permits, design review, etc.), but not to legislative approvals (such as general plan amendments, specific plans, etc.).

[1] Source: Milpitas Unified School District, October 2001, Carl Black, Assistant Superintendent.Enrollment Projection Consultants, February 15, 2010.

Milpitas currently levies state-mandated fees for new residential, commercial and industrial development at the time of building permit issuance in accordance with more recent statutes and court decisions.

2.5 Public Facilities and Utilities

For information on safety services and emergency management please see Chapter 5: Seismic and Safety Element. For water conservation, see Section 4.4: Water Quality and Conservation.

Government Facilities

The Civic Center (consisting of City Hall, Community Center and ~~Library~~Senior Center) is adjacent to the Town Center. The library is located on southwest corner of North Main Street and Weller Avenue near Calaveras Boulevard overpass. The Police Station and Corporation Yard are located on the west side of North Milpitas Boulevard. There are four fire stations located throughout the Valley Floor Area. The locations of these City facilities, as well as the County's Elmwood Correctional Facility on Abel Street, are indicated on the General Plan Diagram.

Water Supply

The City receives water from the San Francisco Water Department (SFWD) through the Hetch-Hetchy system by connections on two of the four local aqueducts that transport water from mountain reservoirs to San Francisco and the Peninsula. While the SFWD aqueduct is able to meet the City's demand, the City's 1980 *Water Master Plan* concluded that it would be more cost effective for the City to obtain some of its water from the Santa Clara Valley Water District (SCVWD). As a result, industrial areas in the southwestern part of the City have since August 1993 been receiving water from the SCVWD.

The 2009/~~1999/2000~~2010 average water consumption in the City was approximately ~~12,672~~11,500 acre feet per year. The projected ~~projected~~ domestic water purchases for ~~2004/2005~~2010/2011 ~~will be~~is 10~~ 15,~~,500 acre feet per year. ~~The locations of the two water storage tank sites are indicated on the General Plan diagram Figure 2-1).~~ The City's current ~~is in the process of updating its~~ Water Master Plan was adopted ~~with estimated completion in winter 2003~~Spring 2010.

Wastewater Services

The San Jose/Santa Clara Water Pollution Control Plant (WPCP), the wastewater treatment facility for the City, is located in San Jose. It is a tertiary regional facility serving San Jose, Santa Clara, Milpitas, West Valley Sanitation District, Cupertino Sanitary District, County Sanitary District 2-3, Burbank Sanitary District, and the Sunol Sanitary District. Milpitas wastewater service area is contiguous with the City boundaries.

Capacity and Discharge. In 200~~1~~9/2010, the City discharged ~~9.0~~8.4 mgd and is contractually limited to a flow of ~~12.5~~14.25 mgd. The dry weather flow rate was ~~9.24~~7.2 mgd in 20~~00~~10/2011. The WPCP has a dry-weather total capacity of 167 mgd, and a current average daily flow of approximately 1~~10~~21 mgd. There are no plans to increase the capacity of the WPCP. To mitigate a discharge-limit cap, conditions to WPCP's National Pollution Discharge Elimination System discharge permit have been imposed (see Section 4.4). The WPCP staff is preparing a master plan to establish a 30-year plan for equipment and process upgrades.~~The location of the City's sewer pump station is indicated on the General Plan diagram.~~

Current Programs. In order to allow the WPCP to meet the more stringent discharge requirements into the Bay, Milpitas is participating in water conservation programs and plans to divert flows to reclamation systems. ~~Reclaimed~~ Recycled water to supplement potable irrigation water became available in 2000. ~~The City is also considering participating in a program to assist industrial dischargers install pollution control facilities to meet the more stringent discharge requirements.~~

Future recycled water uses include industrial process, cooling towers, and dual plumbing of non-residential buildings.

The City completed an inflow and infiltration sewer remedial program in 1989. The City also updated its sewer master plan in May ~~1994~~2010.

2.6 Land Use Principles and Policies

a. Land Use

Guiding Principles

2.a-G-1 Maintain a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center.

2.a-G-2 Maintain a relatively compact urban form.

2.a-G-3 Provide for a variety of housing types and densities that meet the needs of individuals and families.

2.a-G-4 The Town Center will be the “heart” of Milpitas’ civic, cultural, business, and professional life.

2.a-G-5 A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system laced throughout all living areas.

2.a-G-6 Implement the Midtown Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community ‘gathering place’ while maintaining needed industrial, service and commercial uses.

Implementing Policies

Development Intensity

2.a-I-1	New developments should not exceed the building intensity limits established in the General Plan.	*Housing density standards consistent with the General Plan are already established in the Zoning Ordinance. Limits on development intensity are required by state law.*

Growth and Expansion

2.a I-2 Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.

2.a I-2.1 Maintain an Urban Growth Boundary in the hillside area, as shown on the General Plan Land Use Map, that shall be effective until December 31, 2018 and, except as otherwise provided below, shall not be moved until that time.

A. City Services Prohibited in Area Outside the Urban Growth Boundary and Outside the City Limits: The City shall not process, approve or authorize construction or provision of any City service or City service extension to any property or people in that area located both outside of the Urban Growth Boundary and outside of the city limits of the City of Milpitas, except as expressly provided in this Policy 2.a I-2.1A. "City service" means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, police, fire or emergency medical service, including construction of related infrastructure that the City, its agents, its departments, or its contractors, provides to any property or people within the City limits. The City may provide a City service or City service extension to property or people outside of the Urban Growth Boundary only if:

1. *Declared Public Emergency:* The City Council declares a local emergency pursuant to Government Code § 8630 et seq. or Milpitas Municipal Code Title V, Chapter V-1 as they presently exist or may be amended in the future and the City Council finds, based on substantial evidence, that: (1) the extension or provision of service on a temporary basis is necessary to ensure public safety and (2) the extension or provision of service is for a specified limited time period;

2. *Urgent Public Health or Safety Concern Affecting Existing Development:* The City Council finds, based on substantial evidence, that: (1) an urgent public health or safety concern exists; (2) an independent, certified professional engineer approved by the City has concluded that the only economically justifiable solution to that public health or safety concern is to provide or extend City service; (3) on or before November 3, 1998, the legal parcel affected by that public health or safety concern had either a vested right to develop an approved land use or an approved and recorded final subdivision map pursuant to which residential units had been constructed within said subdivision; and 4) the applicant for the provision or extension of such City service has agreed to pay for its proportionate share of the service or service extension costs including, but not limited to, any engineering, design, inspection, land acquisition or review or other capital or operating costs incurred by the City. Any City service extension constructed under this Policy 2.a I-2.1A.(ii) shall be constructed in accordance with Section XI-1-7 of the Milpitas Municipal Code (regarding developer installation of improvements);

3. *Parks and Open Space:* The City Council finds, based on substantial evidence, that: (1) the property is operated as park or open space for the benefit of the general public and owned by either a private open-space trust or a government agency, authority, or district; (2) there would be minimal alteration (e.g. trails and fire roads) of the natural land forms as a result of any land use approval or modification; and (3) the property either will be used exclusively for passive recreational uses consistent with the rural character and indigenous plant and animal species of the hillsides, or contains a designated historic building(s) or setting that will be used for a purpose related to the historic significance of the site. Any property that is extended or provided City service under this Policy 2.a I-2.1.A.(i) shall not be used as golf course, ball field, ball court, amphitheater, amusement park, gymnasium or auditorium; or

4. *Mutual Aid Agreements with Other Public Agencies:* The City Council finds, based on substantial evidence, that: (1) the City services to be provided are limited to police, fire or emergency medical services, (2) such services are provided pursuant to a written agreement between the City of Milpitas and another public agency, (3) the agreement provides mutual benefits to both the City of Milpitas and the other agency to the agreement, and (4) the agreement benefits all or substantially all of the residents of the City of Milpitas.

B. Limited City Services Available in Areas Outside the Urban Growth Boundary and Within the City Limits: The City may provide police, fire or emergency medical service to any property or people in that area located both outside of the Urban Growth Boundary and within the city limits of the City of Milpitas. "City police, fire or emergency medical service" means any police, fire or emergency medical service, including construction of directly related infrastructure [except new stations] that the City, its departments, agents or contractors provides to any property or people within the City limits. Other than police, fire and emergency medical services specified herein, the City shall not process, approve or authorize construction or provision of any City service or City service extension to any property or people in that area located both outside of the Urban Growth Boundary and within the city limits of the City of Milpitas, except as expressly provided in this Policy 2.a I-2.1A. For purposes of this section, "City service" means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, including construction of related infrastructure that the City, its agents, its departments, or its contractors, provides to any property or people within the City limits. Notwithstanding any prohibition provided in this paragraph, the City may continue to maintain and/or repair that portion of Calaveras Road within the City limits and outside of the Urban Growth Boundary.

C. Amendments to the Urban Growth Boundary: Until December 31, 2018, the Urban Growth Boundary may only be amended as follows:

1. The Urban Growth Boundary may be amended by a vote of the People of the City of Milpitas;

2. To comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the Urban Growth Boundary to accommodate lands designated or to be designated for residential uses. No more than 3 acres of land may be brought within the Urban Growth Boundary for this purpose in any calendar year. Land added to the Urban Growth Boundary pursuant to this section must be contiguous to land already within the Urban Growth Boundary. Such amendment may be adopted only if the City Council makes all of the following findings, based on substantial evidence:

   a That the land is to be included within the Urban Growth Boundary not designated as existing regional parks in the Santa Clara County General Plan adopted December 20, 1994, as amended through August 3, 1998; and

   b. That the land is immediately adjacent to (i) the existing Urban Growth Boundary, and (ii) existing serviceable water and sewer connections;

   c. That the proposed development will consist of primarily low and very low income housing pursuant to the Housing Element of this General Plan; and

d. hat there is no existing residentially designated land within the Urban Growth Boundary to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands inside the Urban Growth Boundary for low and very low income housing; and

e. That the proposed development is necessary to comply with state law requirements for provision of low and very low income housing and the area of land within the proposed development will not exceed the minimum necessary to comply with state law; or

3. The City Council may amend the Urban Growth Boundary if it makes both of the following findings:

a. The application of any aspect of the Urban Growth Boundary above would constitute an unconstitutional taking of a landowner's property; and

b. That the amendment and associated land use designation under consideration by the City Council will allow additional land uses approved by the City Council only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.

D. Review of the Urban Growth Boundary: In 2015, prior to its expiration in 2018, the City shall begin a comprehensive review of the Urban Growth Boundary.

2.a I-2.2 Not later than 45 days after approval of this General Plan Amendment, the City shall take all necessary actions to apply for and request that the Santa Clara County Local Agency Formation Commission ("SC LAFCO") relocate the Urban Service Area boundary so that it is coterminous with the Urban Growth Boundary. The City shall take all actions within the scope of its jurisdiction to support and facilitate SC LAFCO's action regarding the City's request to relocate the Urban Service Area Boundary.

Economic Development

2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance.

2.a-I-4 Publicize the position of Milpitas as a place to carry on compatible industrial and commercial activities with special emphasis directed toward the advantages of the City's location to both industrial and commercial use.

2.a-I-5 Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.

2.a-I-6 Endeavor to maintain a balanced economic base that can resist downturns in any one economic sector.

2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.

2.a-I-8 Establish redevelopment projects to secure funds that can be used to attract commercial, industrial, and residential development in order to eliminate blight and improve an area.

Community Identity

2.a-I-9	Preserve and maintain the historical landmarks of Milpitas and its physical setting so the residents will recognize they are a part of a distinctive and dynamic community.	*Detailed policies related to historic preservation are in Section 4.9.*
2.a-I-10	Foster community pride and growth through beautification of existing and future development.	~~*A master streetscape and public spaces plan could help to design and identify detailed actions. For more detailed policies, see Section 4.7: Scenic Resources and Routes.*~~

Residential Development

2.a-I-11	Create a park-like quality for all residential areas through the PUD process and the judicious siting of parks, schools and greenways throughout those areas.	
2.a-I-12	Use zoning for new residential developments to encourage a variety and mix in housing types and costs.	*This policy is also in the Housing Element*
2.a-I-13	Geographically disperse similar development types throughout the community so that denser districts are not concentrated within a single area of the City.	*This policy is also in the Housing Element*

Hillside Development

(For policies relating to crestline and scenic resources protection, see Section 4.9: Scenic Resources and Routes: for safety issues related to hillside development, See Section 5.5: Seismic and Geologic Hazards.)

2.a-I-14	Encourage clustered housing and planned unit developments to reduce the visual impact as viewed from the Valley Floor, preserve natural topographic features, avoid geologic hazards and provide open space in residential areas.	
2.a-I-15	Where planned unit developments are not undertaken, protect major portions of the subdivision with open space easements.	

2.a-I-16 Limit new development in the Hillside Area to only to Very Low Density Residential, open space and park- uses.

2.a-I-17 In order to preserve the natural topography of the hillside, limit densities otherwise permitted in the hillside according to a slope-density formula.

Section XI-10-45.03 of the Zoning Ordinance elaborates upon these requirements.

2.a-I-18 To ensure that development in the foothills is in keeping with the natural character of the hillside, and that views are protected, require city review and approval of all proposed development or major alterations to existing development in the hillside. As part of the review, ensure that:

Section XI-10-45.09 of the Zoning Ordinance prescribes the review requirements in detail.

- landscaping is of a type indigenous to the area;
- that building designs, materials and colors blend with the environment; and
- grading is minimized and contoured to preserve the natural terrain quality.

2.a-I-19 Establish crestline protection areas around the ridges which will ensure that buildings and grading west of the first ridge do not visually penetrate a band of land that lies 100 feet vertically below the apparent crestline when viewed from certain specific sites on the valley floor and that no structures just east of the crestline extend above the crestline sight line.

Town Center

2.a-I-20 Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas' identity and image.

2.a-I-21 Require development in the Town Center to conform to the adopted design principles/requirements of the Milpitas Redevelopment Agency.

Midtown

2.a-1-22 Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages.

2.a-1-23 Require development in the Midtown area to conform to the adopted design guidelines/requirements contained in the Midtown Specific Plan.

Transit Area

2.a 1-24 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each subdistrict.

2.a 1-25 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.

Child Care

2.a-I-24 Encourage the establishment of day care facilities consistent with State standards, including the issuance of use permits for large day care facilities where compatible with surrounding neighborhoods and commercial uses, particularly in public facilities such as community centers, churches, schools and in employment centers and large housing developments.

2.a-I-25 Consider zoning code modifications to encourage day care facilities through development bonuses, flexible parking regulations, design provisions for modular units, and similar incentives.

2.a-I-26 Collect and disseminate information regarding existing day care facilities and programs to major employees.

Land Use Element Revision

2.a-I-27	Undertake a comprehensive revision of the Land Use Element, including the General Plan Diagram prior to the next five year comprehensive review of the General Plan.	~~*The last comprehensive revision of the Land Use Element took place about 20 years ago. While the Midtown Specific Plan addresses many current issues, there is a need for a strategy to maximize underutilized sites, housing land supply, and revitalization of commercial areas in the rest of the City through a comprehensive examination of the City's long-term land needs and availability.*~~

b. Jobs/Housing Relationship

Guiding Principle

2.b-G-1	Support jobs/housing balance programs at the local and regional scale intended to reduce the distance needed to commute.

Implementing Policies

2.b-I-1	Periodically monitor the jobs/housing balance within the City.	*This can be done as part of the Five-year review of the General Plan. (See Section 1.6)*
2.b-I-2	Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities.	*This policy is also in the Housing Element*
2.b-I-3	Provide housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations.	

2.b-I-4	Support jobs/housing balance programs at the regional scale that reduce in- and out-commuting from Milpitas.	*Despite the presence of a greater number of jobs than employed residents, only one-fifth of workers living in Milpitas actually work in the City. Local programs to balance jobs and housing would be effective only if they are part of an overall regional strategy.*

c. Schools

Guiding Principle

2.c-G-1	Provide adequate school facilities for the City's residents.	*The quality of educational programs and facilities is an important component of the community's quality of life and the desirability of the City to new residents and businesses.*

Implementing Policies

2.c-I-1	Continue working with MUSD, Berryessa Union High School District, and East Side Union School District in its update of the comprehensive facilities plan and to ensure adequate provision of school facilities.	
2.c-I-2	Locate future school sites on the General Plan Diagram if and when any amendments to the Plan are made that would necessitate new schools.	*~~At this time, additional student population that would result from implementation of the Plan does not justify designation of any new schools on the General Plan Diagram.~~A future school site is identified in the Transit Area Specific Plan Land Use Map.*

2.c-I-3 Work with MUSD, Berryessa Union High School District, and East Side Union School District to monitor statutory changes and modify school fee when necessary to comply with statutory changes.

d. Public Facilities and Utilities

Guiding Principles

2.d-G-1 Provide all possible community facilities and utilities of the highest standards commensurate with the present and anticipated needs of Milpitas, as well as any special needs of the region.

2.d-G-2 Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth.

Implementing Policies

2.d-I-1 Coordinate capital improvement planning for all municipal service infrastructure with the location and timing of growth.

2.d-I-2 Periodically update the City's water and sewer master plans.

Purpose

The Circulation Element designates the general location and extent of existing and proposed major thoroughfares, transportation routes--including those for bicycles and pedestrians--and other local public facilities.

Relationship to Other Elements

The Circulation Element is systematically and reciprocally correlated with the Land Use Element, which includes policies related to the physical framework for development that the circulation system is designed to serve. The trails and bikeways identified in this element are also related to the recreational plans and policies identified in the Open Space and Environmental Conservation Element. Projected noise conditions in the Noise Element are also based on the traffic analysis conducted as part of the Circulation Element.

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Much of Milpitas' evolution and recent growth can be attributed to its strategic location at the narrow plain between the Diablo Range and the San Francisco Bay that connects the East Bay and the South Bay. ~~Milpitas is one of the few cities in the Bay Area with access to two interstate highways (Interstates 880 and 680). Almost all of the City is within a mile of the interstates. State Route 237 and the Montague Expressway traverse the City.~~Several major regional transportation facilities traverse the City including Interstates 680 and 880, State Route 237-Calaveras Boulevard, Montague Expressway, The Santa Clara Valley Transportation Authority (VTA) Light Rail line, the Union Pacific Railroad tracks and the future Bay Area Rapid Transit (BART) commuter rail line. These major routes serve as major regional thorough-fares; however also act as barriers for local access.

Milpitas accommodates significant regional traffic as commuters from the East Bay and Central Valley travel to employment centers in Milpitas and Santa Clara County. ~~While much of the City's economic growth during the 1980s resulted from spillover of high-technology industries and offices from the Silicon Valley, recent gains are partly resultant of Milpitas' links to other places in the Bay Area, as well as the City's emergence as an employment center. Efficient regional connections are important to the continued development of the City and vital to many residents as well; a~~A~~bout 79 ~~81 percent of the City's employed residents in 1990 commuted to a destination outside the City, while 85 percent of the jobs in Milpitas were filled by out-of-City residents (See tables 2-7 and 2-8 in Section 2.3: Jobs Housing Relationship).~~ The predominant direction of travel is south and west during the morning and east and north during the evening commute. Mean travel time to work for City residents was 22.~~9~~ 7 minutes in ~~1990~~2009, compared to 23.~~3~~ 8 minutes for County residents as a whole.

The residents' mode of transportation to work was quite similar to that of County residents ~~in~~as detailed in the 2009 American Community Survey 1-Year Estimates~~2005-07 US Census 1990~~2000, with about ~~92~~ ~~90~~81.~~1~~77 percent of the workers relying on the automobile as the primary mode (Table 3-1). ~~While the proportion of workers using the automobile remained about the same between 1980 1990 and 1990~~2000~~, the proportion of residents car-pooling declined (20.7~~15.8 percent in 1989~~0 compared to 15.8~~12.2 percent in 1990~~2000~~, with commensurate increase in the proportion of drive-alone trips).~~ Carpooling is slightly higher than the County average with ~~12~~14.~~2~~ percent Milpitas residents sharing a vehicle over the County's ~~9.8~~11 percent. A small amount of Milpitas residents travel by public transportation and ~~Relatively few work trips were walking or bicycle trips. less than~~about 2~~3~~ percent of Milpitas residents walk or use another means of transportation which is assumed bicycling.

Table 3-1

Mode of Transportation to Work for Residents

	Percent of Total	
	Milpitas	**Santa Clara County**
Car, Truck or Van		
Drove Alone	76.7~~76.11~~%	~~77.74~~75.7%
Carpooled	~~15.8~~13.8~~2~~%	~~12.3~~~~29.8~~11.0%
Public Transportation	~~3.0~~~~2.3~~~~1.4~~1.6%	~~3.0~~~~53.5~~3.2%
Walked	~~1.3~~~~0.7~~~~1.3~~1.8%	~~2.1~~~~1.8~~~~2.4~~2.2%
Other Means	~~0.7~~~~1.1~~~~2.3~~2.9%	~~0.5~~3.5~~7~~%
Worked at Home	~~2.1~~3.2~~8~~%	~~2.5~~~~3.1~~~~4.2~~4.5%
Total Workers	**~~25,757~~35,043**	**~~796,605~~947,930**

Note: Percentages may not add to 100 because of independent rounding.

Source: 2009 American Community Survey 1-Year Estimates~~1990 5-07U. S. Census~~

The Circulation Element provides a framework to guide growth of Milpitas' transportation-related infrastructure over the next 20 years. The Element is closely integrated with the Land Use Element to maintain acceptable level of service as the City grows and to plan an adequate street network to serve future development.

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3.1 Relationship to Regional Programs

For a discussion of the Bay Area Air Quality Management District's programs, see Section 3.4.

A recognition of the functional relationships between transportation, land use and air quality, as well as of the need for jurisdictional cooperation, has led to ~~a recent spurt of legislation~~a long history of legislation~~–~~. In accordance with California Statute, Government Code 65088, Santa Clara County established a Congestion Management Program (CMP) to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. ~~The Congestion Management Program requirements in California (1990) and the~~In 1991, Congress enacted the landmark Intermodal Surface Transportation Efficiency Act (ISTEA~~; 1991)~~) followed by TEA-21 (expired in mid-2003) to provide a "national intermodal transportation system that is economically efficient and environmentally sound, and moves people and goods in an energy-efficient manner". This allowed state and metropolitan planning organization to take a broader view of the transportation system and its performance. In 2005, congress approved the Safe, Accountable, Flexible, and Efficient Transportation Equity Act- A Legacy for Users or SAFETEA-LU. Like its predecessors, SAFETEA-LU provided dollars to fund federal highways public transportation, highway safety and motor carrier safety program. The program promotes projects of national significance and it gives state and local transportation decision makers the financial flexibility to solve transportation problems in their communities.

The state of California has adopted two legislative mandates to guide the development of local plans and strategies:

AB 32 *California Global Warming Solutions Act of 2006.* This bill requires the State board to adopt regulations to require the reporting and verification of Statewide greenhouse gas emissions and to monitor and enforce compliance with this program

SB 375 2008 Transportation Planning: Travel Demand Models; Sustainable Communities Strategy; Environmental Review. This bill would require the California Transportation Commission (CTC) to maintain guidelines, as specified, for travel demand models used in the development of the regional transportation plans by metropolitan planning organizations. This bill would also require the regional transportation plan for regions of the State with a metropolitan planning organization to adopt a sustainable communities strategy, as part of its regional transportation, designed to achieve certain goals for the reduction of greenhouse gas emissions from automobiles and light trucks in a region.

~~at the federal level, seek to further cooperative decision-making and provide local agencies with increased flexibility in the allocation of transportation improvement funds.~~

Major street improvements to meet the needs for a long-range planning horizon are identified in Section 3.3 of this Element. These projects will later be studied in greater detail~~,~~ and funding and implementation sources would be identified. Many of the projects are part of local and

regional programs, including the City's Capital Improvement Program, the Santa Clara County Congestion Management Program (CMP), ~~and the Regional Transportation Improvement Program (RTIP).~~ and ~~the~~Regional Transportation Plans as discussed below ~~VTP/RTP~~.

Regional Transportation Plan

As the designated metropolitan planning organization for the Bay Area, the Metropolitan Transportation Commission (MTC) is responsible for preparing a long range Regional Transportation Plan (RTP). With the adoption of the Regional Transportation Plan in 2009, three principles of sustainability guide the Bay Area: a prosperous and globally competitive economy, a healthy and safe environment, and equity wherein all Bay Area residents share in the benefits of a well-maintained, efficient and connected regional transportation system. These principles are benchmarks to measure the progress of the Bay Area's transportation system.

~~ISTEA calls upon states to maximize the efficiency of their transportation systems through coordinated state and regional long range transportation planning that defines an integrated multi-modal system and addresses future maintenance and improvement requirements. As the designated metropolitan planning organization for the Bay Area, the Metropolitan Transportation Commission (MTC) is responsible for preparing a long range Regional Transportation Plan (RTP). The RTP includes three major elements: Policy, Financial and Action.~~

In addition, to remain eligible for federal transportation funds, a region must demonstrate that the highway and transit projects contained in its RTP will help attain and maintain federal air quality standards. Once adopted, a RTP serves as a guide for the region's Transportation Improvement Programs (TIPs) in which projects and their specific funding sources are listed.

~~As the Congestion Management Agency for Santa Clara County, Vally Transportation Authority (VTA) is responsible for preparing the long-range Countywide Transportation Plan for Santa Clara County, called the Valley Transportation Plan, or VTP. The VTP identifi es existing and future transportation related needs, considers all modes of travel and identifies what can be completed within the anticipated available funding for projects and programs. It provides a roadmap for the planning, policy development and programming of transportation funds in Santa Clara County for the next 25 years according to State and Federal requirements. It considers all travel modes and addresses the links between transportation and land use planning, air quality, energy use and community livability.~~

~~**1994 Regional Transportation Plan.** The RTP considers the long-range mobility needs of the region and provides a blueprint for maintaining and improving key transportation infrastructure and services, termed the Metropolitan Transportation System. RTP implementation would require a strong degree of cooperation among the state, regional, and local agencies responsible for transportation within the region.~~

~~The RTP also expands the region's transit network, including several light rail extensions in Santa Clara County (see Section 3.4). It also includes funding for bicycle and pedestrian improvements in each county, including Santa Clara County. These improvements are generally determined by cities and counties through local processes on an annual basis.~~

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Santa Clara County Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA), in its role as the Congestion Management Agency (CMA) for Santa Clara County, is responsible for preparing and periodically updating the Valley Transportation Plan (VTP), the long range vision for transportation in the County. The VTP identifies existing and future transportation related needs, considers all modes of travel and identifies what can be completed within the anticipated available funding for projects and programs. It provides a roadmap for the planning, policy development and programming of transportation funds in Santa Clara County for the next 25 years according to State and Federal requirements. It considers all travel modes and addresses the links between transportation and land use planning, air quality, energy use and community livability. The VTP updates every 4-5 years on a cycle coinciding with the Bay Area's Regional Transportation Plan (RTP)

The Congestion Management Program (CMP) is administered by the Santa Clara Valley Transportation Authority, the County's Congestion Management Agency, which is also responsible for overseeing local agency compliance with state law. The CMP promotes an integrated approach to transportation planning decision-making and mobility in Santa Clara County by establishing traffic and transit standards, trip-reduction and travel-demand requirements, and by incorporating the transportation implications of land-use decisions in planning efforts.

~~The County Congestion Management Program (CMP) is administered by the Santa Clara County Congestion Management Agency (CMA), which is also responsible for overseeing local agency compliance with state law. The CMP promotes an integrated approach to transportation planning decision-making and seeks to maintain mobility in Santa Clara County by establishing traffic and transit standards, trip-reduction and travel-demand requirements, and by incorporating the transportation implications of land-use decisions in planning efforts.~~

Cities within the County are responsible for conformance with the adopted service level standards on the principal arterial system defined by the CMP, and for transit standards. They are also responsible for the adoption and implementation of a trip-reduction and travel-demand ordinance and for developing a program to analyze the impacts of land use decisions. Where deficiencies in the system exist, deficiency plans must be adopted and methods of correcting the deficiencies identified. If deficiencies go unmitigated, a city could lose its entitlement to a portion of its gas tax revenues.

Capital Improvements Program (CIP). The CMA maintains a CIP which includes a list of transportation facility improvements that is submitted to the MTC for inclusion in the Valley Transportation Plan 2035 (~~Regional Transportation Improvement Program~~VTP 2035) ~~(RTIP)~~, or for funding from the state (Flexible Congestion Relief Funds) or from the federal Surface Transportation and the Congestion Mitigation/Air Quality programs.

Traffic level of service (LOS) standards adopted as part of the CMP is discussed in Section 3.2 and the street network in Section 3.3.

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3.2 Standards for Traffic Service

Because much of the City is built-out, the primary traffic issues in Milpitas are the feasibility of improvements and achievement of an acceptable level of service, particularly along two major commute corridors that bisect the city. Areas along the local street system not constrained by available rights-of-way are few.

Level of service (LOS) is a measure of quality of traffic service along a roadway or at an intersection. As described in Table 3-2, it ranges from A to F, with LOS A being best and LOS F being worst. LOS A, B and C indicate conditions where traffic can move relatively freely. LOS D describes conditions where delay is noticeable. LOS E indicates significant delays ~~and traffic~~and traffic volumes are generally at or close to capacity. Finally, LOS F characterizes traffic flow at very slow speeds (stop-and-go), and large delays (more than one minute) with queuing at signalized intersections; in effect, traffic demand on the roadway exceeds the roadway's capacity.

CMP Level-of-Service Standards

As required by state law, the Santa Clara County CMP includes level-of-service standards for the designated CMP Roadway System as follows:

- ~~The basic traffic LOS is E;~~
- The LOS basic standard is LOS E;
- ~~The LOS standard for locations with a baseline (1991) LOS F is LOS F; basic standard is LOS E;~~
- The LOS goal for the CMP system is LOS D, however member agencies (including the City of Milpitas) are not required to conform to the goal.

;

- Intersections that have a baseline (1991) LOS F are grandfathered in as LOS F.
-
- If the baseline LOS for a CMP System facility was LOS F and the facility is not included in an approved deficienchy plan, then changes to traffic conditions caused by a project shall not be allowed to increase LOS by more than the criteria outlined in the CMP Traffic LOS Impact criteria for intersections- four or more second increase of average stopped delay for the critical movements and increase in critical volume-to-capacity ration (v/c) by 0.01 or more. In the event that the project causes CMP System facilities to worsen below baseline conditions, either a mitigation proposal to improve traffic LOS shall be provided, or an approved deficiency plan must be approved.

~~, then any development project that impacts the facility at or greater than one percent of facility capacity must implement mitigation measures to reduce the development project's impacts below the one percent level or implement the mitigation measures as prescribed in an approved Deficiency Plan. If such a plan is unavailable, the affected cities are required to complete one. Deficiency Plans allow local jurisdictions to implement innovative solutions to transportation problems where specific project mitigation is infeasible and project denial would conflict with other community goals. Deficiency Plans are designed to improve system-wide levels of service and contribute to a significant improvement in air quality.~~

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Table 3-2

Traffic Level Of Service Definitions

Level of Service (LOS)	Traffic Flow Conditions	Maximum Volume to Capacity Ratio
A	Describes primarily free-flow operations at average travel speeds, usually about 90 percent of the free-flow speed for the arterial class. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Stopped delay at signalized intersections is minimal.	0.6
B	Represents reasonably unimpeded operations at average travel speeds, usually about 70 percent of the free-flow speed for the arterial class. The ability to maneuver within the traffic stream is only slightly restricted and stopped delays are not bothersome. Drivers are not generally subjected to appreciable tension.	0.7
C	Represents stable operations. However, ability to maneuver and change lanes in midblock locations may be more restricted than in LOS B, and longer queues and/or adverse signal coordination may contribute to lower average travel speeds of about 50 percent of the average free-flow speed for the arterial class. Motorists will experience an appreciable tension while driving.	0.8
D	Borders on a range on which small increases in flow may cause substantial increases in approach delay and, hence decreases in arterial speed. This may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these. Average travel speeds are about 40 percent of free-flow speed.	0.9
E	Characterized by significant approach delays and average travel speeds of one-third the free-flow speed or lower. Such operations are caused by some combination or adverse progression, high signal density, extensive queuing at critical intersections, and inappropriate signal timing.	1.0
F	Characterizes arterial flow at extremely low speeds, below one-third to one-quarter of the free flow speed. Intersection congestion is likely at critical signalized locations, with high approach delays resulting. Adverse progression is frequently a contributor to this condition.	>1.0

Source: *Highway Capacity Manua*l, 1985.

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Traffic Analysis

The City completed two major planning documents in order to address community needs as it relates to land use and transportation. The Midtown Specific Plan provides a new vision for the approximately ~~1,000~~589 acre area of land in central Milpitas. This area provides for approximately ~~1200~~1400 units of housing, reinvestment in the Great Mall, the VTA Light Rail and the future Bay Area Rapid Transit line. Recent additions to Midtown Milpitas is the Milpitas Library, ~~Senior housing,~~ and the County's multi-regional Medical Facility. The Transit Area Specific Plan is a plan for the redevelopment of an approximately 437-acre area in the southern portion of the City that currently includes a number of industrial uses near the Great Mall shopping center. This plan proposes redevelopment of this area with 7,109 dwelling units, 993,843 square feet of office space, 340 hotel rooms and 287,075 square feet of retail space centered around the proposed Milpitas BART station and the VTA Light Rail system. Both these plans forecast traffic conditions include 2030 development.~~In order to ensure systematic and reciprocal correlation between the Land Use and the Circulation elements, a forecast of traffic conditions was made that included projected 2010~~ 2030 ~~development, in accordance with current General Plan land use designation. The forecast utilized the City's transportation forecasting model, which was updated as part of the City's Deficiency Plan Preparation (see City of Milpitas Model Update for the Deficiency Plan, October 1993). The forecast included the~~ as well as the VTA ~~County CMA~~ estimates of land use in the year ~~2010~~ 2030 in all parts of the County outside of the City's Planning Area.

In the Planning Area, overall employment projections based on ABAG's Projections ~~19~~'94 2009 were appropriately converted to land uses and distributed based on ~~General Plan designations~~the Midtown and Transit Area Specific Plan designations. The model was used to produce forecasts of peak-hour traffic on the freeways, arterials and many of the collector streets in the City. Results of the traffic analysis are included in Appendix A. Major improvements needed to accommodate these anticipated traffic increases are discussed in Section 3.3.

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3.3 Street Network and Classification

A hierarchy of streets will be required to provide access to future development and maintain acceptable levels of service. The circulation network in the General Plan Diagram (Figure 2-1) identifies the functional classifications of key routes. A route's design is determined by the projected traffic level on the street. The classifications and their required access standards are identified in Table 3-3. Street widths, number of lanes, and the need for on-street parking are to be tailored to individual conditions.

Table 3-3

Street Classifications

Street Type	Function	Access	Discussion
Freeway	Provides for intra- and inter- regional mobility.	Restricted to primary arterials and expressways via interchanges.	Interstates 880 and 680 and State Route 237 west of 880 are the freeways in the Planning Area.
Street Type	**Function**	**Access**	**Discussion**
Expressway	Provide for movement of through-traffic.	Limited accesses to abutting properties; varies according to situation.	
Arterial	Collect and distribute traffic from freeways and expressways to collector streets, and vice versa.	Varies according to situation.	State Route 237 east of 880 is a signalized arterial being used as a regional freeway to freeway connector.
Collector	Serve as connectors between local and arterial streets and provide direct access to parcels.	Non-residential driveways and/or intersecting streets or collector streets should be no closer than 300 – 400 feet apart.	
Local Street	Provide access to parcels.	Access is not restricted.	Local streets constitute the largest part of the City's circulation system.

Major Improvements Needed

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Due to regional through-traffic along sub-regional routes, such as State Route 237 and Montague Expressway, a large increase in traffic by year 2010 20302035 is anticipated. To accommodate growth and still maintain an acceptable level of service would require widening sections of these facilities to eight lanes. However, the existing six-lane Calaveras Boulevard cannot be widened to eight lanes, due to physical constraints. The County CMA is in the process of developing a subregional deficiency plan to improve levels of service on subregional roadways, including State Route 237 and Montague Expressway. The subregional deficiency plan will be finalized by either late 1995 or early 1996.

With the purchase of additional right-of-way, Montague Expressway has the capability to be widened from the existing six-lane facility to an eight-lane facility. However, funding is not available in the foreseeable future. The Santa Clara County Transportation Agency recently installed interconnect cables along Montague Expressway and continues to fine tune the timing plans to provide better progression along the expressway.In addition,

With the completion of the Midtown Specific Plan and Transit Area Specific Plan, along with recent development activity has forecasted the increase of cumulative traffic. It is anticipated that segments of the following Milpitas roadways will have higher levels of traffic volume by year 2030:

- Abel Street
- Dixon Landing Road
- Main Street
- McCarthy Boulevard
- Milpitas Boulevard
- Montague Expressway
- Tasman Drive

Mitigation measures have been identified in order to alleviate the traffic pressure on these roadways. Major improvement projects are reviewed annually and are included in the VTP/RTP in order to be eligible for funding. Currently, these projects included are:

- Calaveras Boulevard Widening- bridge replaced between Milpitas Boulevard and Abel Street to accommodate 6 lanes and pedestrian bicycle facilities in both directions;
- Dixon Landing Road Widening- Widening from Insterstate-880 to N. Milpitas Blvd from four to six lanes, including pedestrian and bicycle facilities
- Dixon Landing Road/Milpitas Boulevard Intersection Improvements.

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A Citywide Deficiency Plan would be required to address the potential, unavoidable downgrading of levels of service at those intersections along Montague Expressway and Calaveras Boulevard included in the congestion management program (CMP) network. The Citywide deficiency plan, will adopt and implement those measures outlined in the countywide subregional deficiency

~~plan. The City Plan could also adopt strategies and policies to encourage non-vehicle mode of transportation (such as bike and transit). Programs that promote ride-sharing, trip-linking, and flexible work hours would also be considered.~~

Consistency with the Capital Improvement Program

Because of the incremental nature of development, the General Plan does not outline a schedule for the improvements to the City's street system discussed above. Projects identified in the Plan will be prioritized and included in the City's ongoing Capital Improvement Program (CIP). Modifications to the CIP are to be made as a normal part of the City's budgeting and implementation process and do not require amendment of the General Plan.

3.4 Transportation Demand~~Systems~~ Management

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The term "Transportation Demand~~Systems~~ Management" (TD~~S~~M) refers to measures designed to reduce peak-period auto traffic, by making more efficient use of existing transportation resources, and emphasizing ride-sharing and non-auto alternatives. These include public transit, flexible working hours, carpooling and vanpooling, and incentives to increase the use of these alternatives. TD~~S~~M has become increasingly important in the effort to enhance mobility through efficient use of alternative modes of transportation, and in meeting federal and state air quality standards.

A successful TD~~S~~M program is an essential and important element in the continuing effort to achieve acceptable levels of traffic service based on the standards in Section 3.2. The specific objectives of TD~~S~~M are to:

- ~~•~~ Reduce peak hour traffic congestion by reducing the number of single-occupant vehicle trips associated with commuting;
- ~~•~~ Reduce or delay the need for street improvements by making more efficient use of existing facilities;
- ~~•~~ Reduce future air pollution concentrations and strive towards meeting state and federal ambient air pollution standards by reducing the number of single-occupant vehicle trips associated with commuting; and
- ~~• R~~Reduce consumption of energy for transportation uses, thereby contributing to the national policy to increase energy self-sufficiency.

Transportation Control Measures

Under the California Clean Air Act (CCAA) of 1988, the Bay Area Air Quality Management District (BAAQMD) is required to prepare a Clean Air Plan (CAP) to achieve state standards for ozone and carbon monoxide. The Bay Area 2010 Clean Air Plan (CAP) provides a comprehensive plan to improve Bay Area air quality and protect public health. The CAP defines a control strategy that the Air District and its partners will implement to: (1) reduce emissions and decrease ambient concentrations of harmful pollutants; (2) safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily impacted by air pollution; and (3) reduce greenhouse gas (GHG) emissions to protect the climate.
~~The 1991 CAP must be updated every three years, and will be revised in 1994.~~

The CCAA states that attainment plans should emphasize reducing emissions from transportation and area wide sources. The Act requires air districts to adopt, implement, and enforce Transportation Control Measures (TCMs). TCMs are defined in state law as “any strategy to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for the purpose of reducing motor vehicle emissions.” Although cars are about 90

percent cleaner than they were 20 years ago and fleet turnover will produce the bulk of mobile source emission reductions in the future, the state plan still requires TCMs as a complementary strategy. MTC develops and updates a list of TCMs to the BAAQMD.

~~The proposed 2010 CAP control strategy builds on a solid foundation established by the 2005 Ozone Strategy, and previous ozone plans prepared in the 1991 to 2005 period. The 2010 CAP control strategy includes revised, updated, and new measures in the three traditional control measure categories: Stationary Source Measures, Mobile Source Measures, and Transportation Control Measures. In addition, the CAP identifies two new categories of control measures: Land Use and Local Impact Measures, and Energy and Climate Measures. The draft control strategy proposes a total of 55 control measures, including:~~

- ~~18 Stationary Source Measures;~~
- ~~10 Mobile Source Measures;~~
- ~~17 Transportation Control Measures;~~
- ~~6 Land Use and Local Impact Measures; and~~
- ~~4 Energy and Climate Measures.~~

~~The Bay Area is classified as a "serious" non-attainment area with respect to state ozone standards. For "serious" areas, the CCAA requires that the CAP address the following specific performance standards:~~

- ~~Average vehicle ridership of 1.4 during weekday commute hours by 1999;~~
- ~~No net increase in motor vehicle emissions after 1997; and~~
- ~~Substantially reduced rate of increase in vehicle trips and vehicle miles traveled.~~

~~The 1991 CAP's TCM plan includes 23 measures to be implemented in two phases. Phase 1 consists of "reasonably available" measures, those that can be adopted in the near term. Phase 2 includes measures that are not expected to be initiated until after the CAP is updated in late 1994. Many Phase 2 measures require additional funding or legislative approval.~~

~~In addition, the Bay Area does not attain the state particulate standard, which is also more stringent than the federal PM_{10} standard. However, at this time the CCAA does not include any requirements for particulate non-attainment areas, so no state-level particulate attainment plans, or implementing measures, have been developed.~~

~~**Bay Area Air Quality Management District Regulation 13, Rule 1.** BAAQMD adopted the Rule in December 1992 after a yearlong process of public hearings and consultation. The Rule seeks to reduce air pollution emissions from vehicles by reducing their use in traveling to and from work sites. The Rule~~

~~requires employers with 100 or more employees at work-sites to comply with specific trip reduction requirements.~~

~~Although the BAAQMD is legally charged with implementing the Rule, it may delegate implementation and enforcement to local agencies if certain conditions are met. In June 1993 the Santa Clara CMA decided to not seek delegation of the Rule. Thus, employers in the County will be regulated directly by BAAQMD. Because of a substantial overlap between the CMP required TDM ordinances and CAA-required TCM measures, the CMA has determined that member agencies must:~~

~~1 Adopt an ordinance indicating that BAAQMD will be implementing the rule in their jurisdiction; and~~

~~2 Annually confirm that they have adopted and retained the ordinance. This confirmation would be submitted annually to the CMA as part of the monitoring process.~~

~~State law requires Congestion Management Agencies to ensure that their constituent cities adopt and implement a trip reduction and travel demand program. These requirements are included in Santa Clara County's 1993 Congestion Management Program.~~

Transit

Only ~~three~~ 1.64 percent of Milpitas' workforce uses public transportation to travel to work (see Table 3–1). The primary function of transit in the City is to transport residents from the City to commercial and employment centers and to other transit stations in surrounding jurisdictions. The bus transfer station and park-and-ride lot, at ~~North Main Street and Weller Lane~~the Great Mall transit center acts as a hub for most of the bus lines that serve Milpitas. Frequent service (less than 30 minute headway) is offered primarily during peak hours (6 AM to 9 AM and 3 PM to 6 PM on weekdays) while headway increase to 30 minutes or more during the midday, after 6 PM and on weekends and holidays.

The ~~Santa Clara County Transportation Agency (SCCTA)~~VTA provides a majority of the bus service for ~~the Milpitas Planning Area.~~Milpitas. Local bus routes provide service to Mountain View, Sunnyvale, Great America, southeast and east San Jose, and Evergreen College, at average headway of 15 to 30 minutes during commute hours. Service to the Fremont BART station is provided by express buses. ~~Other destinations offered by SCCTA include Los Altos and Moffett Field.~~ Additionally, Alameda County (AC) Transit provides lines from Milpitas to the Fremont ~~BART station~~including the BART Station. Details on transit service are included in Appendix B.

Light Rail. ~~The Locally Preferred Alternative for the Tasman Corridor Project, selected by the Metropolitan Transportation Commission and the Santa Clara County Transportation Agency, extended the existing light rail in the County through Milpitas. The Eastern Segment of the Tasman Corridor was extended east from the existing terminus of the Guadalupe Corridor near~~

~~North First Street in the City of San Jose, passes through Milpitas, and terminates just east of I-680 in San Jose. Of the 19 new stations that were constructed as part of the Tasman Corridor Project, three are located in Milpitas~~The Alum Rock-Santa Teresa Line travels through Milpitas stopping at 3 locations: Montague Expressway, Great Mall Transit Center (bus transfer station) and I-880/Milpitas at Tasman Drive/Alder. Both the Great Mall Transit Center and I-880/Milpitas have park and ride facilities. The Montague Expressway stop will link with the future BART station and bus transfer center, being the first multimodal station in Santa Clara County. ~~(see General Plan Diagram in Chapter 2).~~

~~The Transit Area Plan, adopted in 2008, maximizes the opportunity to focus development around the light rail stations, as well as the planned BART station. High Density residential and commercial land use designations are identified in the plan which will optimize the potential to increase transit ridership.~~

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3.5 ~~3.5~~ Pedestrian and Bicycle Circulation

The relatively flat topography of the Valley Floor and the City's mild Mediterranean climate are conducive to walking and bicycling. Yet, few residents utilize these means of transportation for commuting. Walking and bicycling constituted only about ~~1.17~~4.7 percent of the total trips made by City's employed residents in ~~1990~~2009[1] (see Table 3-1). Measures aggressively promoting and accommodating alternative mode choice should prove to increase this percentage in the future.

Many parts of the City also hold good potential for recreational biking and walking, including along Coyote Creek and within the Hillside Area. There are also additional opportunities along many of the creek channels and the Hetch-Hetchy rights-of-way.

Milpitas is crossed by two freeways and two railroad tracks; which fragment the City's circulation system, including facilities for biking and walking. In addition, many shopping centers and neighborhoods are accessed through a limited number of entrances, through which pedestrians and bicyclists must compete with the automobile for safe passage to their destination. As Milpitas is approaching build out, it is critical that bikeways and trails be addressed with each planned development and redevelopment program.

Bicycling and walking are recognized as vital forms of transportation in the Federal legislation, which calls upon the states to maximize the efficiency of the existing roadway system and to provide for intermodal transportation. Pedestrians and bicyclists are integral to the success of the intermodal system.

Bikeways

The City's existing system of bike lanes and routes support this transportation mode. ~~Since the early 1990s, the City has continued the development of an on-street bikeway system along new streets.~~ The City's Bicycle ~~Transportation~~ Pedestrian Advisory Committee (~~BTAC~~BPAC) serves as an advisory body to the City Council on matters relating to planning, modifications and expansion of the City's Bikeway System.~~.~~ BP~~T~~AC also promotes safety, education and awareness of bicycling and pedestrian issues.

The City has adopted a Bikeways Master Plan which includes :

- Goals, objectives, and benchmarks for bicycling
- A review of existing bicycling conditions
- Descriptions of Relevant Local and Regional Plans and Polices related to Bicycling
- An analysis of bicycling needs
- Recommended Bicycling Projects, Cost Estimates, and Priorities for implementation
- Recommended Bicycling Programs
- Funding Sources for Bicycle Projects and Programs

[1] 200~~6~~9 American Community Survey 1-Year Estimates~~, Metropolitan Transportation Commission, American Community Survey 2006 Bay Area Data Highlights, 2007~~

- Design Guiedelines with best practices for implementing bikeways

~~Presents a bicycling overview.~~ovides a broad vision, strategies and actions for the improvement of bicycling in Milpitas

~~Discusses the interrelationship between the City's bikeway and trail systems.~~

~~Classifies bikeways (see Table 3-4 below) and assigns suitability ratings for both bike routes and designated streets.~~

~~Lists proposed projects.~~Identify and prioritize bicycle infrastructure improvements

~~Discusses regional bicycle connections in neighboring jurisdictions and regional trails~~

~~Depicts the existing and proposed on-street Bikeway System, including those contained in the Midtown Specific Plan area – see Figure 3-1 – including undesignated, rated streets.~~

~~Contains specific bikeway design guidelines and implementation actions~~ and ~~recommendations for new policies to increase bicycle safety in the City using industry-standard best practices~~.

Table 3-4

Bikeway Classifications

Classification	**Function**
Bike Paths	Provide exclusive right-of-way for bicyclists with cross flows by motorists minimized to the extent possible.
Classification	**Function**
Bike Lanes	To provide preferential use of the paved area of roadway for bicyclists by establishing specific lines of demarcation between areas reserved for bicycles and motorists.
Bike Routes	To provide continuity of bikeway system along routes not served by Bike Lanes or Bike Paths. Bike Routes are shared facilities, either with motor vehicles on the street or with pedestrians on sidewalks.

The ~~Santa Clara County~~ VTA Bicycle Plan identifies regional bicycle routes that provide for inter-city commuting. Portions of the Milpitas Bikeway System are identified in this regional plan. The VTA Bicycle Technical Guidelines is a guide for local agencies in Santa Clara County that

present standards for planning, designing, operating retrofitting, and maintaining roadways and bikeways as best practices.

Trails ~~and Walkways~~

Milpitas Trails Master Plan. Recognizing that an off-street trail system will enhance the quality of life within Milpitas by providing an alternative transportation system, expanding recreational opportunities and improving the environmental conditions of those trail corridors that parallel creeks, the City Council adopted the Milpitas Trails Master Plan on June 3, 1997. Several of the trail corridors identified in the Trails Master Plan will provide direct, grade-separated routes from home to work, school and shopping. The direct access and lack of street crossings provided by grade separated facilities enhances the convenience of the off-street trail system. This added convenience encourages more people to bicycle and walk. The trail system will provide access to the Town Center, the Great Mall, all of the major employment centers, numerous schools and parks and the Tasman Corridor Light Rail stations.

Approximately 35 miles of trails are identified in the Master Plan ~~(see Figure 3-2)~~. Of these, 6 miles have been built and 29 miles are proposed, including about 4 miles of on-street connectors proposed to link together the off-street system. The majority of trails identified in the plan follow the creeks, rail corridors and utility right of ways that traverse the City. In addition, the Midtown Specific Plan promotes the development of these trails. The trails are categorized into the following four groups:

- Regional Trails are those routes identified in the Santa Clara County Trails Master Plan as having national, state or regional significance. In Milpitas these are the Coyote Creek Trail, the San Francisco Bay Trail and the Juan Bautista de Anza National Historic Trails (which share the same alignment in Milpitas), and the Bay Area Ridge Trail.

- City Trails provide north-south and east-west cross-town routes and extend beyond the City limits to Fremont and San Jose. These trails provide recreation and transportation benefits by linking neighborhoods with employment centers, shopping districts, schools, and transit facilities. City Trails include the Berryessa Creek Trail, Calera Creek Trail, Hetch-Hetchy Trail, Penitencia Creek Trail, and Wrigley Creek/Union Pacific Railroad Trail.

- Neighborhood Trails connect homes with schools and parks and provide pedestrian and bicycle access to local shops and markets. They include the Hillcrest Park/Ben Rogers Park Trail, McCarthy Ranch Jogging Trail and Par Course, Rancho Milpitas Middle School/Sinnott School Trail and the Yellowstone Park Trail.

- On-Street Connectors consist of on-street bicycle lanes and routes that link segments of the off-street trail system where no other route is available. They include Calaveras Road, Yosemite Drive and North Park Victoria Drive.

The Trails Master Plan details trail types and the specific corridors included in the plan, offers general analysis, prioritizes trail projects and provides preliminary budget estimates. The Master Plan notes that detailed trail alignment studies for each corridor will be needed as trail projects move forward towards development.

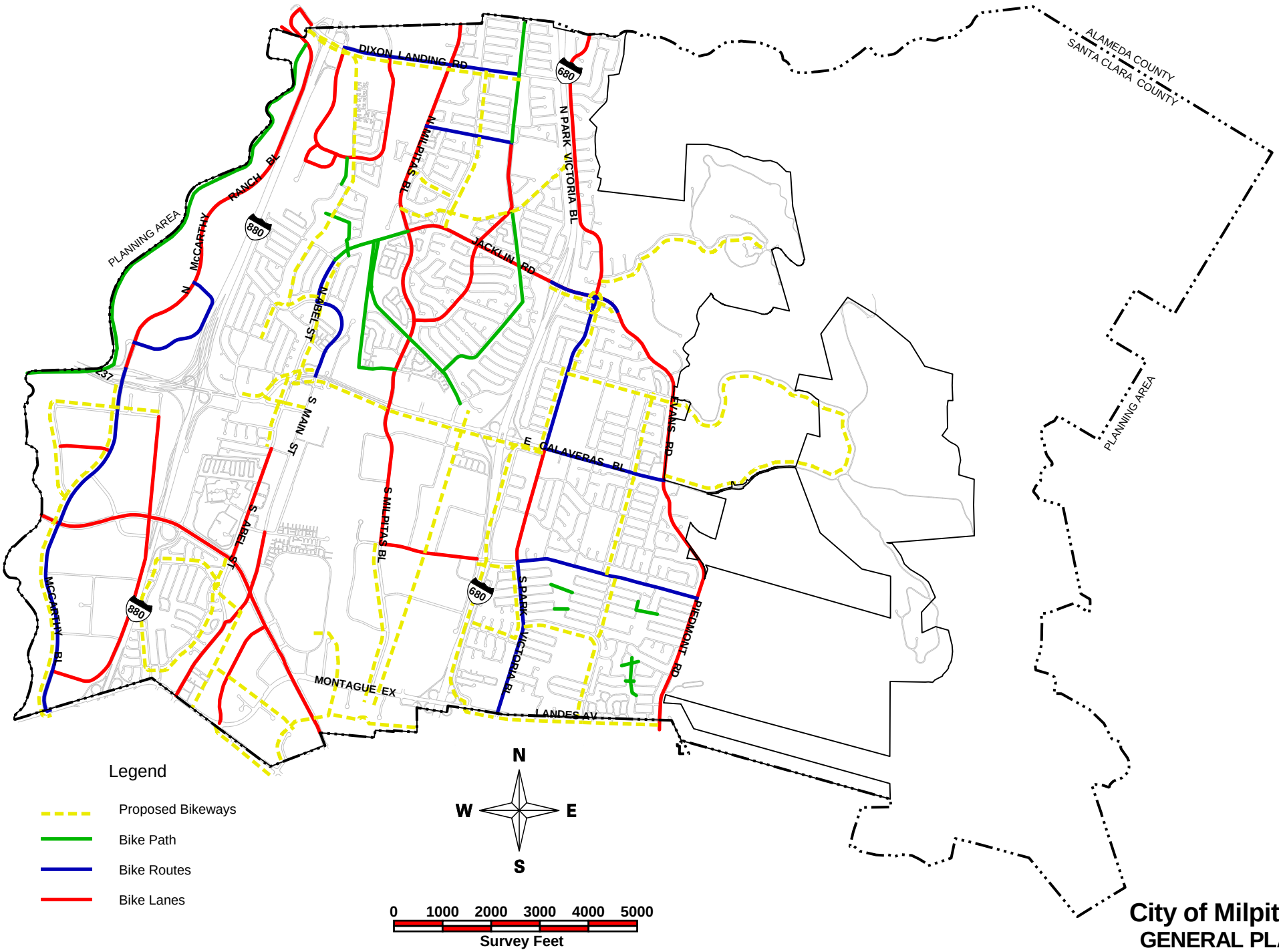
Pedestrian Support

Sidewalks and Streetscapes. In general, pedestrian support has similar infrastructure and safety needs as bikeways and trails. It should be identified that ~~**Sidewalks and Streetscapes.** P~~pedestrian activity (as well as the enjoyment of walking) is increased when walkway facilities are safe, comfortable and attractive. Some of the best ways to enhance walkways are through the provision of adequate sidewalk width, buffers between the pedestrians and traffic and ample landscaping, particularly street trees. Street trees have soothing visual impact, provide shade and a habit for wildlife and add to property values. However, City maintenance costs can be expected to increase as street trees grow taller, requiring additional and more difficult pruning. Sidewalk damage is one of the difficult problems in street maintenance, and one reason for the increased use of monolithic sidewalks located next to the curb, which widens the appearance of the street and reduces pedestrians' sense of safety by putting them closer to traffic.

The Milpitas Suggested Routes to School program encourages parents and students to walk or bike to school by identifying obstacles, promoting safety, and suggested improvements. A strong education component is included in the program.

Figure 3-1 Bikeways

Bikeways
Figure 3-1



City of Milpitas
GENERAL PLAN

~~Figure 3-2 Trails~~

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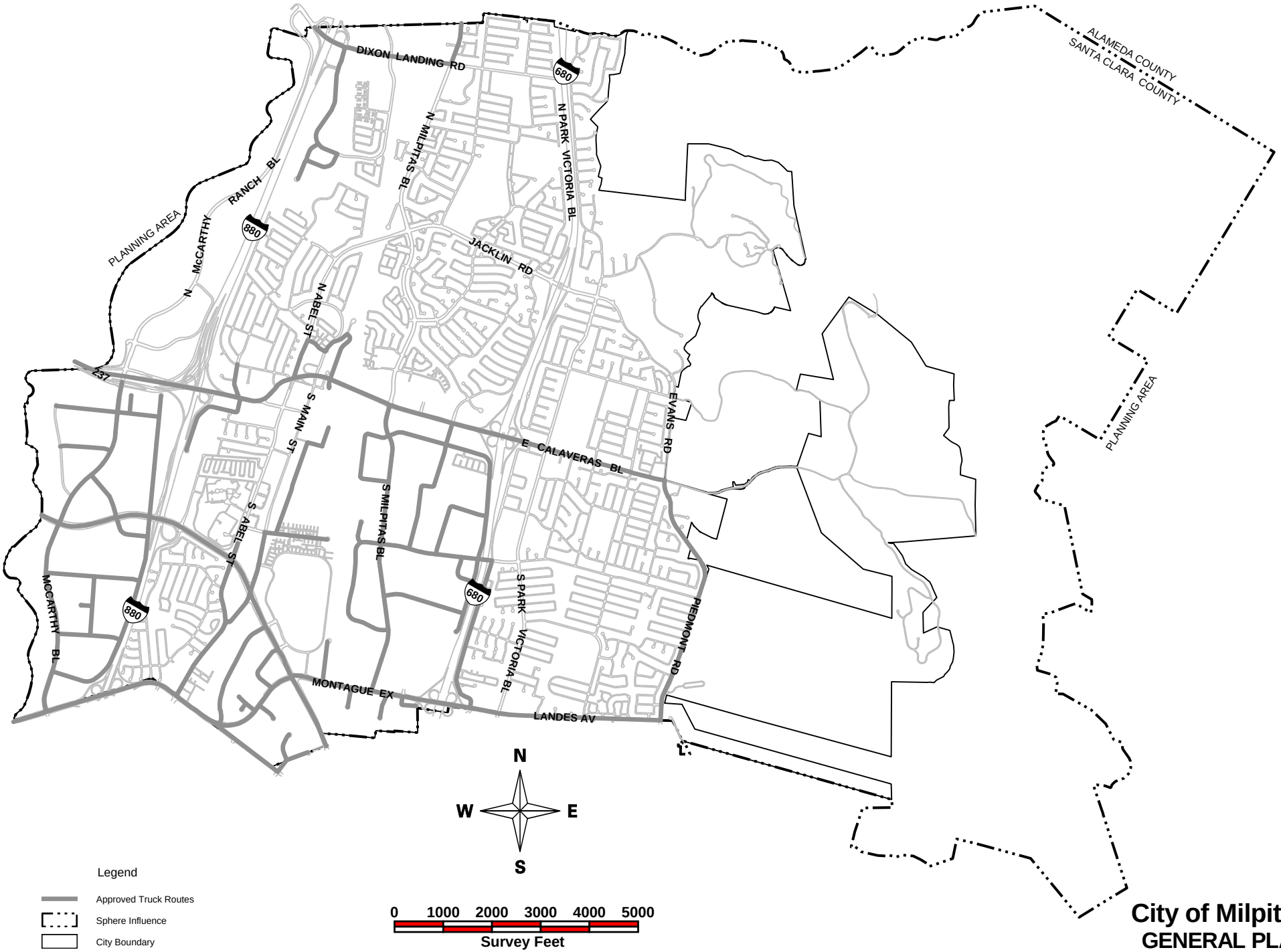
3.6 Goods Movement

Providing adequate circulation for trucks is necessary for economic development of the City by facilitating transportation of goods and products. In Milpitas, there is a four-ton weight limit restriction on all streets, except those shown on Figure 3-3. Therefore, by default, through truck traffic can only utilize the exempted sheets, which can be referred to as “truck routes.” The routes shown in the Figure serve as primary commercial truck movements entering and leaving the City. Trucks, however, can use any street to get to and from specific delivery locations when a restricted street is on the direct path to the origin or destination and there is no other permitted facility.

Figure 3-3 Truck Routes

Approved Truck Routes
Figure 3-3



City of Milpitas
GENERAL PLAN

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3.7 Circulation Principles and Policies

a. ~~a.~~ Standards for Traffic Safety

Guiding Principles

3.a-G-1 Continue to utilize the City's adopted Level of Service standards in evaluating development proposals and capital improvements.

Current City LOS standards apply only to development east of I-880.

3.a-G-2 Maintain acceptable service standards for all major streets and intersections.

Implementing Policies

3.a-I-1 Strive to maintain CMP LOS standards and goals for the CMP Roadway System in Milpitas.

3.a-I-2 For collectors and arterials east of Interstate 880 operating at baseline (1991) LOS F, require any development project that impacts the facility at or greater than one percent of facility capacity to implement mitigation measures to reduce the development project's impacts below the one percent level. If an identified location cannot be mitigated, measures designed to improve system-wide levels of service can be implemented. These system-wide improvement strategies will be contained in the Citywide Deficiency Plan.

Conforms to CMA requirements and existing City LOS policy.

3.a-I-3 Recognize that the City's development pattern and deficiencies in the regional network have resulted in substandard service levels on certain streets where capacity cannot be increased.

3.a-I-4 On streets where substandard service levels are anticipated, investigate and implement improvement projects that will enhance traffic operations.

~~*Measures such as parking prohibitions, turn prohibitions and minor widening should be evaluated on streets where existing development and space constraints make major widening projects infeasible.*~~

~~*Streets expected to operate at LOS F at Plan buildout are:*~~

- ~~*Route 237 between Abel Street and the southern Pacific railroad tracks; and*~~
- ~~*Montague Expressway between McCarthy Boulevard and Old Oakland Road , and between Capitol Avenue and Highway 680.*~~

3.a-I-5 Continue to monitor traffic service levels and implement Circulation Element improvements prior to deterioration in levels of service to below the stated standard.

~~*Development approvals should require demonstration that traffic improvements necessary to serve the development without violating the standard will be in place to accommodate trips generated by the project.*~~

b. Street Network and Classification Principles and Policies

Guiding Principles

3.b-G-1 Develop a street network integrated with the pattern of living, working and shopping areas, and which provides for safe, convenient, and efficient vehicular movement within the City and to other parts of the region.

3.b-G-2 Direct special consideration toward the circulation needs of a modern, convenient central business district, including adequate off-street parking.

3.b-G-3 Promote a street pattern that encourages industrial growth.

3.b-G-4 Use the "Major Improvements Needed" sub-section as a basis for identifying, scheduling, and implementing roadway improvements as development occurs in the future.

Implementing Policies

3.b-I-1 Require new development to pay its share of street and other traffic improvements based on its impacts.

3.b-I-2 Require all projects that generate more than 100 peak-hour (A.M. or P.M.) trips to submit a transportation impact analysis that follows guidelines established by CMP.

This is part of the CMP requirements.

3.b-I-3 As part of the Capital Improvement Program (CIP), annually update a five-year program of projects required to construct and/or update circulation facilities.

~~*While some of the projects identified in the Circulation Element are in the City's current CIP, the remaining projects will need to be incorporated.*~~

3.b-I-4 Continue to actively seek funding from regional, state and other agencies for projects identified in Table 3-4 and others included in the City's CIP.

c. Transportation Demand~~Systems~~ Management

Guiding Principles

3.c-G-1 Promote measures that increase transit use and lead to improved utilization of the existing transportation system.

3.c-G-2 Cooperate with other agencies to promote local and regional transit serving Milpitas.

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Implementing Policy

3.c-I-1 Actively support regional planning efforts for the development of mass transit facilities generally along either the Union Pacific or Southern Pacific Railroad corridors.

d. ~~d.~~ Pedestrian and Bicycle Circulation Principles and Policies

Guiding Principles

3.d-G-1 Implement the goals, objectives, and benchmarks of the Bikeways Master plan.~~Promote walking and bicycling for transportation and recreation purposes by providing a comprehensive system of sidewalks, bicycle lanes and routes and off-street trails that connects all parts of the City.~~

3.d-G-2 Promote walking and bicycling for transportation and recreation purposes by providing a comprehensive system of sidewalks, bicycle lanes and routes and off-street trails that connects all parts of the City.

3.d-G-3~~**3.d-G-2**~~ Provide adequate bicycle parking and end-of-trip support facilities for bicyclists at centers of public and private activity.

3.d-G-4~~**3.d-G-3**~~ Promote intermodal commuting options.

3.d-G-5~~**3.d-G-4**~~ Encourage a mode shift to non-motorized transportation by expanding current pedestrian and bicycle facilities.

Implementing Policies

3.d-I-1 Complete the on-street bicycle and the off-street circulation systems as depicted and described in the Bikeways and Trails Master Plans.

3.d-I-2 Develop connections between the off-street trail system and on-street bicycle system to fully integrate these facilities. Maximize linkages to other trail and bikeway systems to provide alternative transportation routes for pedestrians and bicyclists.

3.d-I-3 View all public capital improvement projects as opportunities to enhance the bicycle and pedestrian systems, and incorporate bicycle and pedestrian facilities into the design of such projects wherever feasible.

3.d-I-4 Encourage walking, biking and transit use by improving bicycle and pedestrian connections to transit centers, specifically the Great Mall ~~and Main/Weller bus~~ transit centers and light rail stations and the proposed commuter/passenger rail stations.

3.d-I-5 Distribute the Milpitas Bicycle Map, Trail Map, bicycle safety information and other related materials at City buildings and schools, and special events.

3.d-I-6 Use funds from the Streets budget for bicycle and pedestrian projects as appropriate.

3.d-I-7 Actively pursue external grant funds for bicycle and pedestrian capital improvement projects.

3.d-I-8 Consider developing additional local sources of funding for trails and bikeways such as special assessment districts, nonprofit corporations and ballot initiatives.

3.d-I-9 Require developers to make new projects as bicycle and pedestrian “friendly” as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding activity centers.

3.d-I-10 Encourage developer contributions toward pedestrian and bicycle capital improvement projects and end-of-trip support facilities.

3.d-I-10	Support Safe Routes to School Projects, including infrastructure improvements and education, as an important source for encouragement of walking and bicycling to school as well as supporting the reduction of green house gas emissions	

Bikeway Policies

3.d-I-~~11~~12	Make improvements to roads, signs, and traffic signals as needed to improve bicycle travel.	*Where appropriate, bicycle actuated traffic signals, detection, loop detector stencils*
3.d-I-~~12~~13	Discourage speed bumps and other street features that hinder bicycling on public streets and private parking lots.	
3.d-I-~~13~~14	Where appropriate, install bicycle lockers and/or racks at public parks, civic buildings and other community facilities.	
3.d-I-~~14~~15	Include evaluation of bicycle facility needs in all planning applications for new developments and major remodeling or improvement projects.	
3.d-I-~~15~~16	Encourage new and existing developments to provide end-of-trip facilities such as secure bicycle parking, on-site showers and clothing storage lockers, etc.	
3.d-I-~~16~~17	Support bicycle education programs.	

Trail Policies

3.d-I-~~17~~18	Acquire adequate set backs and right of way to complete the Trails master Plan.
3.d-I-~~18~~19	Provide and accommodate recreational and transportation use of the trail system.
3.d-I-~~19~~20	Preserve and enhance the natural environment of the creek corridors in conjunction with each trail project.
3.d-I-~~20~~21	Monitor proposed developments and work

with applicants to design projects that preserve the integrity of the identified trail routes.

3.d-I-~~21~~22 Consider building bridges or undercrossings across creek channels, railroad lines and roadways to facilitate bicycling and walking..

3.d-I-~~22~~23 Use existing cul de sacs, bridges and other public improvement areas as trail access points wherever possible.

3.d-I-~~23~~24 Use existing parks, schools and other public facilities as staging areas wherever possible.

3.d-I-~~24~~25 Where appropriate, require new development provide public access points to the trail system and/or contribute to staging areas.

3.d-I-~~25~~25 Encourage existing ~~busiinesses~~businesses to provide access to the trail system.

Sidewalk Policies

3.d-I-~~26~~27 Require sidewalks on both sides of the street as a condition of development approval, where appropriate with local conditions.

3.d-I-~~27~~28 Review City street improvement standards to see if there are ways to increase walking enjoyment and safety, particularly with regards to increased sidewalk width, landscape buffers between sidewalks and streets and pedestrian lighting.

3.d-I-~~28~~29 Develop a Streetscape Master Plan that identifies goals and policies for improving the appearance and enjoyment of public streets and sidewalks in Milpitas, particularly with regards to landscaping, street furniture and the identification of significant entryways and corridors.

e. Goods Movement

Guiding Principle

3.e-G-1 Provide adequate circulation and off-street parking and loading facilities for trucks.

Implementing Policies

3.e-I-1 Restrict trucks to designated non-restricted routes.

Truck routes in the City are regulated by Section V-100.12.05 of the Municipal Code.

3.e-I-2 Ensure that adequate pavement depth, lane widths, bridge capacities, loading areas, and turn radii are maintained on the permitted streets.

Purpose

According to state law, the purpose of a Conservation Element is to assure the conservation, development and use of natural resources including water, forests, soils, rivers, fisheries, wildlife, minerals and other natural resources. Similarly, the purpose of an Open Space Element is to assure the continued availability of land for the managed production of resources (such as food and fiber), to protect the enjoyment of scenic beauty and ensure provision of recreation, to identify and preserve lands whose indiscriminate development could compromise public health and safety, and to preserve natural resources.

State law also requires that an Open Space Element contain an action program consisting of specific programs to implement the open space plan. Milpitas' open space action plan is the sum total of the open space and conservation policies in this Element of the General Plan and the open space proposals depicted on the General Plan Land Use Diagram.

Relationship to Other Elements

The Open Space and Environmental Conservation Elements ~~is~~ are correlated with the Land Use Element which designates park and open space areas.

4.1 Parks and Recreational Facilities

Inventory and Classification

Existing parks and recreation facilities are summarized in Table 4-1. As of October 2010early 1994, the Planning Area included approximately 2021 153.4 developed city parklandacres of City owned park and recreation facilities and 1,544 acres of the Ed Levin Park, part of which is within City limits. Definitions of the General Plan park classifications follow.

Community Parks. Community Parks typically contain regulation-size ball fields and courts, space for informal games and activities, picnic and gathering areas, children play areas and parking. The only existing community park, the 24.4 acre Sports Center, serves as a special-use facility because it contains sports fields and facilities.

Neighborhood Parks. Neighborhood parks in the City fall into two categories: typical walk-to parks that serve the immediate neighborhood, providing open space for informal play, and parks containing a community-use facility, such as a regulation size, prepared ball field. In addition to serving the immediate neighborhood, the latter category also draws people from the larger community, some of whom may drive to the facility. The City's current inventory includes 43.3 acres of neighborhood parks.

Special-use Parks. This category includes mini-parks, linear parks, creek trails, flood retention areas, Community Garden, Senior Center, Rancho Milpitas Middle School Ball field, and Community /Civic Center. A total of 15 acres of the City's inventory consists of special-use parks. Additional linear parks through the creek trail system will be developed within the Midtown and Transit Specific Plan areas with future residential development.

Urban Parks: Urban parks are small facilities, generally less than one acre in size, which accommodate the daily recreation or passive needs of nearby residents. They typically can include children's play areas, sitting areas, and limited green space, but are not large enough to contain sports fields.

Linear Parks: Linear parks are narrow corridors of land that have been developed primarily as a trail system. Linear parks may also include other small scale facilities such as picnic tables and benches. Milpitas has taken advantage of the Hetch-Hetchy right-of-ways for the development of a linear park system.

Special-use Parks. This category includes mini-parks, linear parks, creek trails, flood retention areas, Community Garden, Senior Center, Rancho Milpitas Middle School Ball field, and Community /Civic Center. A total of 15 acres of the City's inventory consists of special-use parks. Additional linear parks through the creek trail system will be developed within the Midtown Specific Plan area with future residential development.

Regional Parks. Regional parks are generally larger than 100 acres in size and serve the entire City or the region. While regional parks can provide for varying degrees of recreation activity, a portion of the park is generally maintained in a rustic setting for passive recreation use.

While a number of regional parks serve Milpitas residents, the Planning Area includes only one such facility, the Ed Levin County Park.

~~**There are no established, signed trails under City jurisdiction. However, the Ed Levin Park contains an extensive trail syste**~~**Trails.** ~~m.~~ The trail system within the City consist of several miles of pedestrian and bicycle trails on flood control levees and on the Hetch Hetchy corridor. The 1997 Trails Master Plan and 2010 Park and Recreation Open Space Plan ~~establishes~~establish goals for developing and enhancing city trails and connections to regional trails.

Other Facilities in the Planning Area include:

School Sites~~Parks~~. The City has a joint-use agreement with the Milpitas Unified School District (MUSD) that allows mutual use of facilities at a reduced rental rate. ~~The City also provides recreation staff to assist in the District's latchkey program.~~

Private Recreation Facilities. Besides parks and recreation facilities listed above, private recreation facilities in the Planning Area include: ~~the YMCA, Bayhill Athletic~~Fitness for 10, 24-Hour Fitness, Fitness 19, USA Fitness~~ Club~~, South Bay Athletic Cub, Golfland, ~~Cal Skate,~~ Summitpointe Golf Course, and Spring Valley Golf Course~~, and Divot City~~. Newly developed residential communities contain private recreational facilities and amenities such as pools, community rooms, and playgrounds.

Table 4-1
Inventory of Park Acreage by Type and Facility~~1~~

Type/Name	Acreage
REGIONAL PARKS	
Ed Levin Park~~1~~	1,544
Alum Rock ~~Park2~~Park1	775
Sunnyvale – Santa Clara Baylands ~~Park2~~Park1	280
Mission Peak regional ~~Preserve2~~Preserve1	1,875
S.F. Bay National Wildlife ~~Refuge2~~Refuge1	19,600
Total Regional	**24,074**
COMMUNITY PARK	
Milpitas Sport Center	~~24.4~~20.33
Cardoza Park	~~24.4~~10.15
Dixon Landing Park	11.4
Community Park Total	41.88

NEIGHBORHOOD PARKS	
Creighton Park	5.0
Foothill Park	~~4.0~~3.98
Hillcrest Park	~~5.2~~5.08
Sandalwood Park	~~3.5~~3.88
Sinnot Park	~~4.7~~4.67
~~Sewlyn Park~~	~~.025~~
Starlite Park	~~4.0~~3.44
Strickroth Park	~~5.7~~4.87
Albert Augustine Park	6.2~~0~~
Oliver Jones Memorial Park	~~5.2~~4.93
~~**Neighborhood Park Total**~~	~~**45.325**~~
~~**NEIGHBORHOOD PARKS WITH COMMUNITY FACILITY**~~	
Ben Rodgers Park	~~9.5~~8.6
~~Calle Oriente Mini Park~~	~~2.0~~
~~Cardoza Park~~	~~10.0~~
~~Dixon Landing Park~~	~~11.0~~
Gill Park	8.~~5~~16
Hall Memorial Park ~~& Lagoon~~	~~9.5~~9.91
Hidden Lake Park	6.57
~~Higuera Adobe Park~~	~~5.5~~
Murphy Park	8.~~7~~3
Pinewood Park	~~8.0~~9.88
~~Yellowstone~~ Robert E. Browne Park	4.~~0~~.93
Tom Evatt Park	4.42
Neighborhood ~~w/facility Total~~Park Total	**~~76.7~~102.88**
URBAN PARKS	
Calle Oriente Park	.35
John McDermott Park	.94
O'Toole Elms Park	1.63
Parc Metro West	.98
Parc Metro Middle	.58
Parc M~~m~~etro East	2.06
Selwyn Park	.23
Fairfield Murphy Ranch Urban Park	1.12
Centria West Urban Park	0.50
N. Main and Weller Urban Park	1.61
Urban Park Total	**10**
Linear Parks	
Hetch Hetchy Linear Park	7.45
Linear Park Total	**7.45**

SPECIAL USE PARKS	
~~Mini Parks~~	~~5.2~~
~~Flood retention area / Hidden Lake Park / Hall Park Drainage~~	~~2.5~~
Alviso Adobe	2.26
Calaveras Ridge (undeveloped)	1.8
Higuera Adobe Park	4.8
Milpitas Dog Park	1.57
Veterans Memorial Park	1.57
Community Garden	1.2
~~Senior Center~~	~~0.1~~
~~Rancho Milpitas Middle School ballfield~~	~~1.0~~
~~Community Center/Civic Center~~	~~3.0~~
Special Use Parks Total	**~~13.0~~13.2**
School Facilities	
~~Milpitas High School Tennis and Pool~~	~~1.71~~
Rancho Middle School Field	17.63
Russell Middle School Field	7.86
School Facilities Total	25.49
Total City Park Acreage	**~~161.425~~ 200.84 acres**

1 ~~All neighborhood parks contain at least one, and in some cases, two tot/youth play equipment areas.~~

~~2~~ Regional Parks outside the Planning Area serving City residents.

Source: City of Milpitas Park and Recreation Master Plan, 20~~01~~10.

Existing and future public parks and trails are depicted in Figure 4-1.

Current Plans

The City of Milpitas is committed to providing an interconnected system of park and recreational facilities and services for its residents. ~~A *Park and Recreation Facility Needs Study* for the City was completed in April 1993. The study identified the need for several additional facilities and called for the preparation of a Park and Recreation Master Plan.~~ The Park and Recreation Master Plan was adopted in February 2010 and outlines the visions, goals, and implementation for the development and maintenance of Milpitas' park system. The Park and Recreation Master Plan describes potential major financing sources and funding strategies to implement proposed improvements to existing park facilities and the construction of new facilities.

~~The City's Park and Recreation Master Plan was completed and adopted in February 2010. This document provides forthe goals and framework to encourage the development and maintenance of high quality parks and recreation services; for all residents, an interconnected system of regional and local system of parks, trails, and pathways,; and programming of park and recreational services that promote social interaction and a healthy community, andThe Park and Recreation includes includes funding strategies for implementation of proposed improvements to existing facilities and construction of new facilities.While funds for preparation of the plan have been authorized, further action on the plan awaits direction from the City Council.~~

~~**Facilities Under Development.** The renovation of the Sports Center was completed in June 2001.A new Teen Center also opened in June 2001. Currently the plaza, landscaping, lighting and gymnasium renovation are the phases either under design or construction. Cardoza Park~~

~~east parking lot and picnic area will be renovated in 1993new Senior Center is currently under construction and is anticipated to be completed in Fall 2010. The new Senior Center is located in Civic Center Complex near Milpitas City Hall and the Milpitas Community Center. The Senior Center facility will include a new banquet hall, meeting rooms, and lounge area .~~

Standards

To guide implementation of park and recreation proposals, standards relating to park size, distribution, and primary service area are established in the General Plan (Table 4-2). Figure 4-1 depicts areas of the City within a 1/4 and 3/8-mile service radius of ~~a neighborhood or community park.~~existing and future parks.

Table 4-2

Park Standards for New Facilities

	~~**Neighborhood Parks**~~**Urban Parks**	~~**Neighborhood Parks**~~~~**Community Parks**~~	**Community Parks**
Distribution (acres/1,000 residents)	5 acres with a minimum of 3 acres per 1000 residents for public ~~neighborhood and community~~ parks outside of the Midtown and Transit Specific Plan areas.~~.~~ 3.5 acres with a minimum of 2 acres per 1,000 residents for public ~~neighborhood, community, and special-use~~ parks within the Midtown and Transit Specific Plan areas.		
~~Park Size~~	~~4 to 10 acres~~	~~15 to 30 acres~~	
Service Area Radius	~~3/8 mile~~1/4 Mile	~~entire City~~3/8 Mile	Citywide

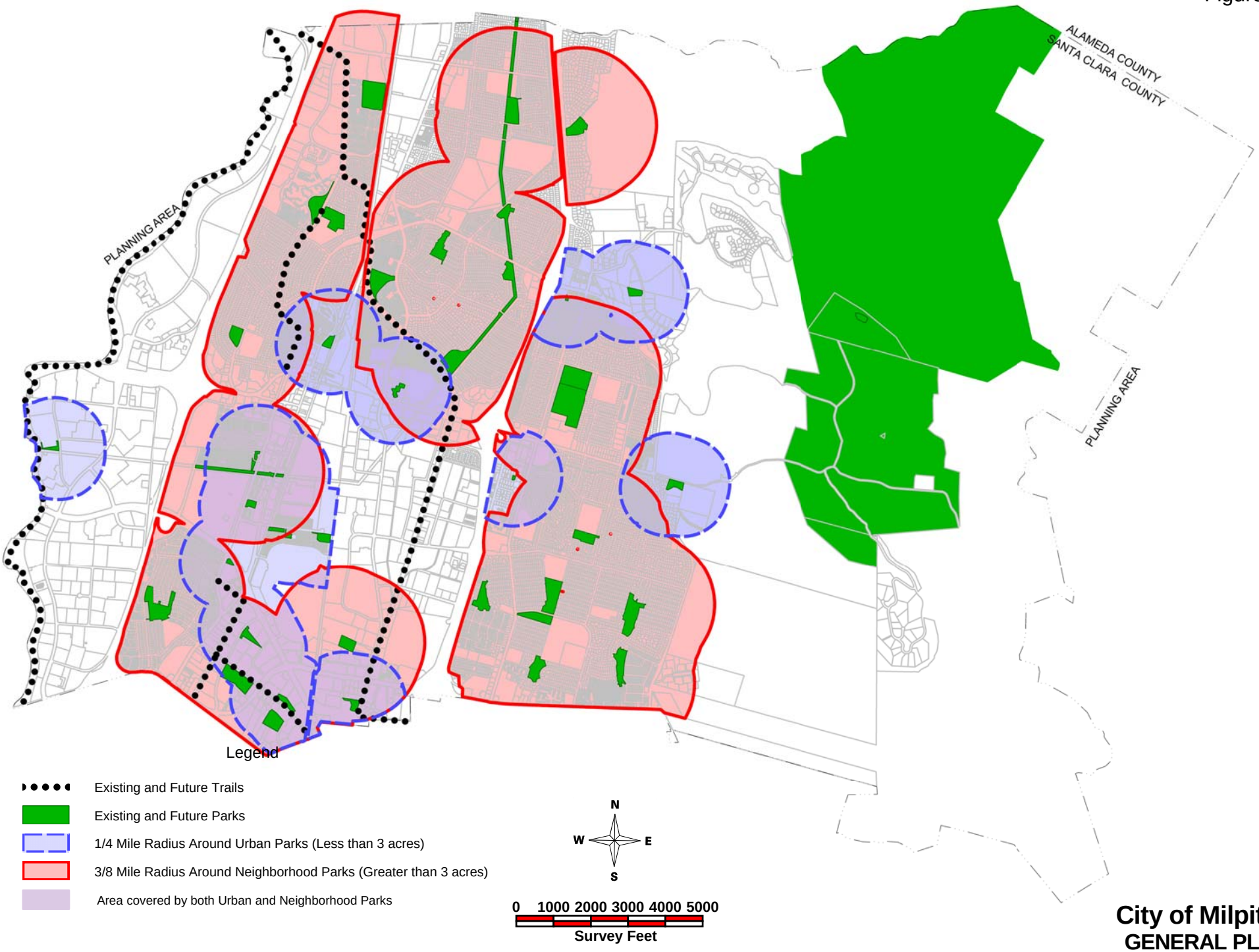
Future Need

Current General Plan designations at build out would result in a population of approximately ~~83,500~~94,~~800~~106,100. With redevelopment and infill of the Midtown and Transit Specific Plan area~~a~~, it is important to provide appropriately-scaled parks and open spaces to serve new residents and improve the amenity and livability of the Midtown and Transit Plan areas. Improving the creek trail system will link the Midtown and Transit Plan areas to the larger park system throughout the city. The Transit Area Specific Plan ~~If General Plan amendments lead to an increase in supply of land designated for residential use, the need for new parkland will also increase.~~ plans for 30 acres of new parks and trails to be developed upon build out. Their locations have been specifically designated to ensure each neighborhood is serviced by a park within comfortable walking distance (See the Map on page 3.1-7). The remaining growth projected by ABAG outside of the Transit Area can be adequately serviced with park and open space by continued adherence to the adopted service areas and acreage goals.

~~The Park and Recreation Master Plan outlines the visions, goals, and implementation for the development and maintenance of Milpitas' park system. The Park and Recreation Master Plan describes potential major financing sources and funding strategies to implement proposed improvements to existing park facilities and the construction of new facilities. *Facility Needs Study* identifies a need for a new community park, group picnic facilities, classroom/meeting space, sports practice facilities, trails, a performing/visual arts center, an historical museum and a gymnasium.~~

Figure 4-1 Parks (8.5x11)

Parks
Figure 4-1



City of Milpitas
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4.2 ~~Biotic~~ Biological Resources

The Planning Area and the surrounding region offer a variety of wildlife habitats, such as marshlands, riparian areas, grasslands and woodlands. While much of the City is built-out, species supported by habitats such as Coyote Creek, salt marsh and mud flats to the west and the rolling hills of Ed Levin Park and beyond to the east include the California coastal deer, gophers and water snakes, as well as rattlers, songbirds such as the mocking bird and the red-winged blackbird, upland game birds, pheasant, quails and doves, squirrels, and bobcats. Fish species found include bass, catfish, trout and other non-game species which may be found in the Calaveras Reservoir (east of the Planning Area), Sandy Wool Lake, periodically in Coyote Creek, and impounded waters within the foothills.

Special Status Species in the Planning Area

Certain species are recognized as needing special protection under state and federal law due to their rare, endangered, or threatened status. These species are afforded varying degrees of protection through the applicable laws and regulations of the Federal Endangered Species Act (ESA), the California Native Plant Protection Act (NPPA), the California Endangered Species Act (CESA), and the California Environmental Quality Act (CEQA).

The California Natural Diversity Data Base (CNDDB), run by the California Department of Fish and Game (CDFG), is the most complete single-source inventory of officially (state and federal) listed rare, endangered, and threatened animals and plants, plus those considered by the scientific community to be deserving of such listing. An October 2010 search of the CNDDB for the Milpitas and Calaveras Reservoir Quadrangles~~nts~~ identified the following 8 species with special status. It should be noted the Milpitas and Calaveras Reservoir Quadrangles contain areas that are outside of the Milpitas Planning area.

Table 4-3
Species with Special Status

Animal	Status
1. California Tiger Salamander	Threatened (US and CA)
2. California Red-Legged Frog	Threatened (US)
3. California Clapper Rail	Endangered (US and CA)
4. Western Snowy Plover	Threatened (US)
5. Salt-marsh Harvest Mouse	Endangered (US and CA)
6. Vernal Pool Tadpole Shrimp	Endangered (US)
7. Steelhead – Central California Coast DPS	Threatened (US)
8. Alameda Whipsnake	Threatened (US and CA)

The CNDDB also listed 8 species that are not threatened or endangered but has a special California Department of Fish and Game designation which includes the following:

Table 4-4 Special California Department of Fish and Games Designation	
Animal	**DFG Status**
1. White Tail Kite	Fully Protected
2. Golden Eagle	Fully Protected and Watch List
3. Burrowing Owl	Species of Special Concern
4. Salt-marsh Common Yellowthroat	Species of Special Concern
5. Alameda Song Sparrow	Species of Special Concern
6. Tricolored Blackbird	Species of Special Concern
7. Foothill Yellow-Legged Frog	Species of Special Concern
8. Townsend's Big-eared Bat	Species of Special Concern

The CNDDB also inventories both terrestrial and aquatic natural communities that are of extremely high quality and/or very limited distribution; no such communities were found in the search.

~~A March 1994 search of the CNDDB established the known presence of only one endangered species (the salt marsh harvest mouse) and one "species of special concern" (the golden eagle) in the Planning Area. No rare or threatened species were found. The CNDDB also inventories both terrestrial and aquatic natural communities that are of extremely high quality and/or very limited distribution; no such communities were found in the search.~~

The California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California~~, 1994~~ for the Milpitas and Calaveras Reservoir quads were~~as~~ also consulted. The inventory contains a list of plants presumed extinct in California, Rare and Endangered plants in California and elsewhere, Rare and Endangered plants in California but more common elsewhere, plant species for which more information is needed, and plants of limited distribution. An October 2010 search of the CNPS inventory for the Milpitas and Calaveras Reservoir Quadrants identified the following 4 plant species with special status.

Table 4-5 Inventory of Rare and Endangered Vascular Plants for Milpitas and Calaveras Reservoir Quads	
Plant	**Status**
Alkali milk-vetch	None; Plant rare, threatened, or endangered in California and elsewhere, but more common elsewhere. (CNPS)
California seablite	Endangered (US)
Contra Costa goldfieds	Endangered (US)
Robust Spineflower	Endangered (US)

~~Only one of the plant species listed by the CNPS (the alkali milk vetch) has been found in the Planning Area.~~

~~T~~The results of the CNDDB and the CNPS search are summarized in the Appendix C. The appendix also contains a listing of sensitive species in Santa Clara County – the presence of most has not been established in the Planning Area.

A brief discussion of the species potentially known to occur with the Planning Area are as follows known to occur within the Planning Area follows (Figure 4.2 shows the potential general location of these species)::

Salt Marsh Harvest Mouse (Reithrodontomys raviventris). Listed as "Endangered" at the state and federal level, the salt marsh harvest mouse is confined to salt marshes about the Bay. The salt marsh harvest mouse is commonly associated with dense growth of pickleweed.[1] A non-burrowing mammal, it requires higher areas for flood escape. While the salt marsh harvest mouse has been sighted primarily west of the Planning Area in the marshes along Alviso Slough, Albrae Slough and Coyote Creek, one capture occurred at the San Jose-Santa Clara sewage disposal site and another two miles south of Fremont between Coyote Creek and the Nimitz Freeway in 1985.

Golden Eagle (Aguila chrysaetos). A species of Special Concern for the CDFG, tListed as "Fully Protected" the he golden eagle is is found in rolling foothills or coast-range terrain, where wide open grassland turns to scattered oaks, sycamores or large digger pines. Nesting habitat can be found in cliff-walled canyons or large trees in open areas. In May 1993, two juvenile Golden eagles were banded at the upper end of Calera Creek, within the Ed Levin County Park. This is the only known site within the Planning Area.

California Tiger Salamander (Ambystoma californiense). Listed as a "Threatened" by CDFG, the California tiger salamander is most commonly found in annual grassland habitat, but also occurs in the grassy understory of valley-foothill hardwood habitats, and uncommonly along stream courses in valley-foothill riparian habitats.

California Red-legged Frog (*Rana draytonii*). Listed as "Threatened" by CFDG, the California red-legged frog is commonly found near foothills, grassland, and streamside habitats. These amphibians breed near water sources such as lakes, ponds, reservoirs, and marshes.

Burrowing Owl (Athene cunicularia). Listed as Species of Special Concern by the CDFG, the Burrowing Owl routinely lives and nests underground. The burrowing owls may occupy a range of open habitats that include grasslands, treeless plains, and in urban areas such as golf courses, and undeveloped vacant lots. In a survey conducted in July 2003, twelve burrowing owls were observed on and adjacent to northwestern and western portions of the KB Terra Serena Residential Development.

Steelhead-Central California Cost DPS (Oncorhynchus mykiss irideus). Listed as "Threatened" by CDFG, the Steelhead fish spend their adult life in the ocean but spawn and rear in freshwater streams and rivers. Their habitat consists of shaded pools of small, cool, low-flow upstream reaches as well as warm water habitats below dams or pipeline outfalls. According to the CNDDB, Steelhead fish are known to be present in Coyote Creek and are reported to spawn in gravel substrates in nontidal reaches of Coyote Creek upstream of the confluence with Penitencia Creek.

Alkali Milk-Vetch (Astragalus tener vartener). Listed as Rare by CNPS, the alkali milk-vetch is found in valley and foothill grassland, and vernal pools. The CNPS notes this species as

[1] Jameson and Peters. *California Mammals.* University of California Press, Berkeley, 1988.

being endangered in a portion of its range, endemic to California and that its "occurrence [is] limited to one or a few highly restricted populations or present in such small numbers that it is seldom reported." The alkali milk-vetch was recorded in southern Milpitas in the region bounded by Calaveras Boulevard to the north, Dempsey Road to the east, Capitol Avenue to the South and the Nimitz Freeway in the west. Although presumed extant according to CNDDB, the last siting was in 1905.

4.3 Agricultural Resources

For background information and policies relating to soils in the Planning Area, see Section 5.1: Geology, Soils and Seismic Hazards.

Important Farmland

As part of the Farmland Mapping and Monitoring Plan (FMMP), the State Department of Conservation employs the Important Farmlands Inventory to classify farmland as prime, of statewide importance, unique, or of local importance based on data provided by the USDA Natural Resources Conservation Service (NRCS U.S. Soil Conservation Service (SCS) and the state Department of Water Resources (DWR). Classification of land as prime or of statewide importance is determined by the soil type as well as current land use. The Farmland Mapping and Monitoring Program does not classify publicly owned land for which there is an adopted policy preventing agricultural use.

Categories of farmland employed by the FMMP[1] include:

Prime Farmland: Land which has the best combination of physical and chemical characteristics for the production of crops.

Unique Farmland: Land of lesser quality soils used for the production of specific high economic value crops.

Farmland of Local Importance: Small orchards, primarily in the foothill area.

Grazing Land: Land on which the existing vegetation is suited for the grazing of livestock.

While urbanization has resulted in loss of a considerable amount of farmland in the Planning Area, the Area does include some important ffarmlands. The Santa Clara County Important Farmland Map (2008) depicts Figure 4-3 depicts farmland of prime, unique, and local importance in the Planning Area;that there is no farmland of statewide importance in the Planning Area. However, within the city limits, As can be seen in the figure, prime farmland exists between N. McCarthy Boulevard and along the Coyote Creek, north of State Route 237 is prime.

Crops in the Planning Area

A small part of the Planning Area, along the Coyote Creek, is used for growing a variety of truck and berry and field crops[2]. These include peppers, lettuce, squash and melons, and cornwheat, walnuts, grapes, and apricots. Figure 4-34 shows crops in the Planning Area according to type.

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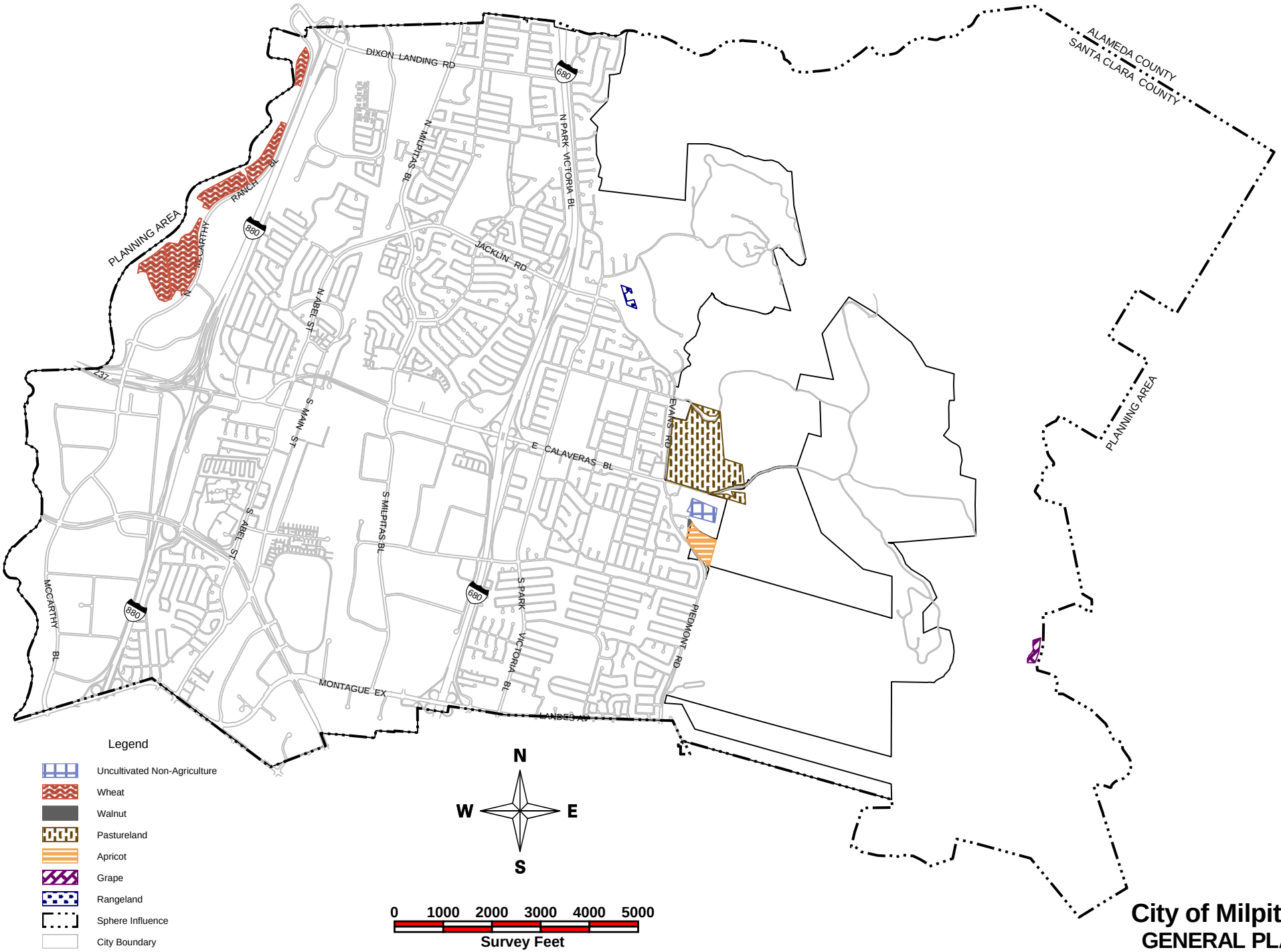
1 Department of Conservation, Office of Land Conservation, Santa Clara County: Important Farmland (1992 2008).

2 *1990 Land Use, Santa Clara County.* State Department of Water Resources, 1990*2010*. Santa Clara County, Department of Agriculture and Environmental Management

Figure 4-3 Crops in 2010

Crops in 2010
Figure 4-3



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4.4 Water Quality and Conservation

For water supply, see Section 2.6: Public Utilities and Services.

Urban Runoff (Stormwater) Pollution Prevention

~~Urban runoff to Bay area creeks and San Francisco Bay contains pollutants that impair aquatic life. Bay fish contain elevated concentrations of mercury, PCBs, and other pollutants harmful to human health.~~

The San Francisco Bay Regional Water Control Board ~~California Regional Water Quality Control Board for the San Francisco Bay Region~~ (RWQCB) ~~(Water Board)~~ is responsible for enforcing the state's Porter-Cologne Water Quality Act and the Federal Clean Water Act. The Water Board's *Water Quality Control Plan* (Basin Plan) identifies beneficial uses of San Francisco Bay and its tributaries and sets forth criteria and programs for protection of beneficial uses.

The RWQCB ~~Water Board~~ has issued National Pollutant Discharge Elimination System (NPDES) permits to Bay Area counties, water districts and municipalities. The permits mandate comprehensive programs to reduce urban runoff ~~pollutants to the maximum extent practicable~~pollution ~~–~~by targeting pollutant reduction and surface flow prevention from urban development activities.

Milpitas, along with twelve ~~, 12~~ other cities and towns in northern Santa Clara County, Santa Clara County, and the Santa Clara Valley Water District are Co-permittees under a single stormwater NPDES permit. The NPDES permit was issued in 1990 and reissued, with additional requirements, in 1995, ~~and~~ 2001, and 2009.

~~Milpitas' *Urban Runoff Management Plan* details the City's comprehensive urban runoff pollution prevention program. To implement the plan, the City:~~

- ~~Inspects municipal storm drains to eliminate illicit discharges and prevent illegal dumping.~~
- ~~Inspects private industrial and commercial facilities and enforces requirements to implement Best Management Practices (BMPs) to reduce stormwater pollutants.~~
- ~~Educates the public about stormwater pollution and prevention methods, and encourages public participation in program planning.~~
- ~~Inspects construction sites and enforces requirements to implement BMPs to control erosion, sedimentation, and pollutants from construction activities.~~
- ~~Requires applicants for development approvals to incorporate permanent pollution prevention measures into development projects.~~
- ~~Advocates and employs Integrated Pest Management, an approach to pest management that relies on information about the life cycles of pests and their interaction with the environment. Pest control methods are applied with the most economical means and with the least possible hazard to people, property, and the environment.~~
- ~~In cooperation with other agencies, monitors the occurrence and effects of stormwater pollutants in receiving waters.~~

~~The City has adopted Performance Standards for its pollution prevention activities. These Performance Standards are continuously improved, with an updated Performance Standard, or new Performance Standard, adopted each year.~~

~~Milpitas' *Urban Runoff and Watercourse Protection Ordinance* (Title XI, Chapter 16 of the Milpitas Municipal Code) expresses the City's authority to prohibit non-stormwater discharges to storm drains and to require residents and businesses to implement BMPs.~~

~~The 2001 reissued permit added more stringent requirements (Provision "C.3") to control runoff and runoff pollutants from new development. Applicable projects[1] must include facilities to treat runoff before it is discharged from the site. The City is required to inspect these facilities and ensure that they are operated and maintained in perpetuity.~~

~~In addition, the reissued permit requires the City to manage increases in peak runoff flow and increased runoff volume where necessary to prevent accelerated erosion of creek beds and banks.~~

~~In September 2005, the Milpitas Planning Commission agenda included the revision of the *Stormwater C.3 Guidebook* (adopted in September of 2003) to guide staff and applicants when implementing the new requirements.~~

Water Conservation

Prompted by the recent drought and water shortages, the City in 1993 adopted a Water Efficient Landscapes Ordinance and in 1994 adopted the Water Conservation Ordinance. The Ordinance seeks to promote conservation and efficient use of water by restricting new and rehabilitated landscaping for public agency projects, private commercial and industrial projects, and common-area landscaping in single-family and multifamily subdivisions and planned unit developments to maximum applied water allowances. It also requires preparation of landscape documentation packages for new and rehabilitated landscapes.

Recycled Water

The City of Milpitas desires to conserve potable water supplies and encourages the use of recycled water for appropriate uses. Potable water shall not be used for irrigation if recycled water is available except as specified in the City Municipal Code.

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[1] Beginning October 15, 2003, the C.3 requirements are applied to projects that add or replace one acre or more of impervious surface. On or before October 20, 2005, the City will implement Group 2A which consists of an impervious area of 10,000 square feet on sites with a gas station, auto wrecking yard, loading docks and surface parking lots containing more than 10,000 square feet or more of impervious surface area, and vehicle or equipment maintenance areas, outdoor handling or storage of waste or hazardous materials, outdoor animal care, outdoor horticultural activities, and various other industrial and commercial uses where potential pollutant loading cannot be satisfactorily mitigated through other post-construction source control and site design practices. All other developments with impervious areas of 10,000 square feet or more will be required to implement C.3 requirements in accordance with the City's NPDES Permit. On or before August 15, 2006, this threshold is reduced to 10,000 square feet of impervious surface for all sites.

~~**Figure 4-3 Important Farmlands (11 x 17)**~~

~~**Figure 4-4 Crops (11 x 17)**~~

4.5 Mineral Resources

Urban preemption of prime mineral deposits and conflicts between mining and other uses throughout California led to passage of the Surface Mining and Reclamation Act of 1975 (SMARA), which establishes policies for conservation and development of mineral lands, and contains specific provisions for the classification of mineral lands by the State Geologist.

SMARA requires all cities and counties to incorporate in their general plans mapped designations approved by the State Mining and Geology Board. These designations are to include lands categorized as Mineral Resource Zones, the most significant of which is a designation of mineral resources that are of regional or statewide significance.

When considering mineral extraction, three critical factors must be weighed: impact upon the natural environment, regional need for the minerals extracted, and impacts upon the community.

Existing Mineral Resources

The Planning Area contains four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. These areas, located in the foothills outside City limits (see Figure 4-5), are part of the South San Francisco Bay Production-Consumption Region and contain sandstone deposits. Three of the sites are located west of the Ed Levin Park along Tularcitos and Loa Caches creeks, and the fourth is along Scott Creek at the County line. All of the areas are being currently quarried.

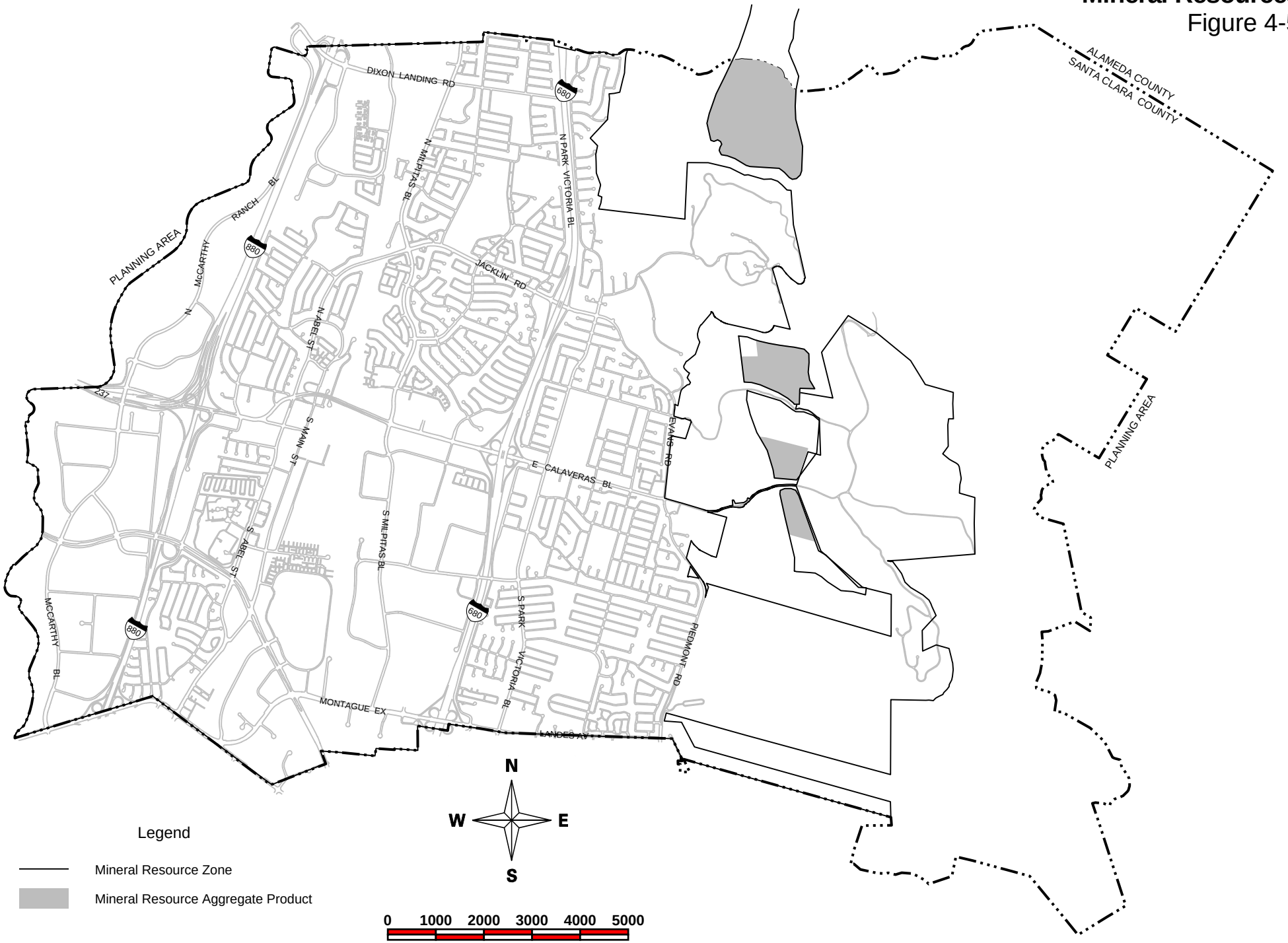
The scenic damage that has already occurred from these quarry operations is readily apparent; it is also possible for such activities to adversely affect water resources. In addition, these quarries must haul many tons of product off-site. When the only means of transportation for the product is by trucks passing through urbanized areas and transversing narrow hillside roads, there are a great many impacts upon the community.

Santa Clara County Policies

Santa Clara County's Mineral Resources Element was ~~prepared in 1988~~adopted in 1994. Policies included in the Element call for new quarry operations within a city's Sphere of Influence to be consistent with that City's General Plan. Approval of new or significant expansion of existing operations would require environmental assessment and new operations that are visible from the Valley Floor are discouraged.

Figure 4-5: Minerals Map

Mineral Resources
Figure 4-5



City of Milpitas
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4.6 Historical and Cultural Resources

Background information that follows is summarized from the *Historic Sites Inventory* (1990) and the *Historic Resources Master Plan* (1993).

Prehistoric Period

The lands now occupied by the City of Milpitas were once a part of the home territory of the Tamyen tribelet of Costanoan (Ohlone) Indians. Like other Costanoan groups, the Tamyen maintained a few year-round village sites but also visited various temporary camps at different seasons of the year to hunt and gather food as it became available.

The presence of a deposit of cinnabar (later famous as the mines of New Almaden) within Tamyen territory increased traffic through the early Milpitas area. The cinnabar (used as a body paint) stimulated considerable trade. The deposits were known over much of northern California, and parties from as far away as the Columbia River journeyed to Costanoan territory to obtain it. Trade for other items such as wooden bows, salt, and pine nuts, also brought many visitor to the Tamyen territories.

Remnants of Lifestyle. Two notable Costanoan village sites lie within the city limits of Milpitas. One, a huge shellmound near the present-day Elmwood Rehabilitation Center, was discovered in 1949 and dates back to the eighteenth century. The other, on the site of the Alviso Adobe near the corner of Calaveras and Piedmont, is at least 3,000 years old and is one of only a handful of archaeological sites in California with such a long history of continuous occupation.

Historic Period

Aboriginal Milpitas must have been cris-crossed with a network of paths from village to village and from village to camp. For centuries, these aboriginal footpaths and deer trails were the only roadways of Milpitas. The year 1769 marked the most dramatic event since human beings first migrated into the Bay Area; in that year, the expedition of Gaspar de Portola inaugurated the historic era, bringing in its wake a host of changes. The expedition passed through Milpitas.

The Spanish presence in the South Bay region was rapidly modified over the next few decades. Over the following half-century, the mission holdings were broken up by secularization, supplanted by private land grants such as the Rancho de Milpitas.

The area that was to become Milpitas was already achieving distinction as a stopover point by the late 1840s when the Higuera Adobe welcomed travelers on the immigrant trail

between Sutter's Fort and San Jose, via Livermore Pass. In 1855, settlers in the Calaveras Valley petitioned for a county road across the flats to Alviso. The resulting intersection — where the Alviso Road crossed the Mission Road — encouraged the development of Milpitas. By the late 1850s, a stage line was operating between San Jose and Oakland, with stops at Milpitas, including one at the Higuera Adobe, operating as a hotel and stage depot. Soon businesses such as general stores, stables, saloons, hotels, blacksmiths, carriage shops, and the all-important post office catered to the needs of farming families.

Historic Sites. The historically and architecturally significant buildings in Milpitas are extremely diverse in style, as well as in method and period of construction.

The first structures to be built in Milpitas were adobe houses located along the foothills east of town (now east of Piedmont and Evans Road) and along both sides of Calaveras Road between Main Street and the foothills. During the 1850s to 1870s, many frame farmhouses were constructed.

Businesses that catered to travelers (saloons, restaurants, blacksmiths, service stations, and hotels) and those that supplied the local population (general stores, meat markets, lumber yards) developed near the intersection of the Alviso-Milpitas Road and the San Jose-Oakland Road. Clustered around this nucleus of commercial and service buildings were the homes of the merchants, railway employees, and working men of the community.

Milpitas changed little until 1953, when the Ford Motor Plant was built at the south end of town. Within the next two decades virtually all of the older buildings in the center of town were demolished; leaving two corridors along the eastern foothills and the western highway fairly intact.

Historical and Cultural Resources Preservation Programs

Cultural Resources Preservation Program. Procedures to identify and designate historical and cultural resources, and to guide their preservation are outlined in the City's Zoning, Planning and Annexation Code. Cultural resources and historic districts are designated by the City Council on the advice of the Parks, Recreation and Cultural Resources Commission.

~~**Recognized Historic Sites.**~~ Currently, there are ~~thirteen~~ fifteen sites ~~(four of which have no historic structures on them)~~ officially designated and locally registered as a Milpitas Cultural Resources. Of the fourteen sites, the Alviso Adobe and Milpitas Grammar School are included in the National Register of Historic Places.

~~The *Historic Resources Master Plan* (1993) identified the following six Cultural Resource sites and two historic sites listed in the Historic Sites Inventory as "prime" candidates for preservation:~~

Table 4-6
~~Recognized Historic Sites~~Designated Cultural Resources

Site	Local Registered	National Registered
1. Jose Higera Adobe	X	
2. Cactus hedge	X	
3. Jose Maria Alviso Adobe	X	X
4. Milpitas Hotel (1857) and Fat Boy Restaurant (1924)	X	
5. Bellew-McCarthy Ranchstead Site	X	
6. Shaughnessy-Murphy Ranchstead Site	X	
7. Old St. Johns Church Site	X	
8. Curtner House (Weller Estate)	X	
9. Milpitas Grammar School	X	X
10. Smith's Corner	X	
11. Dr. Smith House (Devries Home)	X	
12. Winsor Blacksmith Shop	X	
13. Barber House	X	
14. O'toole Elms Site	X	
15. Winsor Tank House	X	

~~1. • the Milpitas Grammar School/Senior Center, listed in the National Register of Historic Places, and~~

~~2. • the DeVries/Smith Home;~~

~~3. • Campbell's Corners;~~

~~4. • the Caudillo House;~~

~~5. • the Weller/Curtner Estate;~~

~~6. • the Laguna School;~~

~~7. • the Higuera Adobe; and~~

~~• the Alviso Adobe.~~

~~According the *Historic Resources Master Plan* (1993), it identified six cultural resource sites and two historic sites listed in the Historic Sites Inventory as "prime" candidates for preservation:~~

~~**Table 4-7**~~
~~**Prime Candidates for Preservation**~~

~~Site~~	~~Description~~
~~Jose Higera Adobe~~	~~Well preserved abode structure that also serves as a city park~~
~~Jose Maria Alviso Adobe~~	~~Well preserved adobe structure that also serves as a city park~~
~~Milpitas Grammar School~~	~~Example of neo-classical public buildings. The site was renovated in 2008 with the construction of the Milpitas Community Library. The building and original architecture remains in place.~~
~~Campbell's Corner~~	~~A historic structure located at a historic intersection on Main and Serra Way.~~
~~Dr. Smith House (Devries Home)~~	~~An example of Prairie style building. The site was redevelopment as a senior~~

~~Table 4-7~~ ~~Prime Candidates for Preservation~~	
~~Site~~	~~Description~~
	~~housing development and includes the use of the building and maintains the original architecture design and style.~~
~~Winsor Blacksmith Shop~~	
~~Weller Estate~~	~~Example of Italian Renaissance architecture. Two-story home built on the original Higuera homestead and occupied by the Curtner-Weller family.~~
~~Caudillo House~~	~~An example of Queen Anne cottage style architecture.~~
~~Laguna School~~	~~An example of one-room early schoolhouse building. Originally built in 1865 to serve families of farmers and ranchers in Laguna Valley.~~

The Master Plan also identified the two adobes as being eligible for the states' Historic Landmark or Point of Historical Interest status.

~~4~~4.7 Scenic Resources and Routes

Milpitas' image is of an urban community located at the foot of a significant section of the Mount Diablo Range. The foothills, sparsely settled, represent a semi-wilderness of rugged terrain, remote plateaus and distant views.

Scenic Resources

The foothills and the tree-lined Coyote Creek corridor provide Milpitas with a scenic backdrop and visual reference points. Also important to Milpitas' identity are the major entryways of the City. Scenic Resources could be both natural and man-made. Figure 4-6 identifies hillsides, ridges, visually significant vegetation and other elements that are critical in shaping the City's scenic identity.

Scenic Routes

In order to maintain and improve the character of and views of scenic resources from streets, maximize access to parks, open space and other resources, the General Plan establishes a well-integrated network of Scenic Routes. These are streets or corridors which pass through an area of scenic value, provide efficient connections between such areas, or provide distant views of Scenic Resources. Two types of Scenic Routes are established (see Figure 4-6):

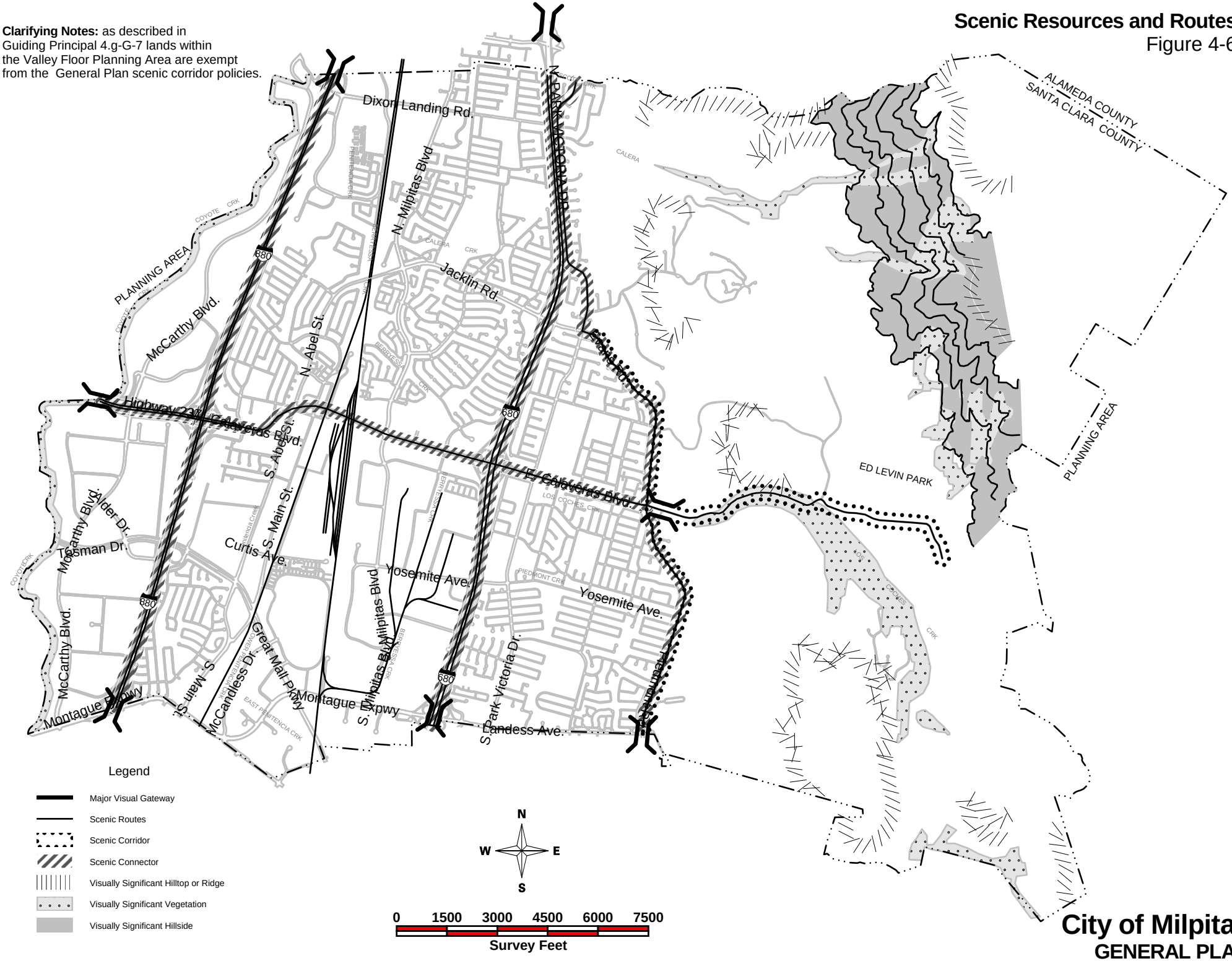
Scenic Corridor. Scenic Corridors are located along designated streets that pass through an area of scenic value. Scenic Corridors include the street rights-of-way and extend 200 feet from the center line of the streets along which they are located. Areas within the corridors are subject to special development controls for the purpose of retaining and enhancing nearby views or maintaining unobstructed distant views. Public projects will also be reviewed for compliance with this plan.

Scenic Connector. A designated street connecting or providing access to Scenic Corridors or distant views. A Scenic Connector may not necessarily traverse an area of scenic value, and the abutting land is not subject to the Scenic Corridor land use controls. However, special design treatment — which may include roadside landscaping, undergrounding of utility lines, and street furnishings — will be carried out to provide a visual continuity with the Scenic Corridors.

Figure 4-6 Scenic Resources and Routes (11 x 17)

Clarifying Notes: as described in Guiding Principal 4.g-G-7 lands within the Valley Floor Planning Area are exempt from the General Plan scenic corridor policies.

Scenic Resources and Routes
Figure 4-6



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4.8 Waste Management and Recycling

The City of Milpitas and Santa Clara County Integrated Waste Management Plans (IWMP) comply with state-mandated waste reduction goals specified in Public Resources Code 40500 (Assembly Bill 939). PRC 40500 requires local agencies to implement source reduction, recycling, and composting activities to reduce solid waste generation by 25 percent by the year 1995, and by 50 percent by the year 2000.

As a part of PRC 40500, each city and county is required to prepare a Source Reduction and Recycling Element (SRRE) and a Household Hazardous Waste Element (HHWE). Together, the SRRE and HHWE comprise the City's IWMP.

Solid Waste Disposal Facilities

Newby Island landfill, located on Dixon Landing Road in San Jose serves the City. It is a Class III landfill, with an estimated lifespan of an additional 11~~28~~ years (to 2021). ~~There are no current proposals for expansion of the landfill. The City of San Jose is proposing a General Plan Amendment to allow a maximum height of the active portion of the landfill to be raised to 245 feet, adding approximately 15.12 million cubic yards to the capacity of the landfill. Presently, the landfill is designed and permitted to an elevation of 150 feet. The proposed maximum height of the landfill would allow the landfill to continue receiving waste at existing levels until at least the estimated closure date of 2025.~~

Source Reduction and Recycling

The City's *Source Reduction and Recycling Element* provides a summary and analysis of existing and needed source reduction, recycling, and composting programs and facilities, strategies for handling special wastes, and for funding. Implementation measures for both short (next 5 years) and medium term (next 10 years) are specified and include multifamily residential and non-residential recycling, public awareness, and regulatory programs. Implementation measures outlined in the Element are expected to lead to diversion of an estimated 13.6 to 19.5 percent of the waste stream by 2000.

Goals adopted as part of the City's *Source Reduction and Recycling Element* include:

- Meet or exceed state-mandated solid waste disposition rates by maximizing source reduction, recycling and composting opportunities for Milpitas residents and businesses;
- Motivate the residential and business sectors to reduce and recycle solid waste;
- Ensure that all land development projects provide adequate space and design for waste reduction and management activities and equipment;
- Encourage the development and expansion of local and regional markets for diverted materials;

- Provide solid waste management services that minimize environmental impacts, ensure public health and safety and facilitate waste reduction efforts; and

- Increase residents' awareness of proper disposal and reduction methods for wastes.

Hazardous Waste

Hazardous materials management includes the identification, proper transport, and disposal of hazardous materials. Hazardous materials include liquids, solids, and gases which by themselves, or when placed in contact with other materials, can result in contamination of soil or water, poisonous vapors, fires, or explosions. Hazardous materials can enter the environment via air, soil transport, or surface runoff. Improper storage or disposal can contaminate soil and groundwater and pose a general health hazard to the population. Hazardous materials are used and created everyday by some industries, and include common household items such as insecticides, waste motor oil, and cleaning fluids.

Nearly all of the hazardous materials transported through Santa Clara County, and the Planning Area, are carried by truck on the freeways and state highways. Little or none of the hazardous materials is transported through via rail. County roads and city streets are used to transport locally generated wastes from the source to the regional highway system.

Household Hazardous Waste (HHW)

Hazardous materials, used in many household products (e.g., drain cleaners, waste oil, cleaning fluids, insecticides, and car batteries), are often improperly disposed of as part of normal household trash. These materials can interact with other chemicals to create a risk to the general population and can also result in soil and groundwater contamination.

Since 1985, Milpitas residents have had access to disposal of their HHW. Funded by the City from the General Fund, the current program is conducted by the Santa Clara County Household Hazardous Waste Collection Program. The County hosts mobile pickup at different sites throughout the County, twice yearly in Milpitas. Residents call the County HHW program hotline to make appointments to drop off their hazardous wastes, and the City pays a per-vehicle fee for the service.

The City has since October 1993 been participating in a countywide effort to site and develop permanent recycling and disposable facilities for HHW. These facilities, currently in the planning stages, will also serve small commercial generators of hazardous waste.

In 1986, AB 2984 (Tanner Bill) was passed, establishing a process for the development of hazardous waste management plans for all California counties, regional councils of government and the state. In 1989 Milpitas participated with other Santa Clara County cities in developing the Hazardous Waste Management Plan (CHWMP). This plan was subsequently approved by the County Board of Supervisors and the City Councils of every participating city, including Milpitas. In 1991 the CHWMP was amended by the County and cities. The State's review and approval of the CHWMP was ~~finally~~ obtained on January 6, 1995.

In addition to becoming the County Plan, the CHWMP was designed as a plan which could be adopted by participating cities for their own use. The City of Milpitas has adopted the CHWMP

as the policy document and planning guide for all decisions regarding the development of off-site hazardous waste management facilities and programs related to the management of hazardous waste within the City.

The objectives of the City's *Household Hazardous Waste Element* are:

- Provide disposal alternatives for HHW generated in the city, including participation in the County of Santa Clara's HHW program;
- Undertake educational programs to reduce the volume and hazards of HHW entering the waste stream by encouraging proper use and disposal of hazardous products, and waste reduction, including the use of safer alternatives;
- Promote proper storage and handling methods to protect the public's health and safety;
- Recycle HHW to the extent possible; and
- Participate in the load inspection program at the Newby Island landfill.

4.9 Open Space/Conservation Principles and Policies

a. Park and Recreational Facilities

Guiding Principles

4.a-G-1 Provide a park and recreation system designed to serve the needs of all residents of the community.

4.a-G-2 Develop a diversified trail system along streamsides and other public rights of way to provide recreational opportunities and link facilities.

4.a-G-3 Cooperate with other agencies, such as the County and MUSD, to provide recreational opportunities to residents.

Implementing Policies

4.a-I-1 Provide 5 acres of neighborhood and community parks for every 1,000 residents outside of the Midtown Specific Plan Area, and 3.5 acres of special use parks for every 1,000 residents within the Midtown Specific Plan Area.

This is the current City standard.

4.a-I-2 For areas outside the Midtown Specific Plan Area, require land dedication or in lieu fees equivalent to the 5 acre/1,000 resident standard, but allow credit for private open space for up to 2 acres/1,000 residents for private open space provided in accordance with the criteria specified in the Subdivision Regulations. For areas within Midtown, require land dedication or in lieu fees equivalent to the 3.5 acre/1,000 resident standard, but allow credit for private open space for up to 1.5 acres/1,000 residents for private open space provided in accordance with the criteria specified in the Subdivision Regulations.

4.a-I-3 Provide a system of hiking and riding trails and pathways connecting the Valley Floor Area to Ed Levin Park.

4.a-I-4 Explore the feasibility of a trail in the Hillside Area within the crestline zone of protection connecting Ed Levin County Park to Alum Rock Park.

4.a-I-5 Provide an extensive visually stimulating system of "people paths" by developing park chains along Coyote River and the Hetch Hetchy right-of-way.

4.a-I-6 Develop the Coyote River area in cooperation with the County Park and Recreation Commission in a linear park chain which would connect with the Coyote Park Chain in San Jose and provide a safe mechanism for undertaking flood-control measures. The trails along Coyote Creek should be part of the San Francisco Bay Trail, a regional network of trails used by hikers and bicyclists.

4.a-I-7 Where feasible, provide new neighborhood and community parks adjacent to public schools for joint use.

4.a-I-8 Explore the feasibility of providing interpretive trails that tie in with the history of Higuero Adobe and Alviso Adobe.

4.a-I-9 Explore the feasibility of providing a performing/visual arts center, an historical museum and a gymnasium.

4.a-I-10 ~~Prepare a~~Implement the goals and objectives of the Park and Recreation Master Plan.

b. Biotic Resources

Guiding Principles

4.b-G-1 Protect and conserve open spaces which are necessary for wildlife habitats and unique ecological patterns.

4.b-G-2 Preserve and protect populations and supporting habitat of special status species within the Planning Area, including species that are state or federally-listed as Rare, Threatened, or Endangered, all federal "candidate" species for listing and other species proposed for listing, and all California Species of Special Concern.

Implementing Policies

4.b-I-1 Strictly enforce grading regulations controlling removal of vegetative cover from hillside areas.

4.b-I-2 Preserve remaining stands of trees.

4.b-I-3 Recreation use of essentially virgin areas should be centered around activities which have a minimally disruptive effect on natural vegetation

4.b-I-4 Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.

4.b-I-5 Utilize sensitive species information acquired through biological assessments, project land use, planning and design.

c. ~~c.~~ Agricultural Resources

Guiding Principle

4.c-G-1 Support agricultural activity that is compatible with urban uses, and as an interim use in areas that are designated for urban uses.

Implementing Policies

4.c-I-1 While undertaking improvements in areas being used for agricultural operations, strive to ensure that the viability of agriculture as an interim used is maintained.

~~*With the exception of the foothills, most of which are classified as grazing land, the General Plan Diagram designates all other farmland in the Planning Area for urban uses. Extension of the McCarthy Boulevard north of State Route 237 will open the last remaining sites being used for agricultural operations for urban uses.*~~

4.c-I-2 Permit and support grazing activity in the foothills where feasible.

d. Water Quality and Conservation

Guiding Principles

4.d-G-1 Assure reasonable protection of beneficial uses of creeks and South San Francisco Bay, and protect environmentally sensitive areas.

4.d-G-2 Comply with regulatory requirements pertaining to water quality.

4.d-G-3 Continuously improve implementation of stormwater pollution-prevention activities.

4.d-G-4 Mitigate the effects that land development can have on water quality.

4.d-G-5 Protect and enhance the quality of water resources in the Planning area.

4.d-G-6 Promote conservation and efficiency in the use of water.

Implementing Policies

4.d-P-1 Implement a comprehensive municipal stormwater pollution-prevention program in compliance with requirements of the Water Board's stormwater NPDES permit.

4.d-P-2 Minimize the use of pesticides that may effect water quality.

4.d-P-3 Work cooperatively with other cities, towns, and the Santa Clara Valley Water District to comply with regulations, reduce pollutants in runoff, and protect and enhance water resources in the Santa Clara Basin.

4.d-P-4 Where consistent with other policies, preserve, create, or restore riparian corridors and wetlands. Where possible, set back development from these areas sufficiently to maximize habitat values.

4.d-P-5 Where feasible, conform developments to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and significant trees, and maintain natural drainage patterns.

4.d-P-6 Where possible, avoid new outfalls to natural or earthen channels.

4.d-P-7 Applicable projects shall minimize directly connected impervious area by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.

4.d-P-8 Applicable projects shall incorporate facilities (BMPs) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.

4.d-P-9 Applicable projects shall control peak flows and duration of runoff where required to prevent accelerated erosion of downstream watercourses.

4.d-P-10 Projects accommodating outdoor activities, including work areas, storage areas or other areas that are potential sources of stormwater pollutants, shall incorporate measures to control those pollutant sources to the maximum extent practicable.

4.d-P-11 Owners and operators of stormwater treatment facilities shall maintain those facilities and ensure they continue to be effective.

4.d-P-12 Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code includes requirements for control of erosion and sedimentation during grading and construction.)

Required Actions

Milpitas Urban Runoff Management Program
(Details of implementation are in Title XI, Chapter 16 of the Municipal Code and in the Milpitas Urban Runoff Management Plan.)

4.d-A-1 Inspect commercial and industrial facilities and require BMPs.

4.d-A-2 Conduct surveillance and enforcement to reduce illegal dumping to storm drains.

4.d-A-3 Implement BMPs to minimize runoff pollutants during operation and maintenance of streets, roads, storm drains, and water supply mains and facilities.

4.d-A-4 Inspect construction sites and require erosion and sedimentation control and pollution-prevention BMPs.

4.d-A-5 Publicize and promote Integrated Pest Management and use Integrated Pest Management in maintenance of City parks and other facilities.

4.d-A-6 Update the Urban Runoff Management Plan as required in accordance with the Water Quality Control Board's Stormwater NPDES Permit.

Cooperative Efforts to Protect and Enhance Water Quality

4.d-A-7 Support and participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Through SCVURPPP, support regional organizations and efforts, including the Bay Area Stormwater Management Agencies Association, to monitor and protect water quality in San Francisco Bay and its tributaries.

4.d-A-8 Coordinate with the Santa Clara Valley Water District to plan and implement multi-objective projects to reduce flood hazards, restore stream functions, and provide recreational resources along Berryessa Creek and other Milpitas creeks.

Development Requirements

(Details of implementation are in Title XI, Chapter 16 of the Municipal Code, the Milpitas Urban Runoff Management Plan, and the Milpitas Stormwater C.3 Guidebook.)

4.d-A-9 Provide guidelines to help applicants comply with stormwater requirements for new development.

4.d-A-10 Require developers of applicable projects to submit, with application for planning and zoning approval, a Stormwater Control Plan detailing the required stormwater pollution prevention and flow control measures incorporated into the project.

4.d-A-11 Require developers of applicable projects to prepare and submit, prior to final approval of construction, a Stormwater Control Operation and Maintenance Plan detailing maintenance requirements and methods for the stormwater treatment and flow control facilities incorporated into the project.

4.d-A-12 When conducting environmental reviews of proposed projects, evaluate water quality effects and identify appropriate mitigation measures.

4.d-A-13 Adopt and revise public works standards to minimize the impacts of development on water quality, provided that the new standards would also be consistent with other City policies.

4.d-A-14 Allow access to sites for City inspection of stormwater treatment and flow control facilities.

e. Mineral Resources

Guiding Principle

4.e-G-1 Provide for extraction of minerals to help meet future regional needs in an environmentally sensitive manner.

Implementing Policies

4.e-I-1	Manage aggregate resources to ensure that extraction results in the fewest environmental impacts.	*Mining is usually a high-impact activity that must adjust its operations to become an acceptable neighbor to urban areas.*
4.e-I-2	Require preparation and assured implementation of adequate reclamation of mined lands as a condition of approval of mining.	*This is a requirement of SMARA.*
4.e-I-3	Permit new quarries only if they are: • Compatible with surrounding land uses; • Not environmentally disruptive; and • Not visible from the Valley Floor.	~~*These requirements are consistent with the 1988 Santa Clara County Mineral Resources Element.*~~

4.e-I-4 Work with surrounding jurisdictions to ensure establishment of implementation measures for mineral resource management consistent with state law.

~~*All of the identified state-identified mineral resource areas in the Planning Area are outside City limits.*~~

~~*Consistent with the requirements of the Public Resource Code, implementation measures of the involved jurisdictions must include:*~~

~~*Reference in the General Plan to the location of identified mineral deposits;*~~

~~*Use of maps to clearly delineate identified mineral deposits; and at least one of the following:*~~

~~*a) Appropriate zoning that identifies deposits and restricts encroachment of incompatible land uses.*~~

~~*b) Requirements for recording notice of the presence of identified mineral deposits in the chain of property title; or*~~

~~*c) Conditions placed upon incompatible land uses within and next to any areas containing identified mineral deposits for the purpose of mitigating any significant land use conflicts..*~~

f. Historical and Cultural Resources

Guiding Principles

4.f-G-1 Preserve existing historical and cultural resources, especially those sites where an Historical Park may prove feasible.

4.f-G-2 Undertake efforts that promote Milpitas as a historical community, and undertake efforts to increase public awareness towards preservation.

Implementing Policies

Public Efforts

4.f-I-1 Continue to maintain, rehabilitate, and restore City-owned historic buildings and sites.

4.f-I-2 Acquire historic sites that would benefit from public ownership.

~~*The Historic Resources Master Plan has identified the following properties deserving consideration for acquisition:*~~

~~*• the DeVries/Smith Home;*~~
~~*• the Weller/Curtner Estate;*~~
~~*• the Alviso Adobe and site; and*~~
~~*• the Windsor Blacksmith shop.*~~

4.f-I-3 Develop a program to survey and catalog artifacts, documents and other historic material.

~~*The Historic Resources Master Plan identifies a staging process for implementation.*~~

4.f-I-4 Increase the prominence and access to the City's historic resources by developing paths and trails linking the historic sites.

4.f-I-5 Develop programs to promote Milpitas' history.

~~*Sponsor cultural events, such as a Rancho Festival or History Days, that increase public awareness of historic resources.*~~

Private Preservation Efforts

4.f-I-6 Encourage private involvement in historic preservation through the establishment of a revolving City loan program.

The details of this program are described in the Conceptual Historic Resources Master Plan.

4.f-I-7 Establish a program to award plaques, awards and small grants to recognize private preservation efforts.

g. Scenic Resources and Routes

Guiding Principles

4.g-G-1 Preserve and enhance the natural beauty of the Milpitas area.

4.g-G-2 Establish a network of continuous and varied Scenic Routes that provide views of Scenic Resources and access from urban areas and the regular transportation network to parks, open spaces and cultural attractions.

4.g-G-3 Enhance the visual impact of the gateways to Milpitas.

4.g-G-4 Encourage a variety of recreational uses along Scenic Routes consistent with the concept of protecting visual resources.

4.g-G-5 Provide for the inclusion of facilities and improvements (vista points, picnic areas, etc.) along Scenic Routes where appropriate.

4.g-G-6 Design and site Scenic Routes to have a minimal adverse impact on the environment.

4.g-G-7 Exempt all lands within the Valley Floor Planning Area from Scenic Corridor restrictions.

Implementing Policies

Land Use and Development

4.g-I-1 Limit uses in Scenic Corridors to those uses allowed by right and conditionally in the R-1 Single Family Residence and Park and Open Space Zoning Districts. Commercial development can only be allowed when its design will not result in a loss of any scenic potential.

4.g-I-2 Permit clustering of structures, in order to preserve open space while providing for desired development.

4.g-I-3 Development in the Scenic Corridor shall not exceed 17 feet in height. The 17 foot height limit may be waived by the City Council when the following two criteria are met: (1) taller building are allowed through the underlying zoning district or a PUD process; and (2) development that exceeds the 17 foot height limit does not significantly obstruct views of the Hillside based on the following guidelines:

- The development will not significantly obstruct scenic features including but not limited to ridgelines, stands of trees or other vegetation, geologic formations, historic or scenic structures.

- The development is sited to avoid destruction of any distinctive physical characteristics with significant scenic value.

- The development will avoid architectural features such as unusually long blank walls, unbroken roof lines, and excessively steep roof pitches which would detract from the scenic characteristics of the site.

- The scale of the project is consistent with the scale of existing development in the immediate vicinity and within the Scenic Corridor.

- The bulk of the building(s) will not dominate views of the corridor.

- Building materials and colors will blend in and complement the rural "natural" hillside setting (i.e., earth tones, stucco, clay, stone, wood, etc.).

Design

4.g-I-4 Require all development within or abutting Scenic Corridors to be oriented away from the Corridors, with limited driveway access.

4.g-I-5 New development within the Scenic Corridor will be subject to site and architectural review ("S" zone Approval) by the Planning Commission. The review will include:

- reviewing architectural design and site planning of all development;
- requiring development that adjoins natural environments to use materials that help to blend buildings into the surroundings; and
- requiring parking, storage and other such areas to be screened-off from view by using trees and shrubs.

4.g-I-6 Provide view turnouts, rest areas and picnic facilities at appropriate locations along Scenic Corridors.

Landscaping and Utilities

4.g-I-7 Ensure that all landscaping within and adjoining a Scenic Corridor or Scenic Connector:

- Enhances the City's scenic resources by utilizing an appropriate scale of planting, framing views where appropriate, and not forming a visual barrier to views;
- Relates to the natural environment of the Scenic Route; and
- Provides erosion control.

Coordination with Caltrans will be required for portions of Scenic Connectors which are in Caltrans' right of way.

Median landscaping, lighting fixtures, street signals, and other street furnishing along Scenic Routes should follow a consistent design scheme, and be tastefully blended into the natural or urban landscape.

4.g-I-8 Undertake a program in cooperation with PG&E to underground, relocate or screen utility lines and transmission towers within or easily visible from Scenic Routes.

4.g-I-9 Prepare and implement landscape plans for treatment of major gateways leading into the City.

These are identified on Figure 4-6.

Signage

4.g-I-10 Ensure that within the Scenic Corridors, the City's Sign Ordinance permits on-street signs of only the minimum size and height necessary for identification purposes.

~~*Currently, all Scenic Corridors are within the Hillside Area and the Sign Ordinance currently does not contain special provisions relating to signs within the Scenic Corridors. However, off-premises signs are prohibited by the City's Sign Ordinance throughout the City.*~~

4.g-I-11 Undertake an evaluation of and implement any necessary steps to ensure that the design and location of signs within and adjoining Scenic Routes does not lead to unsightly and obtrusive conglomerations of advertising.

4.g-I-12 Undertake a program to place appropriate and consistent Scenic Route identification signs periodically along all Scenic Routes. Also provide instructional signs and displays, where appropriate, along Scenic Routes and at roadside facilities, indicating major visual features of the area.

Creeks

4.g-I-13 Develop the section of Berryessa Creek which runs through the Town Center into a scenic as well as a recreation resource for the Town Center.

h. Waste Management and Recycling

Guiding Principle

4.h-G-1 Undertake efforts to reduce the generation of waste, increase recycling and slow the filling of local and regional landfills, in accord with the California Integrated Waste Management Act of 1989.

Implementing Policy

4.h-I-1 Implement measures specified in the City's *Source Reduction and Recycling Element* and the City's *Household Hazardous Waste Element*.

Detailed measures to implement the City's policies are outlined in these two elements and are not repeated in the General Plan.

i. Hazardous Waste

Guiding Principle

4.i-G-1 Ensure that off-site hazardous waste management facilities are safely located to maintain the quality of life in the community.

An off-site hazardous waste management or treatment facility is one which manages, stores, treats or processes hazardous waste. It serves more than one producer of hazardous waste, as opposed to an on-site facility, which serves only the hazardous waste needs of the company with which it is affiliated.

Implementing Policies

4.i-I-1 Review proposals for hazardous waste management facilities for conformance with the goals, policies, siting criteria, implementation methods, mitigating measures and other applicable information and recommendations contained in the Santa Clara County Hazardous Waste Management Plan.

4.i-I-2 Limit off-site hazardous waste management facilities to those that process the types of waste generated in the City, and limit the capacity of these facilities based on the “fair share” provisions of the Santa Clara County Hazardous Waste Management Plan.

4.i-I-3 Given the highly urbanized development of Milpitas, it is not appropriate for hazardous waste residual repositories to be located within the city, and none shall be permitted.

Hazardous waste residual repositories are specifically restricted to receiving residuals from hazardous waste treatment facilities; residuals are materials which are left over after treating hazardous waste

Purpose

State law requires "... safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, ... dam failure; slope instability leading to mudslides and landslides, subsidence, liquefaction and other seismic hazards identified pursuant to Chapter 7.8 of the Public Resources Code and other geologic hazards known to the legislative body; flooding; and wild land and urban fires... "

Relationship to Other Elements

Issues related to the storage, handling and transportation of hazardous goods are addressed in Section 4.8: Waste Management and Recycling.

5.1 Seismic and Geologic Hazards

The Hillside Area is located in the foothills of the Diablo Range and consists of a series of parallel hills and valleys oriented generally northwest/southeast. The rounded hills in the western portion of the Hillside Area form a band about one mile wide with a maximum elevation of about 1,270 feet. Spring Valley, in the central portion of the Area, is roughly one-quarter mile wide and two and a half miles long. The central portion of the valley is relatively flat and has an elevation of about 600 feet. Along the eastern boundary of the Hillside Area rise the steep western slopes of Los Buellis Hills, where the elevation ranges from roughly 800 feet to 2,337 feet at Monument Peak in the north.

Background information in this section is extracted from *Geotechnical Hazards Evaluation, City of Milpitas* (1987). The report is based on compilation of published geologic and soils maps, data from unpublished geotechnical reports, and interpretation of stereoscopic aerial photographs. No new field mapping was performed for the study. Figure 5-1 summarizes geotechnical hazards in the Planning Area.

Hillside Area

Most of the Hillside Area is underlain by relatively hard, shallow, fractured bedrock. Softer bedrock underlies the western margin of the Hillside Area. Most of the ridges are mantled by thin residual soil which forms in-place as the bedrock weathers. The slopes and small valleys are blanketed by organic-material rich colluvial soil, which has moved downslope and accumulated on lower slopes and in canyon bottoms.

LANDSLIDES

Many large landslide deposits are present in the foothills. Although the largest landslides are tens of thousands of years old, portions of many of the landslides have reactivated. Large, deep landslides generally involve unstable bedrock as well as soil. These slides can be deeper than 100 feet. Small, shallow landslides generally involve only soil and weathered bedrock. Some of the steep slopes in the hills are susceptible to recurring debris flows, which are shallow, rapid landslides that often travel many hundreds of feet and impact areas well below the unstable hillsides on which they originate.

Unstable soils on slopes are mapped in Figure 5-1.

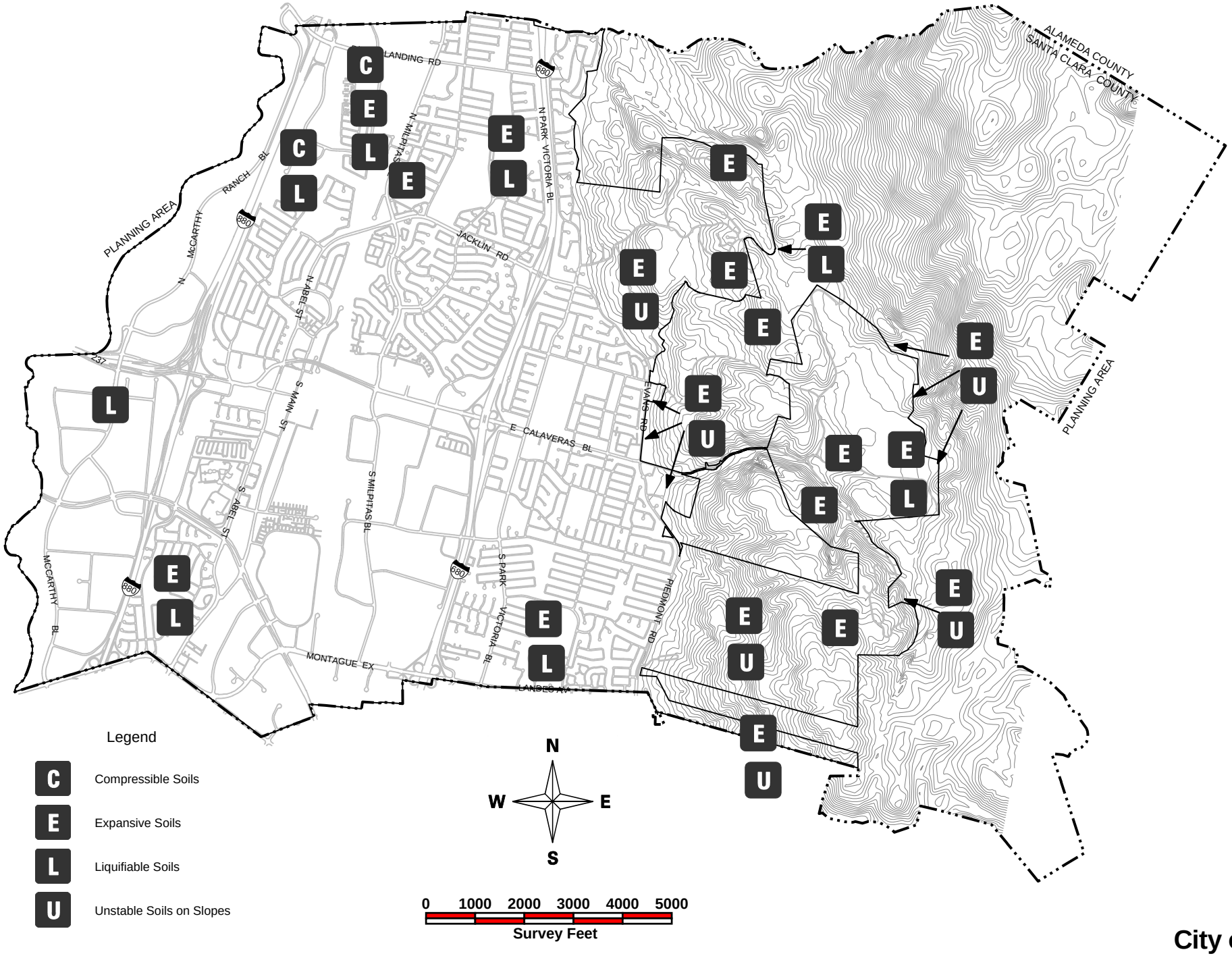
GEOLOGY AND SOILS

All of the bedrock formations produce colluvial soil, which may be as thick as 15 feet in valley bottoms. Sandstone and shale of Cretaceous age underlies the west-central portion of the Hillside Area west of Spring Valley. Much of the shale is highly susceptible to landsliding. Residual soils are generally silty and sandy clay, less than 2 feet thick, and highly expansive.

Figure 5-1 Geotechnical Hazards (~~11 x 17~~8x11)

Source: Geotechnical Hazards Evaluation, City of Milpitas, 1987

Geotechnical Hazards
Figure 5-1



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The Monterey Shale of Miocene age underlies the central portion of the foothills west of Spring Valley. Unweathered bedrock may be difficult to excavate. Residual soils are generally clayey, less than two feet thick, and highly expansive.

The Briones Sandstone of upper Miocene age underlies the eastern portion of the foothills west of Spring Valley. The formation includes siltstone as well as sandstone and is locally fossiliferous. Fossiliferous beds may also be difficult to excavate. Residual soils are generally clayey, less than two feet thick, and expansive.

The Orinda Formation of Pliocene age underlies the foothills around Spring Valley and includes conglomerate, sandstone, siltstone, and claystone. The Orinda Formation, especially the claystone, is highly susceptible to landsliding. The conglomerates may be difficult to excavate. The residual soils are generally silty clay, four to six feet thick, and highly expansive.

The Santa Clara Formation of Plio-Pleistocene age underlies the western margin of the foothills. It consists of soft conglomerate sandstone, siltstone, and claystone that weather rapidly and are highly erodible and highly susceptible to landsliding. Residual soils are generally clayey, five to six feet thick, and highly expansive.

Valley Floor

The relatively flat, urbanized Valley Floor is underlain by alluvial soil of Quaternary age. This soil consists of interlayered, poorly sorted gravel, sand, silt, and clay deposited by water. The thickness of the alluvial soil increases westward from zero at the base of the hills to 1,000 feet or more at the western edge of the City.

The alluvial soil in Milpitas was deposited in and adjacent to stream channels, in low-lying basins between streams, and on the floor of the Bay when the shoreline was east of its present position. The composition and consistency of alluvial soils varies laterally and vertically over small distances and depths.

Most of the alluvial soil in Milpitas is expansive and susceptible to liquefaction, and alluvial areas along creeks may be susceptible to lateral spreading. Local areas have compressible soils, poorly drained soils, shallow ground water, or are susceptible to lateral spreading. Because soil composition varies vertically as well as laterally, several soil types may underlie a particular site.

Faulting and Seismicity

The Hayward fault trends northwestward through the western portion of the Milpitas foothills (see Figure 5-2). The Calaveras fault trends northwestward through Calaveras Reservoir, approximately 1-1/2 miles northeast of the eastern edge of the City. The San Andreas fault trends northwestward through the Santa Cruz Mountains approximately 13 miles southwest of Milpitas. All of these faults are active and have produced damaging earthquakes in the historic past. Other active and potentially active faults are present in the Bay Area and may produce earthquakes of significance to Milpitas.

Earthquake hazards consist of hazards produced by surface fault rupture, and hazards produced by ground shaking. Only the Hayward fault zone is located within Milpitas and capable of producing surface fault rupture in the City. Large earthquakes on the Hayward, Calaveras, and San Andreas faults could produce ground shaking sufficient to cause extensive damage in Milpitas. Large earthquakes on other faults may also produce significant ground shaking in the City. Table 5-1 lists each of the three major active faults, its closest approach to the City of Milpitas, and the Richter magnitude of the maximum credible earthquake it might generate.

Table 5-1

Distance to Major Active Faults

Fault	Distance To Nearest Part Of Milpitas (Miles)	Maximum Credible Earthquake (Richter Magnitude)
Hayward	runs through Milpitas	7.7
Calaveras	1-1/2	7.7
San Andreas	13	8.3

Source: *Geotechnical Hazards Evaluation*, City of Milpitas, 1987

Surface Fault Rupture. As previously stated, the Hayward fault zone passes through the western part of the Milpitas Hillside Area. The fault zone extends from San Pablo Bay to San Jose. In 1836 and 1868 the Hayward fault produced earthquakes with estimated Richter magnitudes of 7.0 and 6.9. The surface rupture of the 1868 earthquake extended from San Leandro to the Warm Springs district of Fremont, a distance of about 29 miles. Portions of the Hayward fault exhibit slow, relatively continuous surface fault creep not associated with earthquakes. The Hayward fault is not known to be creeping in Milpitas.

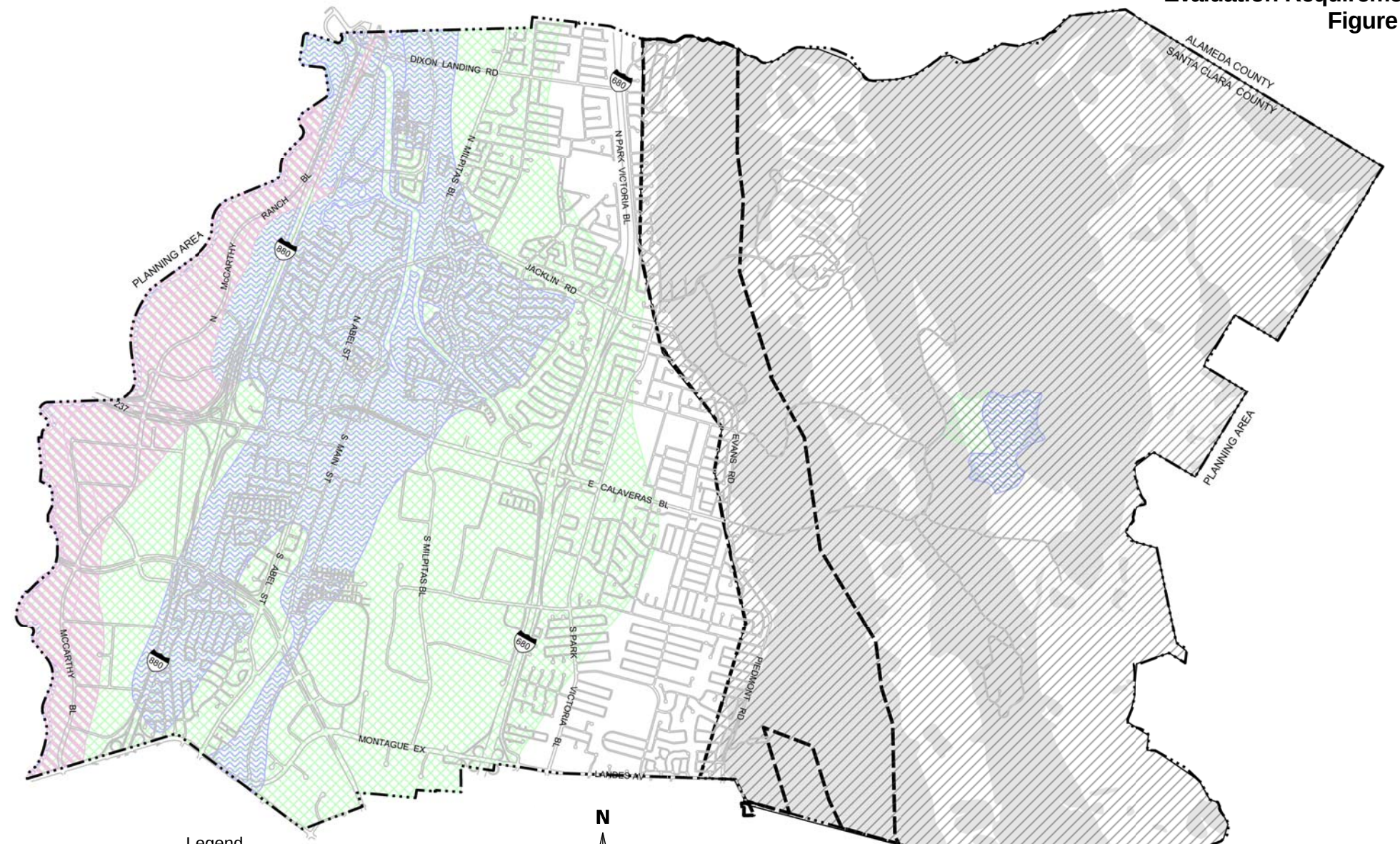
Ground Shaking. The intensely of ground shaking depends on factors such as earthquake magnitude, distance to the causative fault, depth to bedrock, physical characteristics of underlying soil and bedrock, and local topography. Maximum bedrock accelerations for the Milpitas area are expected to exceed 0.5g, half the acceleration of gravity. Maximum earthquake intensities expected in the City for large earthquakes on the Hayward fault range from "very violent" to "very strong". Earthquake hazards produced by ground shaking include damage to structures, and secondary ground failures.

Ground shaking that accompanied the 1868 earthquake on the Hayward fault and the 1906 earthquake on the San Andreas fault caused ground failures along Coyote Creek in Milpitas. Modes of ground failure included ground settlement, lateral spreading, and failures of stream banks. Large historic earthquakes have also produced landslides on hillsides in the region.

Figure 5-2 Seismic and Geotechnical Evaluation Requirements (~~11 x 17~~8x11)

Source: California Geological Survey, 2005 and Santa Clara County Planning Department

Seismic and Geotechnical Evaluation Requirements
Figure 5-2



Legend

- Geotechnical Studies required prior to project approval
- Liquefaction - Very Highly Prone
- Liquefaction - Highly Prone
- Liquefaction - Prone
- Alquist Priolo Zone
- Landslide Hazard

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Alquist-Priolo Special Studies Zone. The Alquist-Priolo Special Studies Zone Act went into effect in 1973 and has been amended several times since. The purpose of the Act is to prohibit the location of most structures for human occupancy across the traces of active faults and to thereby mitigate the hazard of fault rupture. Under the Act, the state Division of Mines and Geology is required to delineate Special Studies Zones along active faults in California, and jurisdictions containing these zones must then regulate certain types of development within the zones.

Figure 5-2 shows the state-defined Special Studies Zone for Milpitas and requirements for undertaking studies prior to development.

5.2 Drainage, Flooding and Dam Inundation

Drainage

The Planning Area extends northeastward from Coyote Creek near the Bay into the Diablo Range. The base of the foothills of the Range trends northwestward and marks the northeastern edge of the urbanized part of the Planning Area. Near the eastern City limit, the rolling foothills are interrupted by a broad, northwest tending intermontane valley known as Spring Valley. Elevations in the Planning Area range from sea level near Coyote Creek to approximately 2,400 feet in the northeastern corner, near Monument Peak. Natural slope gradients range from nearly level near the Bay to approximately 1.5:1 (horizontal to vertical) on the steeper hillsides.

Drainage in Milpitas is generally westward. Six intermittent streams (Scott, Calera, Tularcitos, Piedmont, and Berryessa creeks, and Arroyo de los Coches) flow out of the foothills and across the flatlands. In the western part of the City, Lower Penetencia and Coyote creeks carry water from these streams northward into the Bay. The perennial Coyote Creek originates approximately 30 miles southeast of Milpitas. Most of the intermittent streams have been channelized through the Valley Floor.

In the Valley Floor, water seeps into unlined streambeds and recharges the ground water supply. In some parts of the flatlands, the ground water table is near the ground surface during the rainy season.

Storm Water Collection and Disposal. The City collects and disposes its storm water via a storm drainage network consisting of catch basins, conveyance piping, pump stations, and outfalls to creeks. The City has 123 miles of storm pipe, 3,000 catch basins, approximately 4 miles of drainage ditches and creeks, and storm water pump stations. Storm water collection efforts are guided by the Floodplain Management Plan, which is a compilation of different management sources, and is designed to be a flexible and growing instrument.

Flooding

Milpitas is located within the East Zone of the Flood Control benefit Assessment District, the proceeds of which go to the Santa Clara Valley Water District to provide maintenance and an increased level of flood protection by accelerating construction projects throughout the County, some of which are in Milpitas.

About half of the Planning Area Valley Floor lies within one of the Special Flood Hazard Areas (see Figure 5-3). Almost all land west of the Southern Pacific Railroad lies within the 100-year Flood Zone and all land west of Highway 680 is part of the 500-year Flood Zone.

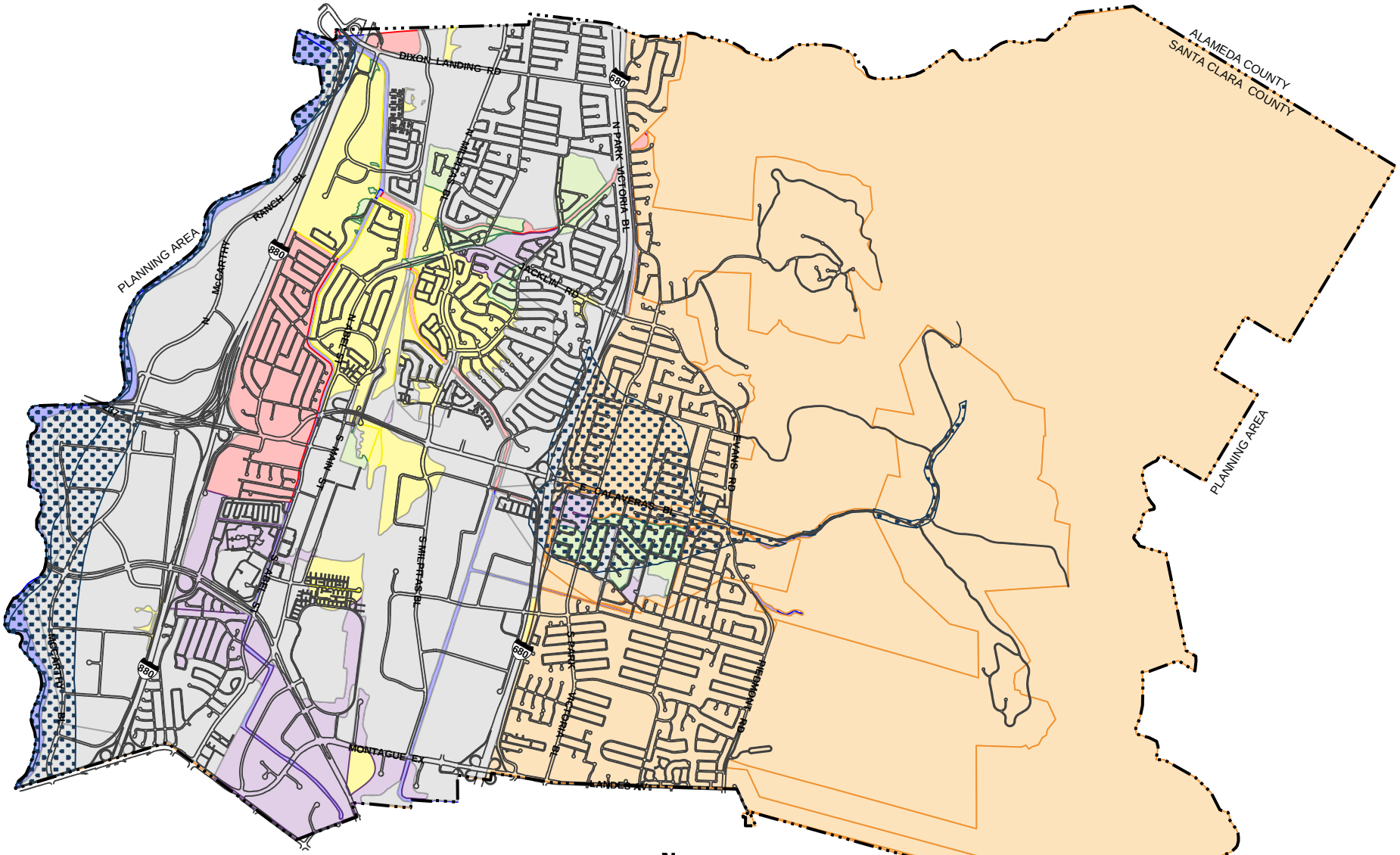
Flood control in the Planning Area is provided by a variety of federal, state, and local agencies. The general purposes of these agencies are to identify potential flood issues and

Figure 5-3 Flooding and Dam Inundation (11 x 17)

Source: FEMA 2009 and Santa Clara County Planning Department

Flooding and Dam Inundation

Figure 5-3



Legend

- Dam Inundation
- Zone X (Other Flood Area) - 0.2% annual chance of flooding
- Zone X (Other Areas) - 0.2 annual chance of flooding.
- Zone D - Not analyzed for flooding hazards. Possible but undetermined.
- Zone AO - Shallow flooding; 1-3 ft usually as sheet flow from a stream flood.
- Zone AH - Shallow flooding; 1-3 ft. usually as ponding areas.
- Zone AE - Areas which base flood elevations have been determined.
- Zone A - Areas for which no base flood elevation has been determined.

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hazard areas, and devise preventative programs, policies, or structures to avoid or minimize flood destruction. Agencies besides the City that are responsible for flood control include:

U.S. Army Corps of Engineers (ACOE). The ACOE identifies the need for, and constructs major flood control facilities. The ACOE also develops flood and dam inundation maps and reports.

Federal Emergency Management Agency (FEMA). FEMA manages the National Flood Insurance Program, providing insurance to the public in communities which participate in the program. FEMA is the main federal government agency contact during natural disasters and is a regulating agency for water quality control. FEMA publishes the Federal Insurance Rating Maps (FIRM), which identifies the extent of flood potential in flood prone communities. FIRMs are based on a 100-year flood (or base flood) event.

Federal Insurance Administration. The Federal Insurance Administration is the primary agency which delineates potential flood hazard areas and floodways through the FIRMs and the Flood Boundary and Floodway Map.

Dam Inundation

State law requires local governments to assess the potential impacts that dam failures may have on their jurisdiction. According to the state Office of Emergency Services for Santa Clara County, parts of the City along the Calaveras Road area east of I-680 could be inundated by failure of the 38-foot high Sandy Wool Lake Dam, located in Ed Levine Park (see Figure 5-3). The area could be inundated in as soon as 15 minutes from the time of dam failure, affecting a population of about 4,900. The Office of Emergency Services maintains an evacuation plan in the unlikely event that a failure of the dam were to occur.

5.3 Fire Safety

Milpitas Fire Department

The Milpitas Fire Department (MFD) provides fire protection services for the 13.2 square-mile incorporated portion of the Planning Area. The City maintains mutual aid agreements with the area municipal and County fire departments through the Santa Clara County Local Mutual Aid Plan, and also with the California Department of Forestry and Fire Protection. The City is also party to the statewide mutual aid agreement.

The average response time to code 3 emergencies in the City was about ~~3.7~~4.2 minutes during ~~1992-93~~2010/2011. The City's Insurance Services Office (ISO) rating is 3 on a scale of 1 to 10 (with 1 being the best).

Stations. The City staffs and operates four stations: on Curtis Avenue, Yosemite Drive, Midwick Drive, and Barber Lane. While expansion of facilities and seismic upgrading at some stations is being planned, there are no plans to add new stations[1].

Wildland Fires

During summer, and in prolonged periods without rainfall, grasses, trees and other vegetation in the Planning Area become extremely dry and act as potential fuel for fires. The grasses on the hillsides are light fuel vegetation, which in the event of a fire burn quickly. Fire protection for the hillsides is primarily provided by the California Department of Forestry and the Spring Valley voluntary Fire Department. The City provides assistance for the hillside as needed on the basis of a mutual agreement.

Weed Abatement Program. The MFD maintains a weed abatement program. Each year, between May and August, department personnel survey non-developed properties in the City and notify owners of the need to remove vegetation and trash.

[1] Milpitas Fire Department, September 1993.

5.4 Emergency Management

See also section 5.2 for emergencies related to dam inundation.

The City maintains an emergency plan to deal with natural or man-made disasters. The objectives of the Plan are to prepare for and facilitate coordinated and effective responses to emergencies within the City and to provide assistance to other jurisdictions as needed. The Plan specifies actions for the coordination of operations, management and resources, and responsibilities of the different departments and governmental agencies during emergency events. Evacuation routes are to be determined as appropriate depending on the nature of the emergency.

The City Manger serves as the Director of Emergency Services; a state of emergency can be declared by the Director or the City Council. The City Emergency Operating Center is located in the City Police Station, 1275 North Milpitas Boulevard.

The California Mutual Aid Agreement calls for a shared response to an emergency from adjacent or area jurisdictions when an affected jurisdiction cannot provide service by itself. Disaster assistance from federal agencies is also available when needed to supplement, but not substitute, local civil operations.

Hazardous Materials Spill. In the event of a hazardous materials emergency several agencies are responsible for timely response, depending on the extent, and type of the incident. The Santa Clara County Hazardous Materials Response Team composed of representatives of the Santa Clara County Fire Department, California Department of Forestry, and member cities responds to large scale, emergency hazardous material incidents within the Planning Area. The Milpitas Fire Department is responsible for non-emergency hazardous materials reports within the City. If and when these non-emergency incidents become a threat to groundwater supplies, the Regional Water Quality Control Board takes control of the case. The Fire Department also monitors above ground and underground storage tanks and combustible and flammable liquids for leaks and spills.

5.5 Seismic/Safety Principles and Policies

a. Seismic and Geologic Hazards

Guiding Principle

5.a-G-1 Minimize threat to life and property from seismic and geologic hazards.

Implementing Policies

5.a-I-1 Require all projects within the Alquist-Priolo Special Studies Zone to have geologic investigations performed to determine the locations of active fault traces before structures for human occupancy are built.

5.a-I-2 Require applications of all projects in the Hillside Area and the Special Studies Zone to be accompanied by geotechnical reports ensuring safety from seismic and geologic hazards.

5.a-I-3 Require projects to comply with the guidelines prescribed in the City's *Geotechnical Hazards Evaluation* manual.

~~*Generalized geotechnical hazards in the City are mapped in Figure 5-2. However all projects should consult the detailed maps produced in 1987 and available with the City.*~~

b. Drainage and Flooding

Guiding Principle

5.b-G-1 Minimize threat to life and property from flooding and dam inundation.

Implementing Policies

5.b-I-1 Ensure that new construction or substantial improvements to any existing structure result in adequate protection from flood hazards. This includes ensuring that:

- New residential development within the 100-year Flood Zone locate the lowest floor, including basement, above the base flood elevation; and
- New non-residential development locate the lowest floor, including basement, above the base flood elevation or incorporate flood-proofing and structural requirements as spelled out in the Municipal Code.

Criteria for protection from the 100-year flood hazard is spelled out in Title XI Chapter 15 of the Municipal Code.

5.b-I-2 Require all structures located within the 100-year Flood Zone to provide proof of flood insurance at the time of sale or transfer of title.

5.b-I-3 Ensure that encroachment into designated floodways does not result in any increase in flooding hazards.

5.b-I-4 Continue working with the Office of Emergency Services to update and maintain the Sandy Wool Lake Dam failure evacuation plan.

~~*The Plan, which includes addresses and phone numbers, was last updated in 1977.*~~

5.b-I-5 Seek construction of flood control channels to withstand 100-year floods along Coyote, Penitencia, Berryessa, Scott, Calera, and Los Coches creeks.

c. Fire Safety

Guiding Principle

5.c-G-1 Provide high quality, effective and efficient fire protection services for the Milpitas area residents.

Implementing Policies

5.c-I-1 Maintain a response time of four minutes or less for all urban service areas.

5.c-I-2 Maintain mutual aid agreements with other agencies in the County.

5.c-I-3 Require automatic fire sprinklers for all new development in the Hillside Area that is not within 1.5 miles of an existing or planned fire station, and fire-resistive construction and compliance with California high-rise building requirement for buildings over three stories in height.

d. Emergency Management

Guiding Principle

5.d-G-1 Use the City's Emergency Management Plan as the guide for emergency management in the Planning Area.

Implementing Policies

5.d-I-1 Maintain and upgrade the Emergency Management Plan as necessary.

5.d-I-2 Design critical public facilities to remain operational during emergencies.

~~*These facilities include police and fire stations, and schools. According to the City's Fire Department, seismic upgrade of some fire stations is necessary for them to withstand the maximum credible earthquake in Milpitas.*~~

Purpose

Noise is “unwanted sound” and is known to have several adverse effects on people. The known effects include hearing loss (not generally a factor with community noise), communication interference, sleep interference, physiological responses and annoyance. The Noise Element provides an understanding of existing and future noise conditions in the Planning Area, establishes a basis for evaluating potential noise level impacts on future development, and includes policy statements to guide public and private planning to attain and maintain acceptable noise levels. Implementation of the Noise Element will promote a comprehensive and long range program of achieving acceptable noise levels throughout the Planning Area. Quantitative information in the Element includes maps showing present and future noise levels.

Relationship to Other Elements

Traffic is one of the major Planning Area noise sources, and noise contours are based on existing and projected traffic volumes on the planned street system. As projected traffic volumes are directly related to planned land uses, the Noise Element is also closely related to the Land Use Element.

6.1 Noise Measurement and Compatibility Standards

Noise Measurement

For planning purposes, a weighted scale is used to describe environmental noise at any one particular time; however, community noise levels vary continuously. In order to account for the time-varying characteristics of noise, all of the individual noise readings must be averaged over a 24-hour period to give an equivalent level. This equivalent noise level, expressed as Day-Night Noise Level (DNL or Ldn) or Community Noise Equivalent Level (CNEL, normally within 0.5 dB of the DNL value) can then be plotted on a map to illustrate average noise levels throughout the community. The DNL used in this Element represents a sound level that is equivalent to the total varying sound levels that occur over a 24 -hour period **plus** a 10 decibel (dB) penalty for nighttime noise (i.e. between 10 PM and 7 AM).

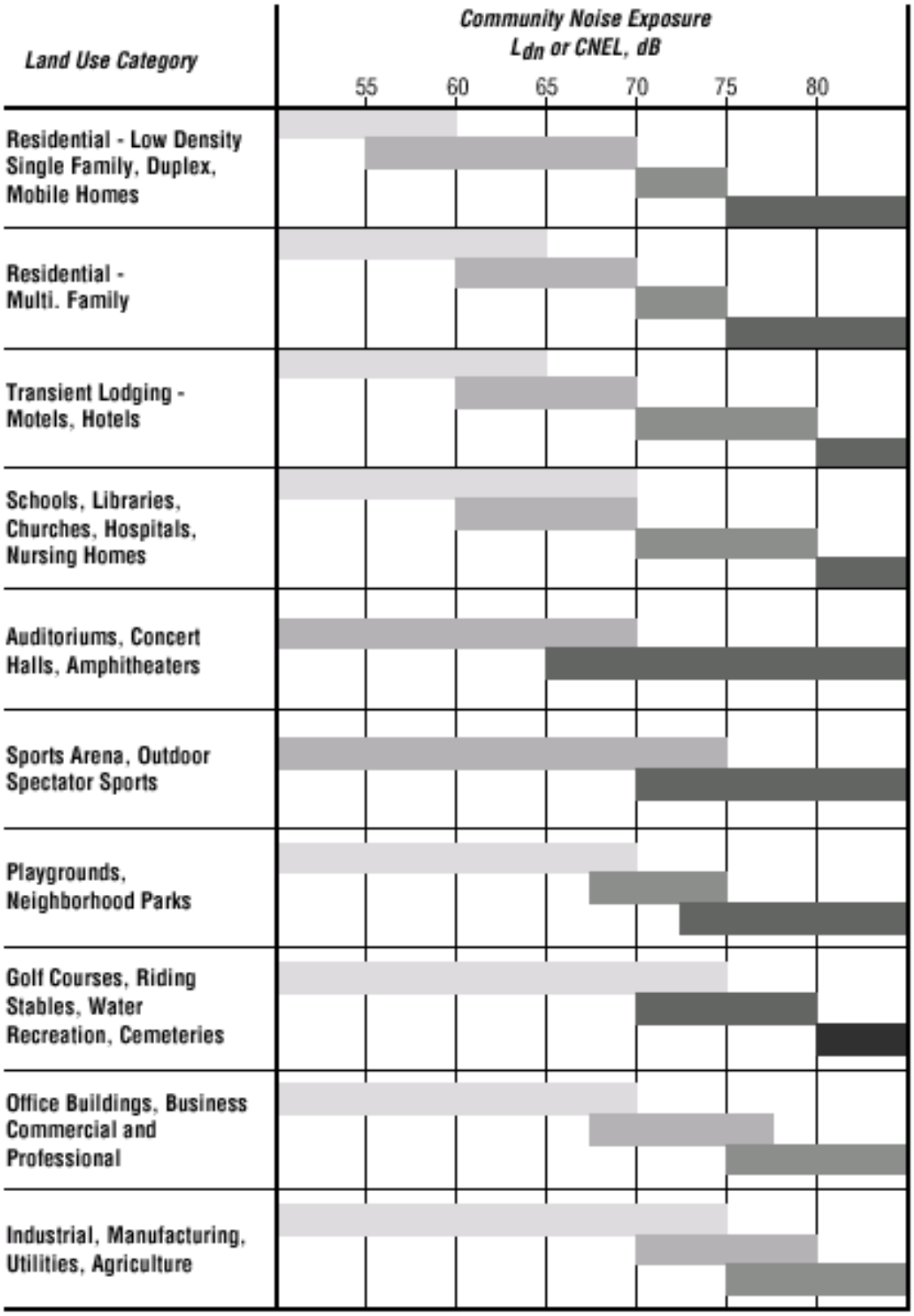
In establishing noise contours for land use planning, it is customary to ignore the noise attenuation afforded by man-made structures, roadway elevations, and depressions, and to minimize the barrier effects of natural terrain features. Thus, noise contours provide a conservative estimate of the future noise environment. The purpose of the contours is to identify the potential need for more detailed acoustical analyses, not to precisely predict noise levels. It is preferable to overestimate the potential noise at a future sensitive development site, rather than underestimate the noise environment and allow for potentially incompatible land use development. Man-made barriers, such as buildings, may be removed as a part of development, thereby providing no future noise attenuation.

Noise Compatibility Standards

Based on the known effects of noise, criteria have been established to help protect public health and safety and prevent disruption of certain human activities. The City's noise compatibility standards are derived from guidelines published by the California Office of Planning and Research, and are shown in Table 6-1. They match different land uses with an appropriate range of noise levels. These standards should be used in conjunction with noise exposure contours shown on the noise map (Figures 6-1 Existing Noise, and 6-2, Future Noise) to determine where noise levels exceed the "normally acceptable" range and an acoustic report and noise mitigation is required for development projects.

Throwpage for Table 6-1

Table 6-1



INTERPRETATION:

Normally Acceptable
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally Unacceptable
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable
New construction or development should generally not be undertaken.

6.2 Existing and Projected Noise

A community noise survey was conducted for the General Plan to document noise exposure in areas containing noise sensitive land uses, such as residential areas, parks and schools. Noise monitoring sites were selected to be representative of typical conditions in the Planning Area. Details of survey are in Appendix C of the Plan.

Noise Contours

In addition to the noise survey, noise contour maps were produced for the Planning Area. A "noise contour map" shows as closed lines those linear bands subject to similar average noise levels. Figure 6-1 shows existing noise levels in the Planning Area, based on noise studies conducted in 1988. The noise survey conducted for the General Plan in November and December 1993 confirms that current (1993-94) noise levels have not changed substantially since 1988. Figure 6-2 depicts projected 2010 noise levels (based on projected traffic volumes). The noise levels in these maps are expressed in DNL.

Contours along roadways represent the predicted noise level and do not reflect the mitigating effects of noise barriers, structures, topography, or vegetation. Because intervening structures, topography, and vegetation may significantly affect noise exposure at a particular location, the noise contours should not be considered site-specific, but rather are guides to determine when detailed acoustic analysis should be undertaken.

Principal Noise Sources in the Planning Area

Traffic and the railroads are the principal noise sources in the Planning Area. Sporadic noise from aircraft and construction-related activities also contributes to the noise environment in the Planning Area. Further detail on the existing noise environment in the Planning Area is included in Appendix C.

Figure 6-1: Existing Noise

Existing Noise
Figure 6-1

Year 1988 Noise Contours

- 60 dbL
- 65 dbL
- 70 dbL
- 75 dbL
- 80 dbL
- Barrier/depressed roadway

Source: Charles M. Salter Associates, Inc., 1994

10 acres

0 1000' 2600' 1 MILE

City of Milpitas
GENERAL PLAN

Figure 6-2: Future Noise (backside)

Future Noise
Figure 6-2

SPHERE OF INFLUENCE
PLANNING AREA
PLANNING AREA
Ed Levin County Park
Sandy Wool Lake
Elmwood Rehabilitation Center
Monument Peak 2594'
Calaveras Creek
Los Esteros Creek
Berryessa Creek
Scott Creek
Yellow Creek
Cedar Creek
Cherry Creek
Hillcrest Creek
Milpitas Creek
Tularcitos Creek
Penitencia Creek
Coyote Creek
Calaveras Blvd
Jacklin Rd
Dixon Landing Rd
Milmont Dr
Weller Rd
Marsh Rd
Alder Dr
Yellow Creek Dr
Cherry Creek Dr
Hillcrest Dr
Milpitas Creek Dr
Tularcitos Dr
Penitencia Creek Dr
Coyote Creek Dr
Calaveras Dr
Los Esteros Dr
Berryessa Dr
Cedar Dr
Hillcrest Rd
Milpitas Blvd
Abel St
Jacklin Rd
Dixon Landing Rd
Milmont Dr
Weller Rd
Marsh Rd
Alder Dr
Yellow Creek Dr
Cherry Creek Dr
Hillcrest Dr
Milpitas Creek Dr
Tularcitos Dr
Penitencia Creek Dr
Coyote Creek Dr
Calaveras Dr
Los Esteros Dr
Berryessa Dr
Cedar Dr
Hillcrest Rd
Milpitas Blvd
Abel St
Calaveras Blvd

6.3 Noise Mitigation

The preferred method of mitigating noise is controlling it at source and separating sensitive receptors and noise sources. Mitigation measures generally fall into two general categories: physical and regulatory. Physical measures include enclosing the noise source, substitution of a quieter noise source, or use of a noise barrier. Regulatory measures, on the other hand, reduce noise exposure by limiting operation of the noise source or by regulating locations where it may be used. Generally, physical measures reduce the level of noise produced, whereas regulatory measures limit the duration of the noise, thereby reducing noise exposure.

Physical mitigation measures for traffic noise are construction of sound walls along noise-sensitive areas, use of earth berms and revetments, and routing of new roads to circumvent noise-sensitive areas. Administrative regulation of traffic noise includes restricting truck access routes, enforcement of speed limits, and enforcement of state vehicle noise emission standards.

For new construction, noise control should be incorporated into the design of projects. Specific recommendations depend upon the type of construction, character of the noise exposure, and degree of noise reduction required for interior and outdoor areas.

6.4 Noise Principles and Policies

Guiding Principles

6-G-1 Maintain land use compatibility with noise levels similar to those set by State guidelines.

6-G-2 Minimize unnecessary, annoying, or injurious noise.

Implementing Policies

Uses and Standards

6-I-1 Use the guidelines in Table 6-1 (Noise and Land Use Compatibility) as review criteria for development projects.

6-I-2 Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.

6-I-3 Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.

6-I-4 Where actual or projected rear yard and exterior common open space noise exposure exceeds the “normally acceptable” levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.

6-I-5 All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.

6-I-6	Assist in enforcing compliance with noise emissions standards for all types of vehicles, established by the California Vehicle Code and by federal regulations, through coordination with the Milpitas Police Department, Santa Clara County Sheriff's Department, and the California Highway Patrol.	*The most efficient and effective means of controlling noise from transportation systems is reducing noise at the source. However, the City has little direct control over transportation source noise levels because of sate and federal preemption (e.g. State Motor Vehicle Noise Standards). Therefore, requiring compliance with State and federal agency standards is the best approach.*
6-I-7	Avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive.	

Noise Monitoring and Updating

6-I-8	Biennially monitor 24-hour noise exposure at two locations, and shorter-duration exposure at six additional locations in the Planning Area.
6-I-9	Enforce the provisions of the City of Milpitas Noise Ordinance and the use of established truck routes.

Methods of Attenuation

6-I-10	Reduce the noise impact in existing residential areas where feasible. Noise mitigation measures should be implemented with the cost shared by public and private agencies and individuals.
6-I-11	Minimize noise impacts on neighbors caused by commercial and industrial projects.

6-I-12 New noise-producing facilities introduced near sensitive land uses which may increase noise levels in excess of "acceptable" levels will be evaluated for impact prior to approval; adequate mitigation at the noise source will be required to protect noise-sensitive land uses.

6-I-13 Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.

6-I-14 City streets will be designed to reduce noise levels to adjacent areas. This is most effectively implemented through traffic engineering to prevent residential streets from becoming rush-hour thoroughfares, and through enforcement of speed limits. Physical mitigation measures, such as sound walls, will also be considered, where appropriate.

6-I-15 Promote installation of noise barriers along highways and the railroad corridor where substantial land uses of high sensitivity are impacted by unacceptable noise levels.

Coordination with Other Agencies

6-I-16 Work with Caltrans and other agencies on traffic and railroad noise issues and participate in appropriate noise mitigation programs.

7.1 HOUSING ELEMENT EXECUTIVE SUMMARY

A. Introduction

The 2002 Milpitas Housing Element is the basis for the current Housing Element update. All sections in the 2002 Housing Element have been reviewed and updated. Since the last Housing Element, there have been changes in State law. These changes affect a number of sections in the Housing element. Secondly, the City of Milpitas has adopted two specific plans (Midtown and Transit Areas) that include increased densities, promotion of in-fill development, and transit use, a goal promoted by the State Department of Housing and Community Development (HCD).

An important section of the Housing Element is an inventory of sites for future housing development. This inventory must demonstrate that the city has identified a sufficient number of development sites to accommodate the City's share of the regional housing need, as determined by the Association of Bay Area Governments (ABAG). Out of a total of 2,487 units assigned to Milpitas by ABAG, 6,274 units had already been constructed, were under construction, were approved, or were planned as of 2009. While the total number of these units exceeds the number assigned to Milpitas by ABAG, the number of affordable units is less than half of the total assigned. Thus, the City is still required to identify additional sites to meet these affordable housing needs. Table ES-1 presents information on the regional housing needs allocated to Milpitas.

Table ES.1: Milpitas Regional Housing Needs Allocation by Income, 2007-2014

	Very Low	Low	Moderate	Above Moderate	Total
City of Milpitas	689	421	441	936	2,487
Percentage Distribution	27.7%	16.9%	17.7%	37.6%	100.0%

Source: Association of Bay Area Governments (ABAG), *Regional Housing Needs 2007-2014 Allocation.*

B. Update Process

Research to update the revised housing element commenced in 2008. At that time, the housing market already showed signs of the national economic downturn that intensified in 2009. Although the Housing Element period is officially 2009-2014, housing units that were constructed since January 2007 can be counted towards meeting the City's share of regional housing need.

Community meetings and public hearings were conducted in Fall 2008. Information on the Housing Element Update process was provided on the City's website. The Planning Commission and City Council held public hearings in May and June 2009. The City submitted the approved draft Housing Element to HCD in December 2009. The Final Housing Element to be adopted by Milpitas incorporates the review comments provided by HCD to Milpitas in fall 2009 and winter 2010.

A Negative Declaration was prepared and circulated to the appropriate state and local agencies in May 2009. The City did not receive any comments and has concluded that no additional environmental assessment is required.

C. Needs Assessment

The housing needs assessment is a description of demographic, economic, and housing conditions in Milpitas. Its purpose is to document the demand for housing that is needed to serve all segments of the community. This assessment is intended to assist Milpitas in formulating policies and programs to address local housing needs. Key findings from this assessment are presented below.

Population, Employment and Income

Since 2000, the population of Milpitas has increased by about 13 percent and is estimated at 70,817 residents in 2009. The number of households has also increased by a similar percentage. The average household size in Milpitas is estimated at 3.5 persons, which is higher than Santa Clara County's average of 2.9 persons per household. It should be noted that average household size in Milpitas is trending down with the increase in new multifamily units.

Employment has also increased and is projected by ABAG to continue to increase. Between 2005 and 2015, ABAG projected that the number of jobs would grow by over 10 percent. Finally, while incomes have risen since 2000, incomes *adjusted* for inflation have dropped between 2000 and the present.

Housing Costs

Housing Prices and rents have increased since the last Housing Element.

Single-family home prices rose 60 percent between 2001 and 2006, reaching a peak average price of $768,912, but then fell with the onset of the housing downturn. Average prices in 2008 were 25 percent below their peak in 2006, with a, 21-percent drop in home prices recorded between May 2007 and May 2008.

The City's condominium market has been less volatile during the recent housing market downturn. Since peaking in 2005 at approximately $536,000, average prices for condominiums sold in the month of May 2008 dropped six percent, falling to $504,000 in 2008.

Rentals - Average rents in Milpitas have been steadily increasing between 2006 and 2008. After falling on an annual basis between 2001 and 2005, rents began to increase again in 2006 as the homeownership market started to suffer and rental options became more appealing. While rents have not yet reached 2001 levels, rents appear to be steadily increasing.

Housing Needs

The Housing Element identifies two types of housing needs. These include needs based on low incomes and special housing needs that are not addressed by market activity, for example, building more units designed for persons with disabilities.

The greatest housing need in Milpitas stems from low incomes.

A blight survey in targeted neighborhoods was conducted as part of the Housing Element update process. This survey indicated that, with some exceptions, the housing stock in Milpitas is sound.

D. Site Inventory

While the number of **market rate** housing units that are newly constructed, under construction, approved, and planned in Milpitas exceeds the number of units required by ABAG, the City is still required to identify additional housing sites that have sufficient density to be financially feasible as affordable or mixed-income housing development sites. The remaining goal for the site inventory is to demonstrate there are adequate sites on which to develop approximately 900 additional affordable units. Of the fourteen sites listed in the Housing Element, thirteen sites are zoned for multifamily housing and have the capacity to provide an additional 2,352 housing units. (See Table ES-2.) These sites are located in either the Midtown or the Transit Plan areas. Since new residential development is occurring near these sites, the City has concluded that these are viable sites for additional housing development.

Table ES.2: Summary of Potential Sites for Single and Multifamily Housing, City of Milpitas

Site Number	Total Parcels	Net Residential Acreage	Potential Units
Outside Plan Area			
1	1	4.85	33
Subtotal		**4.85**	**33**
Midtown Plan Area			
2	5	1.98	49
3	5	1.73	43
4	1	1.17	29
5	4	1.69	42
6	2	1.1	25
Subtotal		**7.67**	**188**
Transit Plan Area			
7	4	1.91	96
8	1	4.37	253
9	4	12.33	432
10	2	3.87	224
11	2	4.97	288
12	1	0.56	32
13	1	8.17	474
14	4	12.17	365
Subtotal		**48.35**	**2,164**
Total	**37**	**60.87**	**2,385**

E. Housing Constraints and Resources

A key component of the Housing Element is a description and analysis of government and non-government constraints to the preservation and provision of housing. In addition, the Housing Element provides a description of housing resources that can assist in the construction of affordable and special needs housing.

<u>Government Constraints</u>

Milpitas has worked systematically to address potential government constraints to housing production. The results of this work are reflected in the City's land use and development policies, infrastructure planning, and funding of affordable housing projects. Both the Midtown and Transit Area Plans have removed all government constraints that could affect density and development standards. The only potential remaining constraints are those that affect development of special needs housing, including homeless shelters, transitional and supportive housing, farmworker housing, and development of single room occupancy units (SRO's). Furthermore, while development fees have increased since the last Housing Element, this trend has not constrained development.

Non-Government Constraints

High development costs constitute the primary non-government constraint to the production of housing in Milpitas. In particular, land and construction costs increased the most since the last Housing Element. Financing costs are more reasonable than in prior periods. However, it is more difficult to obtain financing, as lenders have become increasingly concerned over mortgage defaults.

Housing Resources

The City is committed to supporting high quality residential development for all income groups. Milpitas has demonstrated this commitment through its land use policies, affordable housing requirement on new market rate housing, and the provision of loans and grants to subsidize affordable housing. The primary source of funds is the City's redevelopment housing set-aside fund. At present, housing set-aside funds are programmed to create an additional 265 units, of which over 60 percent will be affordable to low- and very low-income households. This is in addition to the 717 affordable units that received City assistance during the last Housing Element period.

F. Housing Plan

Based on the needs, resources, and constraints identified above, Milpitas has defined a Housing Plan for the 2009-2014 planning period. The City has established this Plan in consideration of its own local needs and priorities, as well as its obligations under State Housing Element Law. The Housing Plan includes major goals, related policies, programs, implementing agencies, funding sources, and time-frames for implementation. In some cases, programs are designed to accomplish specific goals, such as zoning ordinance changes. In other cases, programs provide ongoing services, such as the provision of fair housing services.

> Provide Adequate Sites for Housing Development in the City of Milpitas. The City of Milpitas will maintain adequate sites to accommodate its share of the regional housing need, including sites that would be appropriate for the development of housing affordable to very low-, low-, moderate- and above moderate-income households.
>
> Conserve Housing and Neighborhoods. The maintenance and improvement of the quality of life of existing neighborhoods is a high priority for the City of Milpitas. In addition, the City of Milpitas will strive to maintain and preserve existing housing resources, including both affordable and market rate units.

Promote New Housing Production. The City of Milpitas will take necessary steps to promote new housing development and remove public infrastructure constraints to new housing development.

Encourage Housing Diversity and Affordability. The City of Milpitas will use available resources to expand the number of new housing units affordable to extremely low-, very low-, low- and moderate-income households. In addition, the City of Milpitas strives to increase the range of housing opportunities for all residents, including those with special needs. Finally, in recognition of the diverse needs of Milpitas households, the City supports creativity in the design and development of housing projects.

Eliminate Housing Discrimination. Milpitas values diversity of its population and protection of housing rights for its citizens. The City will work to eliminate all unlawful discrimination in housing with respect to age, race, gender, sexual orientation, marital or familial status, ethnic background, medical condition, or other arbitrary factors, so that all residents can obtain decent housing throughout the City.

Promote Energy Conservation in Residential Development. The City of Milpitas will promote energy efficiency in residential development within the City, including reduction of energy use through better design and construction in individual homes, and also through energy efficient urban design.

Remove Government Constraints. Milpitas will continue to promote land use policies and development standards to facilitate housing production. During the last Housing Element Period, Milpitas made extensive changes to its Zoning Ordinance in order to provide high density, transit oriented development in its specific plan areas. Housing developed in these areas will continue to provide opportunities for affordable and workforce housing, will reduce the jobs housing imbalance in Milpitas, and promote the use of alternative means of transportation, such as transit.

Milpitas also supports the development of housing for the homeless and other special needs groups. The City will take necessary steps to remove government constraints to the development of affordable housing serving special needs populations.

G. Quantified Housing Objectives

Finally, consistent with the Housing Plan summarized above and the number of housing units assigned to Milpitas by ABAG (as part of its regional housing needs determination), Milpitas has established objectives for new construction, rehabilitation, and preservation of housing units for the period 2007-2014. (See Table ES.3.)

Table ES.3: Summary of Quantified Objectives, City of Milpitas (2007-2014)

	Construction	Rehabilitation	Conservation/ Preservation
Total Units	2,487	40	149
Extremely Low-Income	345	0	149
Very Low-Income	344	20	0
Low-Income	421	20	0
Moderate- Income	441	0	0
Above Moderate-Income	936	0	0

7.2 INTRODUCTION

A. Preparation of the Housing Element Update

In accordance with California State Law, California cities must have an adopted General Plan and the General Plan must contain a Housing Element. While all elements of a General Plan are reviewed and revised regularly to ensure that the plan remains current, state law requires that the Housing Element be updated every five years. State law also dictates the issues that the Housing Element must address and furthermore requires the element to be reviewed by the California Department of Housing and Community Development (HCD) to assure that it meets the minimum requirements established by Government Code §65580-65589.8. This process is commonly referred to as “certifying” the Housing Element.

The major requirement for the Housing Element is that it requires cities to plan to meet their existing and projected housing needs including their share of the regional housing need. The Association of Bay Area Governments (ABAG) recently completed the Regional Housing Needs Allocation (RHNA). As part of this process, ABAG worked with regional and local governments to develop a methodology for distributing the nine-county Bay Area's housing need (as determined by HCD) to all local governments in the region. Each city and county has received an allocation of housing units, broken down by income categories. Cities and counties must identify adequate sites zoned at adequate densities to meet this housing allocation, also referred to as the RHNA numbers. The planning period for this version of the Housing Element is 2009-2014. In response to the allocations, each city and county in the Bay Area will have to review, update and adopt its Housing Element by June 30, 2009.

The prior Milpitas Housing Element, certified by HCD in 2003, is the basis for the current Housing Element update. However, all sections in the 2003 Housing Element have been reviewed and updated for several reasons. First, since the last housing element, there have been changes in State law. These changes affect a number of sections in the housing element. For example, State law now requires much more detailed information about available housing sites, including identification of sites that can be used for special housing needs, for example, units targeted to extremely low-income households, the disabled, and the homeless. Also, there is more of an emphasis on energy conservation for new construction and rehabilitation.

Secondly, the City of Milpitas has undergone changes since the 2002 Housing Element. For example, a Transit Specific Plan has been adopted, and the Zoning Ordinance has been updated to reflect requirements of both the Midtown and the Transit Area Specific Plans. These changes include increased densities and reduced parking requirements. New policies adopted by the City represent the development approach encouraged by HCD, since they are helpful in promoting in-fill development and transit use. Thus, Milpitas is in a good position to comply with the latest Housing Element requirements.

B. Public Participation in the Housing Element Update

The City held two public meetings in November 2008. The first, held on November 6, 2008 was with housing professionals. The second meeting open to the general public was held on November 13, 2008. Both meetings were noticed on the City's website and in the local newspaper. In addition, the City created a lengthy list of housing professionals who were sent invitations to the November 6th meeting via email. A small group showed up at the housing professionals meeting, and a slightly larger group attended the public meeting. The purpose of these public meetings was to provide comments on housing policy to the Planning Department staff and consultant for consideration in the preparation of the preliminary draft Housing Element. Summary comments from these meetings are presented in Appendix A to the Housing Element.

At the public meeting, questionnaires were distributed to participants to learn more about housing needs, problems and possible strategies to address problems. Subsequently, this questionnaire was distributed electronically to the list of housing professionals.
In addition to these public meetings, information on the Housing Element Update was posted on the City's website. Residents were encouraged to contact the Planning & Neighborhood Services Department with comments and questions.

Background research was also conducted as part of the Housing Element preparation process. This background work included interviews with numerous staff from the City of Milpitas, the County of Santa Clara, and as well as staff at a variety of social service agencies and other interested organizations that serve the Milpitas community. The names of these organizations are presented in the Bibliography attached to the Housing Element.

The Planning Commission conducted a public hearing on May 27, 2009, and the City Council conducted a public hearing on June 16, 2009. These hearings were noticed, and the draft Housing element was made available for public comments 30 days prior to the first public hearing. Additional public hearings on the Final Draft Housing Element are scheduled in April 2010 with the Planning Commission and in May 2010 with the City Council.

Following this introduction, the Housing Element includes the following major components:

- A review of the prior (2002) housing element, including an analysis of housing production in comparison to mandated housing goals.
- An analysis of the City's current and future housing needs.
- An inventory and analysis of housing resources.
- An analysis of governmental and non-governmental constraints to housing production.
- A housing plan setting forth goals, policies, programs and quantified objectives to address the City's housing needs.

7.3 ASSESSMENT OF PRIOR HOUSING ELEMENT

This chapter reviews and evaluates the City's progress in implementing the 2002 Housing Element's programs. In addition, it analyzes the difference between projected housing need (as defined by the RHNA numbers) and actual housing production between 1999 and 2006.

The City of Milpitas supports affordable housing and is strongly committed to facilitating a diversity of housing types. These commitments are observed in a number of ways. For example, during the last housing element period, the City provided support to three subsidized housing developments (DeVries Place Senior Housing, Aspen Family Apartments, and Senior Solutions' group homes). In addition, as part of the affordable housing agreement between a new market rate project at Town Center and the City of Milpitas, the City required that the developer pay for the rehabilitation of four units. These units are now rent restricted for 55 years and are part of the City's affordable housing supply for very low-income households. Finally, the City's Zoning Code encourages that twenty percent of all market rate housing be affordable and allows densities of up to 75 units per acre in the Transit Oriented Development Overlay District (TOD) areas.

The following sections present information on the progress made by Milpitas in its implementation of the housing programs set forth in the 2002 Housing Element, as well as its progress in achieving its 1999-2006 RHNA goals.

A. Progress in Implementation of 2002 Housing Element Programs

Table II.1 provides a summary of the 2002 Housing Element's accomplishments. A detailed list and assessment of the housing programs included in the last Housing Element is provided in Appendix B. The City of Milpitas has established a strong housing program. At the center of its strategy is the creation of the Midtown and Transit Specific Plan Areas. These Specific Plan areas provide the following benefits for new market rate and affordable housing production:

- The City changed its Zoning Ordinance to accommodate high density residential and mixed use zones. These zoning designations establish a minimum density (ranging from 21 to 41 units per acre) and maximum densities, ranting from 20 to 60 units per acre. Builders have been active in these residential zones, attracted to the high density zoning that is not provided by other Silicon Valley Cities.
- The City adopted a Transit-Oriented Overlay Zone that increases the maximum densities in the high density residential zones to 75 units per acre (R5 and MXD3) and decreases parking requirements.
- The Transit Area Specific Plan EIR was completed during this time period and can be used as a programmatic environmental document for future residential development in the Transit Area Specific Plan Area.
- The City helps pay for needed infrastructure in these two specific plan areas to facilitate residential development.

Other achievements include successful implementation of the condominium and mobile home conversion ordinances to protect renters, operation of programs that rehabilitate and retrofit housing units, and the provision of financial assistance for facilities and services that help the homeless.

Finally, the City has adopted policies to encourage that twenty percent of all new housing units are affordable in new developments. To help developers comply with this requirement, the City provides funds for mortgage financing, impact fees, and loans to help projects located in the redevelopment area comply with the affordable housing requirement.

There are many policies and programs from the 2002 Housing Element Update that will be carried forward to the 2009-2014 Housing Element Update. These are presented in Chapter VI of the updated Housing Element.

Table II.1: Summary of 2002 Housing Element Accomplishments

Goal	Accomplishments
Housing and Neighborhood Conservation	The City adopted the Neighborhood Beautification Ordinance (NBO) in September 1999 and amended it in 2000 to establish fines for violation of non-compliance.
	The City uses CDBG loan funds to rehabilitate owner occupied housing units and provides assistance to six to eight homeowners annually.
	The City operates a Capital Improvement Program to rehabilitate and replace obsolete infrastructure. During the last Housing Element period, the City spent over $6 million on projects that include street resurfacing, sidewalk repair, and repair of public facilities, such as the large gym at the City's Sport Center.
	The City continues to work with the Santa Clara County Housing Authority to maintain affordability of expired units at Sunnyhills Apartments.
	The City administered its Mobile Home Conversion Ordinance, when the owners of the South Main Street Mobile Home Park converted the Park to other uses.
New Housing Production	The City created a Transit-Oriented Overlay Zone that increases densities and land utilization.
	The City has maintained a minimum housing density of 20 dwelling units/acre in the Midtown and Transit Specific Plan Areas. Most new developments exceed this minimum density.
	The City established a Mixed-Use Zoning District in its Zoning Ordinance.
	The City modified zoning in the Town Center Zoning District to allow residential development. A 65-unit housing development was completed in 2009 in the Town Center.
	The City changed the Zoning Ordinance to permit mixed use and residential developments "by right" in the Midtown Specific Plan Area.
	The City purchased additional wastewater capacity to accommodate infrastructure necessary for new housing development.
	The City is investing its own redevelopment agency funds and applying for additional funds from the State and VTA to provide infrastructure improvements for the Transit and Midtown Specific Plan Areas.
	The City completed a water system loop connecting Bothello Avenue and East Carlo to benefit development at the Union Pacific Site, located in the Midtown Specific Area.
	Improvements to the Trade Zone Boulevard Sewer Service are now included in the Transit Area improvements.
	To avoid potential flooding, the City reduced the allowable density at the Crossings Apartment site development, in order to provide for the open space needed for detention ponds (rather than allowing the maximum density on site).
	The City included residents (Midtown Task Force) to work with the Planning Commission and City Council in the preparation of the Midtown Specific Plan.
	The City promoted its Midtown Specific Plan through the preparation of promotional materials and advertisements on the City's website, on Cable TV, and in the local newspaper.
	The City expanded its Redevelopment Project Area to include the Midtown Specific Plan Area.
	The City has provided $5.8 million in Redevelopment funds to provide low- and moderate-income housing. These funds were used to cover impact fees on affordable units, and to support subsidized projects.
	A master EIR for the Transit Specific Plan Area was completed.

Goal	Accomplishments
	The City worked with property owners to assemble small sites for future housing developments.
Housing Diversity and Affordability	The City provided $23.6 million in financial assistance (primarily loans) to 10 residential projects resulting in the creation of 789 affordable units. The City has also contributed to Santa Clara County's Housing Trust Fund, since its inception. Since 2004, the City has provided $925,000 to this Fund. Two of the city's affordable developments received funds from this Trust Fund during the last Housing Element period.
	The City amended its Density Bonus Ordinance so that it is consistent with State Law.
	The City encourages the use of density bonuses to promote affordable housing. Examples of recent projects benefiting from the density bonus are DeVries Place Senior Housing and Summerfield Homes.
	The City provided $2.4 million in developer impact fee assistance to three projects during the last update period.
	The City provides mortgage assistance to first-time homebuyers. This assistance is frequently provided to buyers of affordable units in mixed-income developments.
	The City provided financial assistance to two low-income senior rental projects (DeVries Place Senior housing, and Senior Solutions group home).
	The City promotes both large units (four bedrooms) and very small units (studios) when negotiating with market rate developers.
	The City adopted a policy to encourage live/work lofts in specific residential projects.
	The City supports homeless services and housing in a number of ways. It provided CDBG funding to construct a center which provides shelter and transitional housing services. On an ongoing basis, Milpitas provides assistance to organizations assisting the homeless, including food pantries and groups providing referrals and counseling.
	The City provides CDBG housing rehabilitation funds for retrofitting of homes for disabled persons and provides funds to Project Sentinel, an organization that also helps with retrofitting of homes.
	The City provides public information to developers regarding Title 24 and ADA compliance and to disabled persons about housing opportunities and resources.
	The City provides information on housing and housing opportunities on the City's website, Cable TV, and the *Milpitas Post.*
Fair Housing	The City provides funding to Project Sentinel, a social services agency that monitors housing discrimination and provides information and referrals.
Energy Conservation	The City provides referrals and outreach materials to help low-income seniors reduce energy consumption. This information covers PG&E's Energy Partners Program that provides free weatherization services and energy-efficient appliances to reduce energy consumption.
	The City adopted a Green Building Policy Resolution (No. 7735). The City also mandates conformance with the State of California's Title 24 Energy Efficiency Standards.

Sources: City of Milpitas and Vernazza Wolfe Associates, Inc.

B. Progress in Achieving RHNA Goals

The 2002 Housing Element addressed housing needs for the City of Milpitas from 1999 through 2006. Table II.2 below shows the total number of housing units built (or permitted) in the City of Milpitas from 1999 to 2006. Table II.2 compares these units with the units required to be developed in Milpitas pursuant to the City's Regional Housing Needs Allocation (RHNA) provided by ABAG.

A total of 2,419 housing units were built or permitted during this period. The total difference between the RHNA numbers (4,348) and the actual housing units built or permitted is 1,929 units. The income category that the City came closest to meeting was the above moderate-income group, for which almost 79 percent of RHNA goals were met. In addition, the City met almost 60 percent of the housing need for very low-income households. Finally of the 405 very low-income units that were built or permitted, 123 or 30 percent are affordable to extremely low-income households.

Table II.2: Comparison of Regional Housing Needs Allocation with Units Built or Permitted City of Milpitas (1999-2006)

	Units Built/Permitted	Regional Housing Needs Allocation	Percent Goal Achieved
Total Units	2,419	4,348	55.6%
Very Low-Income	405	698	58.0%
Low-Income	99	351	28.2%
Moderate	217	1,146	18.9%
Above Moderate-Income	1,698	2,153	78.9%

Sources: City of Milpitas and Vernazza Wolfe Associates, Inc.

7.4 HOUSING NEEDS ASSESSMENT

The purpose of the Housing Needs Assessment is to describe housing, economic, and demographic conditions in Milpitas, assess the demand for housing for households at all income levels, and document the demand for housing to serve various special needs populations. The Housing Needs Assessment also provides information on opportunities for energy conservation and analysis of any assisted housing projects that are at risk of converting to market rate projects. The Housing Needs Assessment is intended to assist Milpitas in developing housing goals and formulating policies and programs that address local housing needs.

At the present time, there is no single source of information to use to describe existing demographic and housing conditions, since the 2000 Census information is out-dated, and the next Census will not be conducted until 2010.

Consequently, several sources of information were used to describe existing conditions in Milpitas. These include the following:

- The 2000 Census, supplemented by 2008 estimates provided by Claritas, Inc. and housing unit estimates provided by the State of California, Department of Finance, provides information on population, number of households, household size, vacancy rates, and other demographic and housing characteristics.
- *ABAG 2007 Projections* provides employment and income projections.
- Other sources of economic information such as information from the Employment Development Department, website rental listings, multiple listing service, and other published data.
- Interviews with key informants provided information on special needs housing.

Finally, to facilitate an understanding of how the characteristics of Milpitas are similar to, or different from, other nearby communities, this Housing Needs Assessment presents some comparative data for all of Santa Clara County.

A summary of relevant trends in demographic, economic, and housing conditions based on the detailed analyses in the Chapter is presented below.

Demographic Trends

- The City continued to add population between 2000 and 2008, reaching an estimated population figure of 65,754 in 2008. The number of households also grew during the same time period.
- Almost half the City's population is below 35 years of age.
- Milpitas remains a family oriented city. For example, the average household size of 3.5 persons is higher in Milpitas than in Santa Clara Count and over 80 percent of all households are family households.
- While nominal median income rose between 2000 and 2008 (from $84,429 to $97,870), real household incomes (adjusted for inflation) have dropped.
- About one-third of all Milpitas households pay more than 30 percent of their income on housing costs. This percentage is higher for lower-income and extremely low-income households, as well as for renters.

Employment Growth

- Employment growth between 2005 and 2015 is expected to reach 11 percent, or an increase of over 5,000 jobs.
- The growth in employed residents will exceed growth in population or growth in employment, so that there should be a better jobs/housing imbalance by 2015.

Housing Trends

- While only about 20 percent of Milpitas households live in overcrowded units (as defined by standards provided by Department of Housing and Urban Development [HUD] standards), the percentage of renters in overcrowded units is more than double the percentage of owners living in overcrowded units.[1]
- Almost 60 percent of all housing units are currently single family units. However, this ratio will decline, since the majority of new residential development projects are multifamily properties.
- The ratio of owners to renters is higher in Milpitas than in the County; 70 percent of Milpitas households own their own homes.
- Over half of all housing units were constructed since 1970. Aside from isolated pockets, the housing stock is in good condition.
- Starting in 2006, average rents started to increase. In comparison, sales prices have decreased since 2006.
- Housing affordability continues to be a problem for lower-income households.
- There continues to be more demand than supply for affordable senior housing, larger housing units, and housing for other special needs groups, such as the disabled and the homeless.

A. Population and Employment Trends

1) Population Growth

[1] According to HUD, a unit is overcrowded if there are more than 1.01 persons per room.

The total population in Milpitas is estimated at 65,754 in 2008 and grew by about five percent between 2000 and 2008. (See Table III.1.) This growth rate is slightly lower than the County's growth rate.

Table III.1: Population Information for Milpitas and Santa Clara County (2000-2008)

Population Information	Milpitas	Santa Clara County
2008 Estimated Population	65,754	1,776,238
2000 Population	62,698	1,682,585
Growth in Population (2000-2008)	3,056	93,653
Percentage Population Growth (2000-2008)	4.9%	5.6%

Sources: 2008 Claritas, Inc. and 2000 U.S. Census.

It should be noted that the 2008 population estimates presented in Table III.1 are lower than the estimates provided by the State of California, Department of Finance (DOF), for the same time period. For example, the DOF estimates that the population in Milpitas as of January 2008 is actually 69,419, which exceeds the Claritas estimate by 3,665 persons (or about six percent).[2]

The distribution of Milpitas's population according to the age categories presented in Table III.2 is similar to Santa Clara County's. Almost half of the population in Milpitas and Santa Clara County is below the age of 35, and about one-quarter is below the age of 18. Finally, the proportion of senior persons (65 and over) in Milpitas in 2008 is slightly lower at nine percent, in comparison to the proportion of senior persons in Santa Clara County (ten percent).

Table III.2: Age of Population in Milpitas and Santa Clara County, 2008

	Milpitas		Santa Clara County	
	Number	**Percent**	**Number**	**Percent**
Age of Population	**65,754**		**1,776,238**	
17 and Under	16,203	24.6%	445,840	25.1%
18-34	14,990	22.8%	392,387	22.1%
35-44	11,961	18.2%	297,244	16.7%
45-54	10,122	15.4%	265,236	14.9%
55-64	6,506	9.9%	183,950	10.4%
65 & over	5,972	9.1%	191,581	10.8%

Source: 2008 Claritas Estimates

2) Existing and Projected Employment

[2] The differences between the Claritas estimates and the DOF estimates mentioned in this section are not significant, since they are within five to six percent of each other. While it is possible that DOF information is more accurate (since information on building permits is collected directly from cities), it is necessary to utilize Claritas numbers in the Housing Element. Claritas provides information on additional demographic characteristics not provided by the DOF, such as age and income.

Table III.3 shows estimated and projected employment by major sector in the Milpitas Sphere of Influence in 2005 and 2015.

Table III.3: Job Growth by Employment Sector, City of Milpitas (2005-2015)

Employment Sector	2005	2015	Numerical Change	Percent Change
Agriculture and Natural Resources	180	180	0	0%
Manufacturing, Wholesale & Transportation	25,370	26,480	1,110	4%
Retail	4,150	4,610	460	11%
Financial & Professional Services	4,610	5,570	960	21%
Health, Educational & Recreational	8,510	10,050	1,540	18%
Other	4,830	6,000	1,170	24%
Total Jobs	**47,650**	**52,890**	**5,240**	**11%**

Source: ABAG, *2007 Projections*.

Milpitas had a total of approximately 47,650 jobs in 2005 and is projected to add an additional 5,240 jobs by 2015, for a percentage increase of 11 percent. The job sectors projected to have the highest growth rates are Other (24 percent), Financial & Professional Services (21 percent), and Health, Educational & Recreational (18 percent). Health, Educational & Recreational also will experience the highest growth in the absolute number of new jobs (an increase of 1,540 jobs).

Presently, the City of Milpitas' level of employment exceeds the number of employed residents. ABAG projects that this trend will decline over time. The ratio of total jobs to employed residents was estimated to be 1.8 in 2005 and is projected to decline to 1.5 by 2015. In other words, for every employed resident in Milpitas in 2005, there were 1.8 jobs, and this number is projected to decline to 1.5 jobs per employed resident by 2015.

3) Projections of Population, Employed Residents and Employment

Table III.4 shows projected population, employed residents and employment for Milpitas and Santa Clara County for 2005 and 2015. As shown in the table, ABAG projects Milpitas's population to increase from 64,900 in 2005 to 74,400 in 2015, an increase of nearly 15 percent over the 10-year period. In contrast, Santa Clara County's population is projected to grow at a slightly slower rate of 12 percent from 2005 to 2015.

The 10-year percentage change in employed residents in Milpitas is projected to be 34 percent, more than twice the percentage increase in population during the same period. A similar trend is projected for Santa Clara County. Finally, the number of jobs in Milpitas is projected to increase at a lower rate than percentage increases in employed residents.

Table III.4: Summary of Population, Employed Residents and Employment Projections, Milpitas Sphere of Influence (2005-2015)

	Milpitas		Santa Clara County	
	2005	**2015**	**2005**	**2015**
Population	64,900	74,400	1,763,000	1,971,100
% Change		14.6%		11.8%
Employed Residents	26,070	34,950	734,000	962,700
% Change		34.1%		31.2%
Jobs	47,650	52,890	872,860	1,017,060
% Change		11.0%		16.5%

Source: Association of Bay Area Governments (ABAG), *Projections 2007.*

In summary, current and projected conditions indicate that the City's population is continuing to grow and that the population is relatively young, reflecting a growing labor force that is attracted to the jobs provided in Milpitas.

B. Household Characteristics

1) Number and Type of Households

The number of households in Milpitas is estimated at 17,901 in 2008, for a household growth rate of about five percent between 2000 and 2008. This growth rate is similar to the population growth rate between 2000 and 2008. In addition, average household size in Milpitas is estimated at 3.50 persons per household in 2008 and is slightly higher than the average household size in 2000 (3.47 persons per household). The average household size in Milpitas is higher than the average household size in Santa Clara County. (See Table III.5.)

Table III.5: Household Information for Milpitas and Santa Clara County (2000-2008)

Household Information	Milpitas	Santa Clara County
2008 Estimated Number of Households	17,901	594,361
2000 Number of Households	17,132	565,863
Household Growth (2000-2008)	769	28,498
Percentage Household Growth (2000-2008)	4.5%	5.0%
2008 Estimated Average Household Size	3.50	2.94
2000 Average Household Size	3.47	2.92

Sources: 2008 Claritas, Inc. and 2000 U.S. Census.

The U.S. Census divides households into two different categories, depending on their composition. Family households are those that consist of two or more related persons living together. Non-family households include persons who live alone or in groups comprised of unrelated individuals. As shown in Table III.6, about 82 percent of Milpitas' households are estimated to be family households in 2008. In Santa Clara County, this number is lower at about 70 percent. The rate of homeownership in Milpitas (70 percent) is also higher than Santa Clara County's (59 percent) and could be due to the high proportion of family households.

Table III.6: Household Composition for Milpitas and Santa Clara County, 2008

	Milpitas		Santa Clara County	
	Number	**Percent**	**Number**	**Percent**
Number of Households	**17,901**		**594,361**	
Families	14,990	81.7%	65.2%	69.9%
Non-Families	11,961	18.3%	34.8%	30.1%
Household Tenure				
Owner	12,532	70.0%	352,731	59.3%
Renter	5,369	30.0%	241,630	40.7%

Source: 2008 Claritas Estimates

2) Existing and Projected Incomes

Table III.7 shows the distribution of estimated 2008 household incomes for Milpitas and compares it with actual (unadjusted) 1999 incomes reported by the 2000 Census. The percentage of households in each category up to $150,000 does not vary significantly between 2000 and 2008. However, a slightly higher percentage of households earned above $150,000 in 2008 in comparison to households falling into this category in 2000 (24 percent versus 17 percent). This reflects an increase in nominal incomes between these two time periods.

Table III.7: Income Distribution in Milpitas (1999-2008)

Income (1)	2008 (Estimated)		2000 Census	
	Number	**Percent**	**Number**	**Percent**
Under $25,000	1,328	7.4%	945	9.3%
$25,000 to $34,999	879	4.9%	1764	5.5%
$35,000-$49,999	1,405	7.8%	3,050	10.3%
$50,000 to $74,999	2,773	15.5%	3,139	17.8%
$75,000 to $99,999	2,804	15.7%	3,716	18.3%
$100,000 to $149,999	4,372	24.4%	945	21.7%
$150,000 to $249,000	3,372	18.8%	2,943(2)	17.2%
$250,000 to $499,999	710	4.0%		
$500,000 and above	258	1.4%		
Total Households	17,901	100.0%		
Median Income	$97,870		$84,429	

(1) The income figures reported in this table are unadjusted and reported in current dollars for the relevant time period.
(2) This category represents households earning incomes that are above $150,000. The 2000 Census income categories are not as fine-tuned for higher income levels as are the income levels provided by Claritas.
Sources: 2008 Claritas, Inc. and 2000 U.S. Census.

However, once household income is adjusted for inflation a different pattern emerges. Milpitas and Santa Clara County household incomes have declined in constant dollars since 2000. The Association of Bay

Area Governments (ABAG) income estimates documents this trend. A comparison of the average household income in 2000 with estimated household income in 2005 indicates that Milpitas incomes dropped by about $20,000 between these time periods. This is very similar to the drop in average income in Santa Clara County during this same time period. (See Table III.8.) The most likely explanation for this drop in income is the decline in employment since 2000 in Silicon Valley industries that are located in and adjacent to the City of Milpitas and in Santa Clara County.

Table III.8: Mean Household Income in Constant Dollars for Milpitas and Santa Clara County (2000-2005)

Year	Milpitas Sphere of Influence (1)	Santa Clara County
2000	$120,000	$118,400
2005	$99,700	$97,900
Difference 2000-2005	$20,300	$20,500

(1) Income and employment figures provided by ABAG for Milpitas cover the Sphere of Influence, a larger geographic area than the City's jurisdictional boundaries.
Source: ABAG's *2007 Projections*

A final way to understand household income in Milpitas is to understand the household income categories established for state and federal housing programs. These income categories are based on estimated income in Santa Clara County. In a subsequent section of the housing element, these income definitions are used to define housing affordability.

Table III.9: Definitions of Income Categories for Milpitas and Santa Clara County, Based on State Income Limits

Extremely Low-Income Households have a combined income at or lower than 30 percent of area median income (AMI) for Santa Clara County, as established by the state Department of Housing and Community Development (HCD). A household of four is considered extremely low-income in Santa Clara County if its combined income is less than $31,850 for the year 2008.

Very Low-Income Households have a combined income between 31 and 50 percent of AMI for Santa Clara County, as established by HCD. A household of four is considered very low-income in Santa Clara County if its combined income is between $31,851 and $53,050 in 2008.

Low-Income Households have a combined income between 51 and 80 percent of AMI for Santa Clara County, as established by HCD. A household of four is considered to be low-income in Santa Clara County if its combined income is between $53,051 and $84,900 in 2008.

Median-Income Households have a combined income of 100 percent of AMI for Santa Clara County, as established by HCD. A household of four is considered to be median-income in Santa Clara County if its combined income is $105,500 in 2008.

Moderate-Income Households have a combined income between 81 and 120 percent of AMI for Santa Clara County, as established by HCD. A household of four is considered to be moderate-income in Santa Clara County if its combined income is between $84,901 and $126,600 in 2008.

Above Moderate-Income Households have a combined income greater than 120 percent of AMI for Santa Clara County, as established by HCD. A household of four is considered to be above moderate-income in Santa Clara County if its combined income is greater than $126,600 in 2008.

HCD uses the same income limits as the U.S. Department of Housing and Development (HUD) for Santa Clara County in FY 2008.
Source: California Department of Housing and Community Development (HCD), State Income Limits for 2008.

3) Housing Cost Burdens

According to state standards, a household is considered to be *overpaying* for housing, and therefore facing a *housing cost burden*, if gross monthly housing costs require more than 30 percent of gross monthly income. Households paying more than 50 percent of gross monthly income are considered to have *severe cost burdens* or are *severely overpaying*.

Table III.10 presents information on housing cost burden by tenure and household income levels as of 1999. This table is based on information provided by HUD's cross-tabulations of 2000 Census data.[3] As shown, approximately 31 percent of all Milpitas households experienced high housing cost burdens in 1999. Housing cost burdens were greatest for renters – more than 40 percent of all Milpitas renters (for a total of 2,040 households) paid more than 30 percent of their incomes for housing costs in 1999. Renter households earning less than $50,000 per year were much more likely to have high cost burdens than households with annual incomes greater than $50,000. For households earning less than $20,000 per year, the percentage of renters with high cost burdens increased to 87 percent. For households with annual incomes between $20,000 and $34,999, nearly 83 percent had high cost burdens.

A smaller percentage of Milpitas homeowners (27 percent) had high cost burdens in 1999. A total of 2,845 homeowners had high cost burdens in 1999.[4] This included 62 percent of households earning between $20,000 and $34,999, and 66 percent of households with annual incomes between $35,000 and $49,999.

A substantial percentage of households earning close to median income also faced high housing cost burdens in 1999. For households earning between $50,000 and $74,999 per year, which is roughly comparable to 80 to 100 percent of area median income, a third of renter households and nearly half of homeowners paid more than 30 percent of their incomes on housing costs.

[3] CHAS data tables are compiled by the US Department of Housing and Urban Development, based on a special tabulation derived from the U.S. Census.
[4] Monthly homeownership costs calculated by the US Census include mortgage payments; real estate taxes; fire, hazard and flood insurance; utilities (electricity, gas, and water and sewer); and heating fuels (oil, coal, kerosene, wood, etc.). It also includes, where appropriate, monthly condominium fees or mobile home costs such as ground rents.

Table III.10: Milpitas Housing Costs as a Percentage of Income, by Household Income and Tenure, 1999

Household Income	Total Households (1)	Percentage of Income Spent on Housing			Percentage of Households Paying 30% or More of Income on Housing
		0 to 19%	20 to 29%	30% or more	
Renters					
Less than $20,000	590	11	65	514	87.1%
$20,000 to $34,999	718	39	87	592	82.5%
$35,000 to $49,999	749	57	166	526	70.2%
$50,000 to $74,999	1,114	141	597	376	33.8%
$75,000 to $99,999	875	374	469	32	3.7%
$100,000 or more	1,009	897	112	0	0.0%
Total Renters	5,055	1,519	1,496	2,040	40.4%
Owners					
Less than $20,000	294	11	57	226	76.9%
$20,000 to $34,999	528	133	68	327	61.9%
$35,000 to $49,999	775	181	80	514	66.3%
$50,000 to $74,999	1,623	430	403	790	48.7%
$75,000 to $99,999	1,966	552	821	593	30.2%
$100,000 to $149,999	2,968	1,359	1,305	304	10.2%
$150,000 or more	2,434	1,940	403	91	3.7%
Total Owners	10,588	4,606	3,137	2,845	26.9%
Total Households	**15,643**	**6,125**	**4,633**	**4,885**	**31.2%**

(1) Excludes households for which housing costs could not be collected or computed.
Source: 2000 U.S. Census.

State Housing Element guidelines call for an analysis of the proportion of “lower-income” households overpaying for housing (Government Code, Section 65583(a) (2). Lower-income households are defined as those earning 80 percent AMI or below. According to HUD, the 2000 income limit for lower-income households for the Milpitas area (Santa Clara County) was $56,950.[5]

As shown in Table III.11, Milpitas had 2,329 lower-income renter households in 1999. Of those, 1,665 (nearly 72 percent) had high housing cost burdens. It is estimated that 2,147 of Milpitas' owner households were lower-income in 1999 and that of these, 1,274 (59 percent) had high housing cost burdens. These data clearly show that substantial portions of Milpitas's lower-income households had a problem with high housing cost burdens in 1999.

[5] This figure is based on a household size of four persons. Income limits were higher or lower for larger or smaller households, respectively.

Table III.11: Housing Cost Burdens for Lower-Income Households in 1999, City of Milpitas and Santa Clara County

	Renters	Owners	Total
Milpitas			
Total Lower-Income Households	2,329	2,147	4,476
Number Paying >30% of Income	1,665	1,274	2,940
Percentage Paying >30% of Income	71.5%	59.3%	65.7%
Number Paying >50% of Income	745	828	1,571
Percentage Paying >50% of Income	32.0%	38.6%	35.1%
Santa Clara County			
Total Lower-Income Households	101,087	71,244	172,331
Number Paying >30% of Income	68,211	40,092	108,289
Percentage Paying >30% of Income	67.5%	56.3%	62.8%
Number Paying >50% of Income	36,181	24,725	60,893
Percentage Paying >50% of Income	35.8%	34.7%	35.3%

Excludes households for which housing costs could not be collected or computed.
Source: HUD, *2000 CHAS Data Book.*

The incidence of high housing cost burdens in Milpitas exceeded (66 percent) comparable figures for Santa Clara County for both renters and homeowners (63 percent), as shown in Table III.11. However the percentage of all households with *severe* housing cost burdens (35 percent) was similar in Milpitas and Santa Clara County.

4) Extremely Low-Income Households

Government Code Section 65583(a) (1) requires that housing elements provide documentation of projections and quantification of a jurisdiction's existing and projected housing needs for all income levels, including extremely low-income households. Extremely low-income households are those who earn less than 30 percent of Area Median Income (AMI). Without adequate affordable housing, these households are typically the most at risk of becoming homeless.

Eight percent of Milpitas households were extremely low income in 1999, totaling 1,302 households. About a third of these extremely low-income households are one- and two-person senior households.[6] Housing cost burdens for extremely low-income households are the highest of any income group, as shown in Table III.12.

Table III.12: Housing Cost Burdens for Extremely Low-Income Households, City of Milpitas, 1999

	Renters	Owners	Total
Extremely Low-Income Households	755	547	1,302
Percentage Paying >30% of Income	84%	67%	77%

[6] HUD, *2000 CHAS Data Book*.

Percentage Paying >50% of Income	64%	50%	58%

Source: HUD, *2000 CHAS Data Book.*

Assuming extremely low-income households continue to be the same percentage of households as they are today, Milpitas could add an additional 218 extremely low-income households by 2015.[7] An alternative approach to estimate the growth in extremely low-income households would be to assume that half the RHNA allocation of units for very low-income households (689 units) could be required by extremely low-income households. This estimation approach generates a higher number of extremely low-income households (345) in comparison to the estimation approach based on ABAG and census data.

At this time, there are 128 existing and planned rent-restricted units for extremely low-income households in Milpitas; five units for extremely low-income seniors are located at a newly developed group home (Senior Solutions), 72 units are included at the newly constructed senior development, DeVries Place, 46 family units for extremely low-income households are under construction at Aspen Family Apartments, and another five extremely low-income seniors will be assisted at another group home to be developed by Senior Solutions. When these units are built, there will be a total of 128 units for extremely low-income households in Milpitas. Finally, Sunnyhills Apartments is a mixed-income community. It provides 149 Section 8 units for which extremely low-income households would be eligible.

In addition to these resources in Milpitas, the Santa Clara County Housing Authority provides Section 8 vouchers to Milpitas households, and EHC Lifebuilders provides shelter and support services for the Milpitas homeless. Finally, the County provides direct services to the homeless. These services are discussed below in the subsection on homelessness.

5) Affordable Rental Costs and Home Prices

Household income and household size are the bases upon which to define the ability of a household to pay for housing costs. The following section examines the ability of Milpitas households at various income levels to pay for housing. This analysis is presented by the household income categories defined in Table III.9.

Table III.13 shows maximum affordable monthly rents and maximum affordable purchase prices for extremely low-, very low-, low-, median- and moderate-income households in Santa Clara County (including Milpitas). Since income categories vary by household size, information is presented for households ranging in size from one to five persons. For example: a three-person household classified as low-income (or 80 percent of AMI) with an annual income of up to $76,400 could afford to pay $1,910 monthly gross rent (including utilities) or purchase a $206,006 house, assuming a five percent down payment. While affordable rents are defined as requiring no more than 30 percent of income, affordable home prices for owners vary according to income level and range between 30 and 35 percent.[8]

[7] ABAG, *Projections 2007*. The City of Milpitas as a whole is projected to add 2,730 households between 2005 and 2015. The estimated number of extremely low-income households is projected by multiplying the percent of extremely low-income households as of 2000 (eight percent) to the household growth of 2,730 projected by ABAG.
[8] For example, the percentage of income paid for ownership costs for lower-income households is 30% of gross income, but median- and moderate-income households are assumed to be able to pay 35% of gross income for ownership costs.

Later subsections of this Housing Needs Assessment Chapter show that the current rents and sales prices for much of the Milpitas housing stock is priced beyond the affordable levels defined in Table III.13.

Table III.13: Ability to Pay for Housing by Income Level, City of Milpitas, 2008

Extremely Low-Income Households at 30% of 2008 Median Family Income					
Unit	**Studio**	**1 Bedroom**	**2 Bedroom**	**3 Bedroom**	**4 Bedroom**
Number of Persons	1	2	3	4	5
Income Level (1)	$22,300	$25,500	$28,650	$31,850	$34,400
Max. Monthly Rent (2)	$558	$638	$716	$796	$860
Max. Purchase Price (3)	$16,346	$25,911	$35,584	$45,291	$51,680
Very Low-Income Households at 50% of 2008 Median Family Income					
Unit	**Studio**	**1 Bedroom**	**2 Bedroom**	**3 Bedroom**	**4 Bedroom**
Number of Persons	1	2	3	4	5
Income Level (1)	$37,150	$42,450	$47,750	$53,050	$57,300
Max. Monthly Rent (2)	$929	$1,061	$1,194	$1,326	$1,433
Max. Purchase Price (3)	$69,347	$86,407	$103,753	$120,955	$133,411
Low-Income Households at 80% of 2008 Median Family Income					
Unit	**Studio**	**1 Bedroom**	**2 Bedroom**	**3 Bedroom**	**4 Bedroom**
Number of Persons	1	2	3	4	5
Income Level (1)	$59,400	$67,900	$76,400	$84,900	$91,650
Max. Monthly Rent (2)	$1,485	$1,698	$1,910	$2,123	$2,291
Max. Purchase Price (3)	$148,758	$177,240	$206,006	$234,630	$256,009
Median-Income Households at 100% of 2008 Median Family Income					
Unit	**Studio**	**1 Bedroom**	**2 Bedroom**	**3 Bedroom**	**4 Bedroom**
Number of Persons	1	2	3	4	5
Income Level (1)	$73,900	$84,400	$95,000	$105,500	$113,900
Max. Monthly Rent (2)	$1,848	$2,110	$2,375	$2,638	$2,848
Max. Purchase Price (3)	$244,469	$286,334	$328,901	$370,909	$403,173
Moderate-Income Households at 120% of 2008 Median Family Income					
Unit	**Studio**	**1 Bedroom**	**2 Bedroom**	**3 Bedroom**	**4 Bedroom**
Number of Persons	1	2	3	4	5
Income Level (1)	$88,600	$101,300	$113,900	$126,600	$136,700
Max. Monthly Rent (2)	$2,215	$2,533	$2,848	$3,165	$3,418
Max. Purchase Price (3)	$305,678	$356,704	$407,599	$458,767	$498,110

(1) Based on HCD Income Limits.
(2) Monthly rent and utilities are no more than 30% of income.
(3) Housing costs are no more than 30% of income for extremely low-, very low- and low-income households, and 35% of income for median-and moderate-income households. Total housing costs include mortgage payment, HOA dues, property taxes and utilities. Mortgage terms assume a 95% loan @ 6.5%, with a 30-year term.

Sources: California Department of Housing and Community Development (HCD); City of Milpitas, and Vernazza Wolfe Associates, Inc.

6) Overcrowding

The Census defines an overcrowded unit as one with more than 1.0 person per room (excluding bathrooms and kitchens). Units with more than 1.5 persons per room are considered severely overcrowded.

In total, 19 percent of Milpitas housing units were overcrowded in 2000, as shown in Table III.14. This represents 3,334 households, 1,632 of whom were renter households and 1,702 were homeowners. Approximately 9 percent of housing units in Milpitas were severely overcrowded. Proportionally, overcrowding was a greater problem for the City's renter households than its homeowners in 2000. Overcrowding was worse for both homeowners and renters in Milpitas than for Santa Clara County as a whole.

Table III.14: Overcrowding by Tenure, City of Milpitas and Santa Clara County, 2000

	Owners	**Renters**	**Total**
City of Milpitas			
Total Households	11,951	5,186	17,137
Persons Per Room			
One or Fewer	10,249	3,554	13,803
1.01 to 1.50	1,702	1,632	3,334
More than 1.50	742	768	1,510
Percent Overcrowded	14.2%	31.5%	19.5%
Percent Severely Overcrowded	6.2%	14.8%	8.8%
Santa Clara County			
Total Households	338,636	227,227	565,863
Persons Per Room			
One or Fewer	310,725	174,234	484,959
1.01 to 1.50	27,911	52,993	80,904
More than 1.50	13,216	33,048	46,264
Percent Overcrowded	8.2%	23.3%	14.3%
Percent Severely Overcrowded	3.9%	14.5%	8.2%

Source: 2000 U.S. Census.

C. Housing Stock Characteristics

1) Information Sources

There are three sources of information for 2008 housing unit counts. These include the State of California Department of Finance Population and Housing Estimates (DOF); Claritas, Inc., a private company that provides housing and population estimates and projections, and the City of Milpitas' building records. However, information provided by these sources differs. For example, the lowest count of housing unit growth between 2000 and 2008 is the DOF estimate of 1,709 housing units. In comparison, Claritas' estimate for growth in the number of housing units is higher during the same period at 1,917 units (a difference of 208 units). Finally, according to the City, a total of 3,318 housing permits were issued between 1999 and 2006. All three sources of information are used in the Housing Element.

- DOF is the source of information for 2008 housing unit counts by type of housing (single family, multifamily, etc.), and occupancy status.
- Claritas estimates are used for 2008 tenure and age of housing information.
- City of Milpitas records are used in describing the number and type of units that have been permitted since January 1, 2007.

Finally, a targeted housing condition survey was conducted to supplement the information provided by these other data sources. Results from this survey are presented below.

2) Housing Types and Occupancy Levels

Table III.15 presents information on the housing stock of Milpitas and Santa Clara County in 2000 and 2008. In 2008, single family detached units accounted for the majority of housing in Milpitas, comprising nearly 58 percent of the total. When detached and attached single family units are considered together, they make up more than two-thirds of the total existing housing stock. While single family units constitute a slightly larger proportion of the total housing stock in Milpitas than in Santa Clara County as a whole, single family units declined as a percentage of total housing units in Milpitas between 2000 and 2008.

In contrast, multifamily properties represent a growing percentage of total housing units in Milpitas. As shown in Table III.15, multifamily properties with more than five units grew from 12.6 to 18.5 percent of the total housing stock between 2000 and 2008. With few exceptions, all housing built in Milpitas since 2000 has been multifamily.[9]

In 2000, a majority of five-plus unit properties had between 5 and 20 units, and just over a third of all five-plus unit properties had more than 50 units.[10] While information provided by the California Department of Finance (DOF) for 2008 does not provide details about how many units are presently in large multifamily properties, a recent market study prepared for the City found that of the 3,492 housing units that were under construction or had been recently approved as of February 2008, the average density was 34 units

[9] Vernazza Wolfe Associates, Inc., *City of Milpitas Market Study*, 2008.
[10] 2000 U.S. Census.

to the acre.[11] In fact, 98% of new housing in Milpitas is multifamily. This trend reflects the City's policy to develop denser housing in the Midtown and Transit Area Specific Plan Areas.

The percentage of mobile home units in Milpitas's housing stock has remained relatively constant between 2000 and 2008, at just over three percent of total housing stock. These units have been governed by rent control since 1992.

Table III.15 also shows the number of occupied units and the percentage of vacant units. It is important to note that these counts include all vacant units, including those units held vacant for seasonal use; not all of the vacant units are actually offered for sale or for rent. Milpitas is shown as having a very low vacancy rate of 1.34 percent in 2008, which is slightly lower than the vacancy rate for Santa Clara County.

Table III.15: Housing Stock by Type and Vacancy for Milpitas and Santa Clara County (2000-2008)

	City of Milpitas				Santa Clara County			
	2000		2008		2000		2008	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total Units	17,369		19,073		579,329		622,779	
Single family								
Detached	10,918	62.9%	11,061	58.0%	323,923	55.9%	336,196	54.0%
Attached	2,226	12.8%	2,225	11.7%	52,736	9.1%	55,834	9.0%
Multifamily								
2 to 4 units	1,472	8.5%	1,665	8.7%	46,371	8.0%	46,932	7.5%
5 plus units	2,181	12.6%	3,533	18.5%	136,628	23.6%	164,151	26.4%
Mobile Homes	550	3.3%	589	3.1%	19,102	3.4%	19,666	3.2%
Occupied Units	17,137	98.7%	18,818	98.7%	565,863	97.7%	608,652	97.7%
Vacancy Rate		1.34%		1.34%		2.32%		2.27%

Sources: 2000 U.S. Census; and California Department of Finance (DOF), *E-5 Population and Housing Estimates*, 2008.

3) Overall Housing Conditions

The U.S. Census provides only limited data that can be used to infer the condition of Milpitas' housing stock. For example, the Census reports on whether housing units have complete kitchen and plumbing facilities. With the exception of 46 housing units, all Milpitas housing units had complete plumbing facilities, and only 38 units had incomplete kitchen facilities as of 2000. These census indicators reveal little about overall housing conditions.

In most cases, the age of a community's housing stock is a better indicator of the likely condition of the housing stock, particularly in communities like Milpitas where a large proportion of housing units are relatively new. As shown in Table III.16, over 98% of the City's housing stock was built after World War II. Nearly half (45 percent) of all units have been built since 1980, and a comparable percentage (46 percent) was built in the 1960s and 1970s. However, since approximately 31 percent of the City's

[11] Vernazza Wolfe Associates, Inc., *City of Milpitas Market Study*, 2008.

housing stock is more than 40 years old, it is possible that some of the housing in Milpitas could be substandard.

Table III.16: Age of Housing Stock, City of Milpitas, 2008

Year Structure Built	Number of Units	Percentage of Housing Stock
1999 to 2008	1,917	10.5%
1990 to 1998	2,984	16.4%
1980 to 1989	3,315	18.2%
1970 to 1979	4,443	24.4%
1960 to 1969	4,052	22.3%
1950 to 1959	1,248	6.9%
1940 to 1949	120	0.7%
1939 or Earlier	118	0.6%
Total Units	**18,197**	**100.0%**

Source: 2008 Claritas, Inc.

The Senior Housing Neighborhood Preservation Specialist provided statistics on code enforcement activity during the past three years. Code enforcement activity relates to both housing and neighborhood conditions. In the last three fiscal years, starting in 2005/06 and ending in 2007/08, resolved violations and complaints were primarily connected to enforcement of the Neighborhood Beautification Ordinance.

- In 2005/06, there were a total of 1,802 resolved violations and complaints, of which 337 were vehicle related.
- In 2006/07, the number of violations and complaints was lower at 1,470, of which 208 were vehicle related.
- Finally, in 2007/08, there were 1,500 violations and complaints, of which 225 were vehicle related.

These violations covered a range of violations, including those related to signs, zoning, junk cars, graffiti, solid waste and animal regulations. Most of these violations are related to the City's Neighborhood Beautification Ordinance, which was adopted in December 2000. The Ordinance specifies certain actions as unlawful, outlines procedures for abating the problem, and establishes a schedule of fines to apply if necessary. The Ordinance covers the following areas:

- Outdoor Storage – The accumulation of junk, discarded objects, furniture, etc. that are a threat to health or safety of any person or that are visible from the public right-of-way. Includes vehicles in disrepair.
- Landscaping/Vegetation – Dead, decayed, diseased or hazardous trees, weeds, shrubs or other vegetation. Overgrown vegetation likely to harbor rats, vermin and other similar nuisances.
- Buildings and Structures – Includes abandoned and boarded up buildings.
- Fences and Gates – Severely sagging, leaning, fallen or decayed fences or other structures.
- Parking in Residential Front Yards – Includes vehicle parked on the lawn or residential front yard.

- Residential Vehicle Repair – Prohibits major vehicle repairs, such as pulling an engine block, repair and replacement of transmissions and similar work associated with automobiles, boats or other motorized vehicles.
- Miscellaneous – Any other condition or use of property that represents a threat to the health and welfare of the public by virtue of its unsafe, dangerous or hazardous nature.

The City's Code Enforcement Program responds to complaints from residents through a Service Request format, which investigates complaints. If the condition is a violation of the Neighborhood Beautification Ordinance, the property owner is given notice to comply and, if necessary, is cited for the violation.

4) Targeted Housing Condition Survey

A windshield survey of housing conditions was conducted for the 2002 Housing Element. Similarly, a windshield survey of housing conditions was conducted for the Housing Element update. However, the 2008 windshield survey was more targeted.

The following two neighborhoods were surveyed in 2008:

- The Selwyn Park neighborhood, including Selwyn, Shirley, and Edsel Drives as well as Dempsey Road. (This area is south of East Calaveras Boulevard.)

- The Cardoza Park area, bordered to the north by Kennedy Drive, to the south by Calaveras Boulevard, to the east by North Park Victoria and to the west by North Temple Drive.

These neighborhoods were chosen based on staff recommendations of areas that could potentially have more housing problems than other areas in the City. While these neighborhoods were not intended to represent the City's overall housing stock, they were chosen as areas that could have housing rehabilitation needs.

A total of 128 properties were randomly sampled. Surveyed properties included the following housing types:

- Single family homes (54 percent),
- Duplexes (nearly 13 percent),
- Tri- and quad-plexes (nearly 20 percent), and
- Five-or-more-unit buildings (14 percent).

For more information on the methodology used for the housing condition survey, see Appendix C.

Three quarters of all surveyed properties received a rating of either sound or excellent. Only 23 percent received a rating that suggested the need for minor rehabilitation, and only two properties appeared to require moderate rehabilitation. (See Table III.17.) No properties were assessed to be dilapidated or in need of substantial rehabilitation.

Table III.17: Overall Property Conditions, Housing Survey

Condition	Number of Properties	Percent of Total
Excellent	25	20%
Sound	71	56%
Needs Minor Rehab	30	23%
Needs Moderate Rehab	2	2%
Needs Substantial Rehab	0	0%
Dilapidated	0	0%
Total Surveyed	**128**	

Source: Vernazza Wolfe Associates, Inc, August 2008.

Generally, properties needing some form of rehabilitation received this rating due to the need for repairs in multiple categories, such as foundation, siding, roofing and/or windows and doors.

Multifamily buildings with three or more units were the buildings most likely to need some form of rehabilitation, while single family structures were the least likely. (See Table III.18.)

Table III.18: Property Condition by Structure Type

Structure Type	Excellent or Sound	Need Some Form of Rehab
Single family	84%	16%
Duplex	81%	19%
3-4 Units	60%	40%
5+Units	56%	44%

Source: Vernazza Wolfe Associates, Inc, August 2008.

With regard to specific housing conditions, the housing survey found the following:

- Siding disrepair was the most common housing problem; 62 percent of surveyed properties needed some form of siding improvement. Usually a structure's siding needed repainting, though 20 percent of the properties had siding that was cracked or broken in spots, and two percent needed outright siding replacement.
- Windows and doors were generally in the best condition – only 20 percent had some form of problem requiring repair.
- Twenty-eight percent of properties showed cracks at the foundation, though none of these currently require partial or full replacement.
- About 27 percent of properties had cracked, broken or curled shingles, but only one property needed partial re-roofing or more serious repair.
- Few blighting conditions were evident at surveyed properties. However a total of eight surveyed properties had trash accumulations in their front yards, one property had fence graffiti, and one property was fronted by an unsafe sidewalk.

A block assessment was conducted in tandem with the housing condition survey, in part to record issues missed through random sampling. The block assessment took a broader look at conditions on each surveyed street. This assessment identified additional code and clean-up issues, but found limited evidence of major problems. Trash accumulation was observed on eight of the 19 street segments surveyed. A handful of blocks had properties with cars parked on front lawns. Several multifamily buildings in the survey area had carports in disrepair. Overall, properties whose conditions might be characterized as poor were rare. Only four street segments contained a property meeting this description. The majority of blocks assessed were rated in good condition, and one was rated excellent.

5) Rental Housing Costs, Trends, and Affordability

Thus far, this Housing Needs Assessment has addressed the types of housing and housing conditions in Milpitas. A final consideration is the cost of both rental and for-sale housing. Table III.19 presents two indicators of existing rent levels in Milpitas. One indicator relies on HUD-defined, fair market rents (FMRs) for Santa Clara County (including Milpitas). Fair market rents represent the 40th percentile of rents in the County.[12] In other words, sixty percent of rents in the County are above the figures shown and forty percent below. In general, the FMR for an area is the amount that would be needed to pay the gross rent (rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest, non-luxury nature with suitable amenities. The second indicator shows average advertised rents in **Milpitas** as of August 2008. These advertised rents would be expected to be higher than FMRs for two reasons. First, FMRs are at the 40th percentile, as described above, and the advertised rents reported in Table III.19 are averages. Secondly, FMRs are based on the **countywide** rental market, and Milpitas is a higher priced market than some areas in Santa Clara County, including parts of San Jose.

Table III.19: Fair Market Rents and Average Advertised Rents, City of Milpitas, 2008

	Number of Bedrooms in Unit				
	Studio	**1 BR**	**2 BR**	**3 BR**	**4 BR**
Fair Market Rent – 2008 (1)	$928	$1,076	$1,293	$1,859	$2,047
Average Advertised Rents (2)	NA	$1,380	$1,748	$2,025	$2,476

(1) 40th percentile of market rents for Fiscal Year 2008 for San Jose-Sunnyvale-Santa Clara (Santa Clara County).
(2) Based on a survey of 86 non-duplicative rental listings found on Craisglist.org and Apartments.com for the period of August 1-15, 2008.
Source: U.S Department of Housing and Urban Development (HUD) (24 CFR Part 888), Oct. 2007 and Vernazza
Wolfe Associates, Inc.

As shown previously in Table III.9, a low-income, three-person household with an annual income of up to $76,400 could afford to pay a monthly gross rent (including utilities) of $1,910. Comparing Table III.9 to Table III.19, such a household could afford the fair market rent of $1,293 for a two-bedroom unit, assuming such a unit was available in Milpitas. This household would also be able to afford the average advertised rent of $1,748. However, a very low-income household of the same size, earning $47,750 per year, could only afford to pay a monthly rent of $1,194, and would therefore be unable to afford the FMR for a two-bedroom unit or pay the average advertised rent for a two-bedroom unit.

[12] The 40th percentile rent is drawn from the distribution of rents of all units that are occupied by recent movers. Adjustments are made to exclude public housing units, newly built units and substandard units.

Generally, low-income households (between 51% and 80% AMI) of one to four persons are able to afford the average priced rental units appropriate to their household sizes in Milpitas. However, affordable rental options are scarcer for larger, low-income households. For example, neither five-person nor six-person, low-income households would be able to afford the average rents for four-bedroom units ($2,476). Also, very low-income and extremely low-income households earn just below what would be necessary to afford the fair market rent for units matched to their household sizes, with the single exception of studio apartments. Average advertised apartment rents are even less affordable for very low- and extremely low-income households, at all apartment sizes.

Average rents in Milpitas have been steadily increasing during the second half of this decade. After falling on an annual basis between 2001 and 2005, rents began to increase again in 2006 as demand for homeownership started to decline, and rental housing became more appealing. According to rent data derived from listings posted at apartmentratings.com, the average two-bedroom apartment rent (unadjusted for inflation) rose from approximately $1,350 in 2005 to $1,550 in 2007. In 2008, two-bedroom apartment rents averaged approximately $1,750, an increase of 13 percent over 2007 rents.[13] While rents have not yet reached 2001 rent levels, when an average two-bedroom rented for approximately $1,900, rents appear to be steadily increasing. It is likely that recent trends in the housing market, such as lack of credit and relatively high prices, have encouraged households to continue renting.

6) Homeownership Costs, Trends, and Affordability

Home prices in Milpitas have followed the inverse pattern of apartment rentals over the past decade. After dipping slightly during the dot-com bust in 2002, home prices in Milpitas rose rapidly to new highs in the middle part of the decade. Tables III.20 and III.21 show a year-to-year comparison of median and average sales prices from 2001 through the first part of 2008 for both single family homes and condominiums in Milpitas. As shown, single family home prices rose 60 percent between 2001 and 2006, reaching a peak average price of $768,912, but then fell with the onset of the housing downturn. Average prices in 2008 are now 25 percent below their peak in 2006, with a 21-percent drop in home prices recorded between May 2008 and May 2007.

[13] Information was downloaded from www.apartmentratings.com/rate/CA-Milpitas-Pricing in September 2008. Data used to calculate average prices by floor plan over time were gathered from renters' disclosure of monthly rental rates at 15 apartment complexes.

Table III.20: Changes in Single Family Sales Prices in Milpitas (2001-2008)

Date	Average Price	Percent Change	Median Price	Percent Change	Number of Sales
May-01	$479,075		$452,500		32
May-02	$563,038	17.5%	$523,500	15.7%	52
May-03	$511,571	-9.1%	$470,000	-10.2%	45
May-04	$572,111	11.8%	$532,500	13.3%	48
May-05	$710,619	24.2%	$650,000	22.1%	62
May-06	$768,912	8.2%	$730,000	12.3%	40
May-07	$722,000	-6.1%	$715,000	-2.1%	17
May-08	$573,002	-20.6%	$547,675	-23.4%	22

Source: Intero Real Estate Services; Multiple Listing Service (MLS), August 2008.

The City's condominium market has been less volatile during the recent housing market crisis. Since peaking in 2005 at approximately $536,000, average prices for condominiums sold in the month of May have only dropped six percent, falling to $504,000 in 2008.

Table III.21: Changes in Condominium Sales Prices in Milpitas (2001-2008)

Date	Average Price	Percent Change	Median Price	Percent Change	Number of Sales
May-01	$386,926		$370,000		9
May-02	$350,589	-9.4%	$318,500	-13.9%	20
May-03	$384,105	9.6%	$397,000	24.6%	19
May-04	$467,602	21.7%	$480,000	20.9%	24
May-05	$536,071	14.6%	$575,000	19.8%	28
May-06	$532,952	-0.6%	$522,000	-9.2%	14
May-07	$503,000	-5.6%	$535,000	2.5%	11
May-08	$504,000	0.2%	$520,000	-2.8%	7

Source: Intero Real Estate Services; Multiple Listing Service (MLS), August 2008.

The City of Milpitas is not significantly impacted by recent foreclosure activity. For example, in March 2009, 426 homes were listed as being at some point in the foreclosure process (from notice of default through bank sales) according to RealtyTrac, a private firm that tracks foreclosures. This number represents about two percent of all housing units in Milpitas.

Despite the overall downturn of the past few years, 2008 median sales prices are still well above 2001 levels. Median single family home prices have increased 21 percent since 2001, and median condominium prices have increased by more than 40 percent. This has had important impacts on housing affordability.

Based on the sales price assumptions presented in Table III.9, low- and moderate-income households would be unable to afford the average priced single family home in Milpitas ($573,002 in May 2008) or

even the average priced condominium unit ($504,000). In order to afford to purchase a single family home, a household would need to be above-moderate-income, with an annual income of approximately $137,000 (130 percent of area median income).[14] Only 30 percent of Milpitas households presently meet this threshold, based on the 2008 income distribution data presented earlier in Table III.7. To afford the average priced condominium unit, a household would need to earn $120,000 annually (or 114 percent of AMI). Presently about 34 percent of Milpitas' households earn enough to afford the average priced condominium unit.

D. Special Housing Needs

Within the general population there are several groups of people who have special housing needs. These needs can make it difficult for members of these groups to locate suitable housing. The following subsections discuss the special housing needs of the six groups identified in State housing element law (Government Code, Section 65583(a) (6)). Specifically, these include elderly households, persons with disabilities, large households, female-headed households, farm workers, and the homeless. Where possible, estimates of the population or number of households in Milpitas falling into each group are presented.

1) Elderly Households

The total population of residents over the age of 65 in Milpitas grew by more than 1,500 persons between 2000 and 2008 to reach an estimated total of 5,972 in 2008. This represents an increase of nearly 35 percent since 2000, significantly higher than the growth rate of the City's non-senior population. As shown in Table III.22, the much of the absolute growth in the senior population was among adults 65 to 74 years of age, and the fastest growth rate was experienced by seniors 75 years and older. Finally, the senior population of Milpitas grew at a faster rate than Santa Clara County's senior population (35 percent compared with 20 percent).

[14] This assumes that buyers spend 35% of their incomes for housing payments, provide a 20 percent down payment, and obtain a 6.5%, fixed rate, 30-year mortgage. Insurance and property taxes are included in the computation of affordable sales prices.

Table III.22: Growth in Senior Population in Milpitas and Santa Clara County (2000-2008)

	2000	2008	Overall Percentage Growth 2000-2008
Milpitas Senior Population			
Ages 65 to 74	3,039	3,730	22.7%
75 and Older	1,390	2,242	61.3%
Total Senior Population	**4,429**	**5,972**	**34.8%**
Total City Population	62,714	65,754	4.8%
Non-senior Population	58,285	59,782	2.6%
Santa Clara County Senior Population			
Ages 65 to 74	87,624	105,245	20.1%
75 and Older	71,639	86,336	20.5%
Total Senior Population	**159,263**	**191,581**	**20.3%**
Total County Population	1,682,585	1,776,238	5.6%
Non-senior Population	1,523,322	1,584,657	4.0%

Sources: 2000 U.S. Census and 2008 Claritas.

While Claritas provides information on growth in the senior population, it does not provide information on growth in senior-headed households. Consequently, Table III.23 estimates growth in senior households by tenure by combining information from the 2000 Census with information from Claritas. Table III.23 provides estimates for the total number of senior households in 2008, as well as estimates for renter-occupied and owner-occupied units headed by seniors. The majority of senior households (76 percent) were homeowners.

Table III.23: Estimated Growth in Senior Households by Tenure in Milpitas (2000-2008)

	2000	2008 (1)	Growth
Total Senior Households	1,808	2,438	632
Senior Renter Households	436	588	152
Senior Owner Households	1,372	1,850	478
Percent Renter Households	24.1%	24.1%	NA
Percent Owner Households	75.9%	75.9%	NA

(1) To estimate the total number of senior households for 2008, the average size of senior-headed households was assumed to be the same in 2008 as it was in 2000. The 2008 senior population was then divided by the average senior household size to generate an estimate of the number of households headed by seniors. Senior household tenure was estimated also using ratios from the 2000 Census. In this case, the percentage of senior-headed households renting or owning their homes in 2000 was applied to the total estimated number of senior households in 2008.
Sources: 2000 U.S. Census and 2008 Claritas, Inc.

Senior Households' Housing Cost Burdens

Senior households typically live on fixed incomes, thus potentially increasing their needs for affordable housing. This is supported by information provided in Table III-24. As shown in Table III.24, one-to-two person senior-headed households were more likely to have high housing cost burdens in 1999 than

households in general, since 38 percent paid more than 30 percent of their income for housing, and 18 percent paid more than 50 percent of their income for housing costs. The cost burdens faced by senior renters were particularly high, with nearly 61 percent of senior renter households experiencing a high housing cost burden in 1999 compared to 37 percent of all renter households. Senior homeowners were also more likely than their non-senior counterparts to experience a high housing cost burden; nearly 33 percent were burdened by high housing costs in 1999 compared to 26 percent of homeowners overall. Although senior homeowners are generally more likely to have owned their homes long enough to pay off mortgages, their higher rate of housing cost burden may result from having to pay other ownership costs – such as utilities, maintenance, and insurance – on fixed incomes.

Table III.24: Housing Cost Burdens for One-to-Two Person Senior-Headed Households, City of Milpitas, 1999

	Total Households	Households with Cost Burdens (>30% of income)		Households with Severe Cost Burdens (>50% of income)	
		No.	Percentage	No.	Percentage
Senior Renters	351	213	60.7%	80	22.8%
Senior Homeowners	1,363	443	32.5%	234	17.2%
All Senior Households	**1,714**	**656**	**38.3%**	**314**	**18.3%**
Total Renters	5,151	1,921	37.3%	747	14.5%
Total Owners	11,951	3,083	25.8%	1099	9.2%
All Households	**17,102**	**5,011**	**29.3%**	**1847**	**10.8%**

Senior households examined here are 1-2 person households. The CHAS Data Book defines senior households as being headed by an individual over 62 years of age (as opposed to 65 years and above – the definition used in other sections of this chapter). The number of total senior households in this table, therefore, differs from the total number of senior households reported in Table III-23.

Source: HUD, 2000 CHAS Data Book.

The housing burdens described above partly reflect the large percentage of senior households that are lower-income in Milpitas. As Table III.25 shows, more than half of all one-to-two- person senior households were low-, very low- or extremely low-income in 1999. Finally, senior renter households were much more likely to be lower-income than were senior homeowners.

Table III.25: One-to-Two Person Senior Headed Households, by Income and Tenure, City of Milpitas, 1999

	Senior Households		
	Renters	**Homeowners**	**Total**
Total Senior Households (1)	351	1,363	1,714
Extremely Low-Income	56.7%	18.0%	25.9%
Very Low-Income	20.8%	21.9%	21.7%
Low-Income	7.1%	10.9%	10.2%
Moderate-Income and Above	15.4%	49.2%	42.2%

(1) Senior households examined here are 1-2 person households. The CHAS Data Book defines senior households as being headed by an individual over 62 years of age (as opposed to 65 years and above – the definition used in other sections of this chapter). The number of total senior households in this table, therefore, differs from the total number of senior households reported in Table III-23.

Source: HUD, 2000 CHAS Data Book.

Finally, Table III.26 shows how the problem of high cost burdens is exacerbated for lower-income senior-headed households. Over 50 percent of all lower-income senior households had high housing cost burdens in 1999, and 30 percent had severe housing cost burdens. While a higher percentage of renters faced high cost burden than homeowners, in absolute numbers, more homeowners have high cost burdens.

Table III.26: Incidence of High Cost Burdens among Lower-Income, Senior Headed Households with One to Two Persons, City of Milpitas, 1999

	Lower Income Senior Households (1)		
	Renters	**Owners**	**Total**
Total	297	693	990
Cost Burden >30%	67.0%	44.4%	51.2%
Cost Burden >50%	26.9%	31.0%	29.8%

(1) Lower-income includes households earning up to 80% of area median income.
Source: HUD, 2000 CHAS Data Book.

Housing Options for Seniors

There is increasing variety in the types of housing available to the senior population. This section focuses on three basic types.

- **Independent living** – housing for healthy seniors who are self-sufficient and want the freedom and privacy of their own separate, apartment or house. Many seniors remain in their original homes, and others move to special residential communities which provide a greater level of security and social activities of a senior community.
- **Group living –** shared living arrangements in which seniors live in close proximity to their peers and have access to activities and special services.
- **Assisted living** – provides the greatest level of support, including meal preparation and assistance with other activities of daily living.

Each of these options is discussed below. It is clear that there is a lack of housing resources for low-income seniors in Milpitas. This situation is not unique to Milpitas and reflects national trends.

Independent Living

The greatest need for some lower-income seniors is to receive support services in order to remain in their own homes as long as possible.[15] Santa Clara County provides some services to help lower-income seniors live independently, but these services are insufficient to meet all needs. The primary, affordable in-home service in Santa Clara County is provided by In-Home Health Services (IHHS), and the Multi-Service Program (MSP). IHHS provides help with cooking, housekeeping, and transportation. MSP offers teams of professionals who provide services like medication monitoring. The Council on Aging coordinates both service providers, and operates with limited state funding. These services meet a very small portion of the need.[16] Since the senior population is projected to nearly double by the year 2020, demand for these in-home services can be expected to increase dramatically as well.[17]

An alternative to receiving support services in one's own home is to live in an independent living development designed for seniors. Presently there are two affordable housing developments for lower-income seniors in Milpitas. The newer of the two, Devries Place, was completed in February of 2008. It was fully occupied in a short period of time. All 102 units are priced to be affordable to very low- and extremely low-income seniors. The development is located in a mixed-use district at the north end of the Midtown Specific Plan Area. The new Valley Health Center will be built next door to Devries Place in 2009, and a new Milpitas Public Library across the street has been completed and is open. Retail and transit are also within a short walking distance.

Terrace Gardens, built in 1989, provides 148 units for very low-income seniors. A meal program is included. The development is located behind a shopping center, providing residents with easy access to retail goods, groceries and services.

Waiting lists at each of these developments are substantial, providing strong evidence of unmet need. More than 150 people are on the waiting list for Devries Place, and new applicants are reportedly added to the list on a daily basis. Terrace Gardens also maintains a waiting list. This list ranges between several months to two years, depending on the affordability category and unit turnover.

Additionally, in Fall 2008, there were 330 seniors from Milpitas on Santa Clara County's Housing Authority's Section 8 voucher waiting list. This is in addition to 116 Milpitas senior households that already have vouchers.

Finally, the Barbara Lee Senior Center located in Milpitas reports that it receives between 30 and 40 inquiries from seniors for low-income housing per month. This request level remained steady during 2008. The City is building a new Senior Center and anticipates completion in late 2010.

[15] Interviews with Baker Registry and Senior Housing Solutions, Fall 2008.
[16] Interview with the Executive Director, Senior Housing Solutions, August 26, 2008.
[17] Projections of the County's senior population are reported in *Community for a Lifetime: A Ten Year Strategic Plan to Advance the Well-Being of Older Adults in Santa Clara County*, The City of San Jose and the County of Santa Clara, 2005, p.13.

Affordable Group Living

Senior Housing Solutions is a leading developer in Santa Clara County of shared senior housing, in which older adults share large, single family homes. Presently this non-profit operates a total of nine houses countywide, providing rooms for 37 seniors. Another three homes were under construction in the County in 2008. Four to five extremely low-income residents live in each house. In 2007, Senior Housing Solutions located its first shared home in Milpitas near Abel Street and Marylinn Drive. As of mid-2008, 130 people were on their waiting list. Ten of these individuals live in Milpitas. Senior Housing Solutions expects its waiting list to double once it advertises its new homes.[18] The City of Milpitas has authorized another grant of $750,000 to Senior Housing Solutions for the development of another group house that will serve five extremely low-income seniors. Finally, the City supports a request for funding by Senior Housing Solutions to the Housing Trust Fund of Santa Clara County. Milpitas has pledged an additional $100,000 in support for this funding request to the Housing Trust Fund.

Assisted Living

Residential care facilities for the elderly (RCFE's) offer state-licensed assisted living for people who need minimal assistance with personal care such as bathing, dressing, and grooming, and who need or want communal meals and social contact. Presently, there are a total of five licensed residential care homes for the elderly in Milpitas, with a combined capacity of 30 beds.[19] The City provides CDBG funds to Catholic Charities of Santa Clara County Long Term Care Ombudsman Program to seek resolution to problems of seniors, to advocate for the rights of residents in long-term care facilities, and to investigate complaints.

RCFE's in Santa Clara County cost typically between $1,200 and $10,000 per month, with relatively few facilities at the low end of the price scale (even assuming shared rooms and minimal personal care), and more options in the $3000 to $4000 range.[20] For those seniors who receive Supplemental Security Income (SSI), their benefit levels would cover only a small portion of this cost. In addition, neither Medical nor Medicaid assistance can be used to pay for rooms at RCFE's. This mismatch between income and residential costs underscores a need for more affordably priced residential care facilities.

[18] Interview with Executive Director, Senior Housing Solutions, August 26, 2008.
[19] State of California Community Care Licensing Division, *Directory Report: Santa Clara County*, April, 2008.
[20] Interviews with Santa Clara Long-Term Care Ombudsman Program, Senior Registry and Baker Registry, September-October, 2008.

2) Persons with Disabilities

In 2000, 17 percent of Milpitas residents over five years of age had some form of disability. This totaled 9,390 residents. The highest rate of disability was among persons over the age of 65 (44 percent). (See Table III.27.)

Table III.27: Disabled Population Five Years and Older, City of Milpitas, 2000

Age	With a Disability	Total Population(1)	Percent with a Disability
5 to 15 years	225	9,462	2.4%
16 to 64 years	7,211	41,187	17.5%
65 years and older	1,954	4,429	44.1%
Total Population 5 years and older	**9,390**	**55,078**	**17.0%**

(1) Non-institutionalized civilian population only.
Source: 2000 U.S. Census.

Table III.28 provides more detailed information on the nature of these disabilities. The number of disabilities in this table (16,296) exceeds the number of individuals with disabilities (9,390), since a person can have more than one disability. Of the general population over the age of five who reported disabilities, the most common disabilities were related to employment or difficulty going outside the home.

Table III.28: Types of Disabilities for Persons Five Years and Older, Milpitas, 2000

Type of Disability	TOTAL		Age Group					
			5-15 years		16-64 years		65 years+	
	Number	%	Number	%	Number	%	Number	%
Sensory	1,080	7%	78	32%	485	4%	517	13%
Physical	2,408	15%	31	13%	1,194	10%	1,183	30%
Mental	1,452	9%	122	50%	732	6%	598	15%
Self-care	744	5%	12	5%	245	2%	487	12%
Go-outside-home	5,041	31%	NA	NA	3,863	32%	1,178	30%
Employment	5,571	34%	NA	NA	5,571	46%	NA	NA
Total Reported Disabilities	**16,296**		**243**		**12,090**		**3,963**	

Source: 2000 U.S. Census.

Not all disabled persons require special housing. Many disabled individuals live independently or with family members. A small proportion of the City's disabled population may actually require housing that is specially adapted to accommodate their disabilities. However, there is unmet need for affordable housing for disabled adults. For example, the Santa Clara County's Housing Authority's waiting list for Section 8 vouchers in 2008 included 191 Milpitas residents with disabilities.

To understand the special housing needs of the City's disabled population, this subsection provides information on three categories of disabled adults. These include housing for individuals with mental illness, the developmentally disabled, and the physically disabled.

Housing for Individuals with Mental Illness

The typical housing need for individuals with mental illness includes one-bedroom units, single room occupancy units (SRO's), or shared housing. Each type of housing also requires supportive services.

With the passage of the Mental Health Services Act in 2004, Santa Clara County Mental Health received $19 million to buy and build units for severely mentally ill individuals who are homeless or nearly homeless. The County's Housing Plus Fund has also given the Mental Health Department $4 million for this purpose. County Mental Health expects to build about 150 units of supportive housing with these combined funds.

Two affordable projects that provide supportive services are in the pipeline. These projects are funded through Mental Health Services Act and will be located in Santa Clara and San Jose. Other projects are being considered for Sunnyvale and San Jose. No housing developments for mentally ill homeless individuals are currently planned for Milpitas.

However, according to the Mental Health Department, these resources are inadequate to meet the total need for affordable, supportive housing. According to the most recent census of the homeless, it is estimated that 23% of the 7,202 sheltered and unsheltered homeless individuals in Santa Clara County are mentally ill.[21] Thus, the planned 150 housing units will fall short of the need represented by more than 1,600 estimated mentally ill homeless in the County.

Private organizations like InnVision operate a continuum of supportive housing options for homeless mentally ill individuals in Santa Clara County. These services are based in San Jose. For example, Julian Street Inn provides 70 emergency shelter beds to clients diagnosed with a mental illness. Stevens House provides transitional housing for eight "graduates" of the Julian Street Inn. A third housing development operated by InnVision provides permanent supportive housing for mentally ill single women.

Housing for the Developmentally Disabled

Developmentally disabled individuals live with mental retardation, cerebral palsy, autism or other forms of learning or cognitive disabilities. According to the San Andreas Regional Center in Santa Clara County, there is a growing need for housing for the developmentally disabled in Milpitas. The Center estimates that 310 developmentally disabled individuals presently live in Milpitas. The vast majority lives with a parent, relative or legal guardian.

The Housing Choice Coalition is the affordable housing arm of the San Andreas Regional Center and works with non-profits throughout Santa Clara County to develop special needs affordable housing coupled with supportive services that can allow developmentally disabled adults live independently. In

[21] The information on the percent of the homeless population that is mentally ill is from the *2007 Homeless Census and Survey*. Also, the estimate of the number of mentally ill homeless is likely to be conservative, since it is based on surveyed homeless who identified themselves as mentally ill.

2008, there were a total of 1,400 developmentally disabled individuals on the Housing Choice Coalition's waiting list for affordable housing. The Coalition has helped create 200 units in the past 11 years, and has five more projects in the pipeline. None of these developments is located in Milpitas.

There are presently 10 residential care facilities in Milpitas for developmentally disabled adults, with a combined capacity to serve 57 individuals. Most operate to serve non-ambulatory disabled adults.

Housing for the Physically Disabled

The Silicon Valley Independent Living Center (SVILC) receives more than 245 requests each year for the placement of disabled persons in accessible housing. Only a small percentage of these persons can actually be placed because of the shortage of special housing and its cost. Since most of the individuals contacting SVILC are extremely low-income, they cannot afford market-rate rents.

According to SVILC, twenty Milpitas residents contacted the Center for services in 2007. Out of the sixteen individuals who contacted the Center for housing, only four were actually placed. This low placement rate is due to a lack of accessible, affordable housing.

3) Large Households

Large households, defined as households with five or more members, require housing units with three or more bedrooms in order not to be overcrowded. Since large households are frequently family households with children, suitable housing should also provide safe outdoor play areas, and be located with convenient access to schools and child-care facilities. These types of needs can pose problems particularly for large families that cannot afford to buy or rent single family houses, since apartment and condominium units are often designed for smaller households.

It is estimated that in 2008, the City of Milpitas had 4,325 households with five or more members. This accounted for 24 percent of all households. Most of these larger households were homeowners; only one-third or 1,309 households were renters. (See Table III.29.)

Table III.29: Large Households in Milpitas, 2008

Household Size	Percentage of All Households	Total	Renters	Owners
1-Person Household	11.5%	2,066	702	1,364
2-Person Households	24.0%	4,290	1,123	3,167
3-Person Households	20.3%	3,634	1,249	2,385
4-Person Households	20.0%	3,586	1,048	2,538
5-Person Households	11.4%	2,048	686	1,362
6-Person Households	6.3%	1,120	252	868
7-or-more-Person Households	6.5%	1,157	361	796
Total Households with 5+ Persons	**24.2%**	**4,325**	**1,309**	**3,016**

Tenure by household size was estimated based on the ratio of renters to homeowners for each household size in 2000, using Census data. Total households by household size were derived from 2008 Claritas data.
Sources: 2000 U.S. Census and 2008 Claritas, Inc.

As of 2000, over half of the housing stock in Milpitas (10,675 units) consisted of larger units, defined as those with three or more bedrooms. (See Table III.30.) However, when renter household size information is compared with the availability of units with four or more bedrooms, it appears that there is a slight shortage of housing units for the 613 very large *renter* households (those with six or more persons). As of 2000, there were only 540 rental units with four or more bedrooms.

Table III.30: Number of Bedrooms in Milpitas Housing Units, by Tenure, 2000

	Number	Percentage of All Housing Units
Owner-Occupied		
Studio	347	2.0%
1 Bedroom	493	2.9%
2 Bedrooms	2,080	12.1%
3 Bedrooms	4,596	26.8%
4 Bedrooms	3,823	22.3%
5 or more Bedrooms	612	3.6%
Total Large Units (3+ Bedrooms)	9,031	52.7%
Renter-Occupied		
Studio	344	2.0%
1 Bedroom	1,529	8.9%
2 Bedrooms	1,669	9.7%
3 Bedrooms	1,104	6.4%
4 Bedrooms	496	2.9%
5 or more Bedrooms	44	0.3%
Total Large Units (3+ Bedrooms)	1,644	9.6%
Total Occupied Housing Units	**17,137**	**100%**

Source: 2000 U.S. Census.

A final assessment of the situation for large households is to consider household income levels. Table III.31 provides data on the income levels of the City's larger households. As shown, 1,042 large households (26 percent of the total) were lower-income in 1999. The majority of these were renters.

Table III.31: Income Levels of Large Households with Five or More Related Persons, by Tenure, Milpitas, 1999

	Large Households (1)		
	Total	**Renters**	**Owners**
Income			
Extremely Low-Income	197	118	79
Very Low-Income	408	279	129
Low-Income	437	228	209
Moderate Income and Above	2,915	550	2,365
Total	3,957	1,175	2,782
Total Lower-Income (2)	1,042	625	417

(1)Excludes households for which housing costs could not be collected or computed. Consequently, total household figures are lower than the numbers reported in Table III.29.
(2) A lower-income household is defined as a household earning less than 80% of AMI.
Source: HUD, *2000 CHAS Data Book*.

When planning for new multifamily housing developments, therefore, the provision of housing for the largest households is an important consideration. The new and proposed units in the City of Milpitas are

not large, primarily because they are multifamily units. Over half of the new units recently built or under construction have an average size below 1,050 square feet. In contrast, of the approximately 530 re-sales of existing single family homes in 2006, the median size was 1,588 square feet, and the average size was 1,712 square feet, significantly larger than new multifamily housing units.

The number of bedrooms in the new multifamily units also reflects the size difference between existing single family housing stock and new housing development. In new developments, the median number of bedrooms is two; in comparison the median number of bedrooms in existing single family units that sold in 2006 was three. Finally, out of 2,662 new housing units built since 2000, there are only 11 four-bedroom units, and less than half of all units (1,068 units out of 2,662) consist of three or more bedrooms.

The need for an adequate supply of rental units for very large renter households (mentioned above) is magnified for lower-income, very large renter households whose limited incomes may preclude them from renting single family homes with four or more bedrooms.

4) Female-Headed Households

Female-headed households are households of at least two persons (related or unrelated) headed by a woman. As of 2008, it is estimated that there are 1,940 female-headed households in Milpitas, representing 11 percent of all households in 2008.[22] (See Table III.32.) A very small proportion of female-headed households in Milpitas (approximately one percent) fall below the poverty level. This is lower than overall poverty rate among Milpitas' households in 2008 (estimated at three percent).

Table III.32: Female-Headed Family Households in Milpitas (2000-2008)

	2000		2008	
	Number	% of Total Households	Number	% of Total Households
Female Householder, No Husband Present	**1,768**	**10.3%**	**1,940**	**10.8%**
With Children under 18 years	949	5.5%	898	5.0%
Without Children under 18 years	819	4.8%	1,042	5.8%
Female-Headed Households under Poverty Level	**154**	**0.9%**	**163**	**0.9%**
With Children under 18 years	141	0.8%	150	0.8%
Without Children under 18 years	13	0.1%	13	0.1%
Total Families under Poverty Level	470	2.7%	534	3.0%

Sources: 2000 U.S. Census and 2008 Claritas.

Due to lower incomes, female-headed households often have more difficulties finding adequate, affordable housing than families with two adults. Also, female-headed households with small children may need to pay for childcare, which further reduces disposable income. As an indication of unmet need for affordable housing, there are presently 1,120 female-headed households in Milpitas on the Section 8

[22] A female-headed household is defined as a family or non-family household, headed by a female, consisting of at least two persons.

waiting list at the Santa Clara County Housing Authority. This special needs group will benefit generally from expanded affordable housing opportunities.

5) Farmworkers

Farms are present in Santa Clara County, but very few are located in or near Milpitas. For example, a scan of pesticide permits conducted by the Agricultural Commission in 2008 found only one active permit within Milpitas for a small rangeland property. The Santa Clara Farm Bureau is not aware of any other farms other than rangeland in the immediate area. Farmworkers, employed in Santa Clara County, are more likely to be working on farms located to the south of Milpitas in unincorporated areas of Santa Clara County, as well as in jurisdictions such as Morgan Hill and Gilroy.

Within the City's sphere of influence, it is estimated that 180 people are employed in Agriculture and Natural Resources; however, there is no way to know how many of these jobs actually involve farm work.[23] The 2000 US Census identified 130 local residents employed in farming, fishing or forestry. However, the location of these jobs is not specified and could be outside the City.

Presently, there is no farmworker housing in Milpitas. However, farmworker housing is a conditional use in any district where it is deemed essential to public convenience or welfare and is consistent with the General Plan. There are no special development standards or procedures for farmworker housing in Milpitas. Due to the high cost of land, absence of seasonal agriculture, and lack of a significant farmworker population in the City, the need to develop farmworker housing in Milpitas is a low priority.

6) Homeless

According to the *2007 Santa Clara County Homeless Census and Survey*, there are at least 5,101 unsheltered homeless people in Santa Clara County and an additional 2,101 sheltered homeless individuals at any point in time.[24] (See Table III.33.) This is a conservative estimate, since it excludes people staying in rehabilitation facilities, hospitals and jails. The total number of the County's estimated homeless population for 2007 (7,202) was slightly lower than the total estimated in 2005 (7,491). However, a greater number of persons (18,056) were estimated to have been homeless at any point in time during the course of the previous year.

[23] Association of Bay Area Governments (ABAG), *Projections 2007*.
[24] Sheltered homeless stay overnight in emergency shelters, transitional housing, domestic violence shelters, or institutional housing.

Table III.33: Estimated Homelessness in Santa Clara County, 2007

	No.	Percent
Total Homeless Estimate	**7,202**	100%
Unsheltered Homeless Population	**5,101**	**71%**
Individuals	2,938	41%
People in Families	261	4%
People Living in Encampments, Cars, RVs, or Vans	1,902	26%
Sheltered Homeless Population	**2,101**	**29%**
Individuals	996	14%
People in Families	1,105	15%

Source: Applied Survey Research, *2007 Santa Clara County Homeless Census and Survey.*

Of the homeless population surveyed in the *Homeless Census and Survey*, approximately 29 percent were chronically homeless, while 57 percent of respondents had been homeless only once within the past year.[25] Within the sheltered homeless population, 73 percent of single individuals (807) were male adults, 22 percent (248) were female adults and four percent (48) were single youth. Among the sheltered family homeless population, 31 percent (309) were females, 10 percent (95) were males and 59 percent (592) were youth.

Additional information about specific homeless subpopulations is provided in Table III.34. According to the information presented in this table, the largest groups are persons with severe mental illness those with chronic substance abuse, and homeless veterans.

Table III.34: Estimated Homeless Subpopulations in Santa Clara County, 2007

	Sheltered	Unsheltered	Total
Severely Mentally Ill	533	1,336	1,869
Chronic Substance Abuse	128	872	1,000
Veterans	237	705	942
Persons with HIV/AIDS	34	235	269
Victims of Domestic Violence	95	622	717
Unaccompanied Youth	48	114	162

Source: Applied Survey Research, *2007 Santa Clara County Homeless Census and Survey.*

The *Homeless Census and Survey* counted a total of 142 unsheltered homeless in Milpitas in 2007. Roughly half of these unsheltered homeless were living in encampments, RV's or vans. The Santa Clara County Collaborative on Housing and Homeless Issues reports there were 189 adults and 34 children from Milpitas who utilized homeless services somewhere in the County between July 1, 2007 and June

[25] Chronically homeless is defined as having a disabling condition and having either been homeless for a year or more or having four or more episodes of homelessness within the past three years.

30, 2008.[26] While Milpitas represents around 3.8 percent of the total Santa Clara County population, only 1.7 percent of the County's homeless population had a last permanent address in Milpitas.[27]

The City of Milpitas is home to a relatively small percentage of the County's homeless population, which can be explained, in part, by the absence of shelters operating in the City. While EHC Lifebuilders (EHC) is a primary provider of shelter and support services for the Milpitas homeless population, it operates these services out of a central location in San Jose. The City of Milpitas provides EHC with CDBG funding to cover the cost of 4,500 Person Shelter Days (PSD) for 55 unduplicated Milpitas residents at EHC's Reception Center on Little Orchard Street in San Jose. This is the closest overnight shelter that serves Milpitas' homeless population. The City of Milpitas also operates a "cooling and warming" shelter for the homeless in the City's Sports Center, but does not provide overnight housing there. In addition, during the Winter, the City provides daytime warming centers at the City's Community and Senior Centers.

Despite its relatively small homeless population, however, the City of Milpitas has been collaborating with other jurisdictions in Santa Clara County to address the homeless problem regionally, due to the shifting nature of homelessness in Santa Clara County and the tendency of people to move between cities to find work or housing. This collaboration includes supporting regional efforts to build additional transitional and permanent housing with supportive services.

As of January 2007, Santa Clara County provided the following resources:

- 744 year-round shelter beds (320 for families, 424 for individuals);
- 250 seasonal shelter beds;
- 1,445 transitional housing beds (1,064 for families, 381 for individuals), and
- 1,170 permanent supportive housing beds (724 for families, 446 for individuals).

An additional 283 beds of permanent supportive housing were under development as of early 2007.[28]

Unmet need for 121 transitional housing beds and 2,346 permanent supportive housing beds remains, according to the Santa Clara Collaborative on Housing and Homeless Issues. The need for emergency shelter beds is harder to gauge. Emergency shelters for individuals in the County tend to be full, and shelters for families are almost always full, though this does not necessarily suggest a need for more shelter beds at present time according to the County Collaborative.[29]

The Santa Clara County Housing Authority sets aside two types of vouchers for chronically homeless individuals, totaling 200 Section 8 vouchers. The waiting list for these vouchers is lengthy and closed.

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[26] The Santa Clara County Homeless Management Information System (2008), operated by the Community Technology Alliance on behalf of the Santa Clara Collaborative on Homelessness and Housing Issues, provided these numbers. These figures do not include segments of the chronically homeless population that elect not to receive assistance as well as short-term homeless families and individuals that were quickly re-housed without assistance.

[27] Santa Clara County Homeless Management Information System, 2008.

[28] Santa Clara County Collaborative on Housing and Homeless Issues, *San Jose/Santa Clara City & County Continuum of Care Application*, 2007.

[29] Interview with Secretary of the Board, Santa Clara County Collaborative on Housing and Homeless Issues, August 29, 2008.

Additionally, the Housing Authority offers Shelter Plus Care vouchers for people with disabilities. These are coupled with case management and supportive services. The waiting list for these is closed as well.

E. Opportunities for Energy Conservation

The purpose of assessing opportunities for energy conservation is to document how the City assists residential development to conserve energy and secondly to understand how energy conservation can reduce overall housing costs by reducing PG&E bills.

The City of Milpitas primarily facilitates energy conservation through its residential development and zoning policies. These policies are reflected in the Midtown and Transit Area Specific Plans which recommend that the City undertake rezoning of many underutilized parcels to higher densities. The Specific Area Plans also recommended the use of a Transit Oriented Development Overlay District that provides for higher building heights for the R3, R4, MXD, and MXD3 districts. Through the adoption of higher densities near transit, the City encourages the use of transit which reduces reliance on private automobiles and associated carbon emissions.

In addition, the City's Transit Area Specific Plan (TASP) promotes walking and biking for short internal trips. For example, the TASP requires new development to install sidewalks, and the City intends to provide pedestrian bridges over major streets, such as Great Mall Parkway, Capitol Avenue, and Montague Expressway.

The City continues to enforce California Energy Commission's Title 24 standards for energy efficiency. Finally, in 2008, the City adopted Resolution No. 7735 for Green Building Policies. A summary of the key provisions of this Resolution which covers both residential and non-residential building is as follows:

- The U.S. Green Building Council's LEED rating system for non-residential buildings and Built It Green's GreenPoint Rated system for residential buildings have been adopted as the official green building standards for the City of Milpitas.
- Planning applications for new buildings submitted after March 1, 2008 must include a completed LEED or GreenPoint Rated checklist for informational purposes.
- New city buildings and renovation projects over 5,000 square feet initiated after March 1, 2008 are now required to be evaluated for feasibility to achieve at least a LEED Silver certification.
- Finally, the City will be adopting a Green Building Ordinance by the end of 2009.

In addition, the City provides outreach on an ongoing basis to residents about the Pacific Gas and Electric Energy Partners Program. This program provides low-income customers with free weatherization services and energy-efficient appliances to reduce gas and electricity uses. This is the principal way in which the City currently promotes energy conservation opportunities unrelated to new development or renovations.

F. Affordable Housing and at Risk Projects

1) Inventory of Existing Affordable Units

The City of Milpitas is home to six affordable housing developments (including an acquisition/rehabilitation of a four-plex), and ten mixed-income developments, including four that are under construction. Additional mixed-income developments have been approved. (See Chapter IV.)

Table III.35 presents the inventory of affordable housing units in the City of Milpitas. There are 1,085 affordable housing units in Milpitas. One of these units is a group home serving five extremely low-income seniors; there are 730 units available to very low-income households, 172 units available to low-income households, and finally, there are 182 units earmarked for moderate-income households. This table also indicates the earliest dates of termination of affordability restrictions for each of the listed projects. Of the 16 affordable and mixed-income projects listed in Table III.35, six have affordability restrictions which are not subject to expiration, and nine have restrictions which will expire beyond the planning horizon of this Housing Element. However, affordability restrictions for 149 affordable units at Sunnyhills Apartments are due to expire in 2011.

Table III.35: Subsidized and Restricted Affordable Housing in Milpitas, 2009

Name of Development/ Address	Year Built	Tenure	Total Units	Senior/ Family	Affordable Units	Target Affordability (1)	Expiration Date
Affordable Projects							
Terrace Gardens 186 Beresford Court	1989	Rental	148	Senior	148	148 L (Section 8)	None
Parc West 950 South Main Street	2005	Rental	68	Family	68	35 L, 33 M	2045
Summerfield Homes Great Mall Pkwy. and S. Abel St.	1999	Ownership	110	Family	22	22 L	2029
Devries Place Senior Housing 163 North Main St.	2008	Renter	103	Senior	103	102 VL, 1 M	None
Aspen Family Apartments 1666 South Main St.	Under Construction	Renter	101	Family	101	100 VL, 1 M	None
Senior Solutions SRO-type units 751 Vasona	2007 (rehabbed)	Renter	1	Senior	1	5 ELI individuals	None
Scattered Sites on Edsel Court (1129 and 1143) and Shirley Drive (1116 and 1124) Acquisition and Rehabilitation	2008 (rehabbed)	Rental	4	Family	4	4 VL	2063
Mixed-Income Projects							
Montevista Apartments 1001 South Main Street	2001	Rental	306	Family	153	77 VL, 76 L	2040
Sunnyhills Apartments 1724 Sunnyhills Drive	1971	Rental	171	Senior + Family	149	Section 8	2011
Crossing at Montague 755 E. Capitol	2003	Rental	468	Family	94	94 VL	None
Parc Metro S. Main St. and E. Curtis Ave.	2005	Ownership	382	Family	28	10 L, 18 M	None
Centria East Great Mall Parkway and Main St.	2008	Ownership	137	Family	26	9 VL, 7 L, 10 M	2053
Paragon 1696 South Main St.	Under Construction	Ownership	147	Family	29	9 VL, 20 M	2044

Name of Development/ Address	Year Built	Tenure	Total Units	Senior/ Family	Affordable Units	Target Affordability [1]	Expiration Date
Parc Place E. Curtis Ave. and Hammond Way	2006	Ownership	258	Family	58	18 VL, 6 L, 34 M	2051
Murphy Ranch Murphy Ranch Road	Under Construction	Rental	374	Family	88	20 VL, 30 L, 38 M	2064
Town Center Villas 300 Shaughnessy Drive	Under Construction	Ownership	65	Family	16	16 M	2054
Terra Serena E. and W. Sides of Abel St., N. of Curtis Ave.	Under Construction	Ownership	683	Family	65	21 L, 44 M	2062
Total Units					**1,085**	**1 ELI, 730 VL, 172 L, 182 M**	

[1] Income Target Groups: ELI = Extremely Low-Income, VL = Very Low-Income, L = Low-Income, M = Moderate-Income
Sources: City of Milpitas and Vernazza Wolfe Associates, Inc.

2) At-Risk Projects

State law requires that housing elements include an inventory of all publicly assisted multifamily rental housing projects within the local jurisdiction that are at risk of conversion to uses other than low-income residential during the current planning period and the subsequent five years (2009 through 2019). For those units found to be at risk of conversion, the Housing Element must estimate the cost to preserve or replace the at-risk units, to identify the resources available to help in the preservation or replacement of those units, and to identify those organizations that could assist in these efforts. Since Sunnyhills Apartments is the only development at risk of market rate conversion, this subsection of the Housing Element provides information on preservation and replacement costs for the Sunnyhills at-risk units.

Originally financed under the Section 236 and Section 8 programs in 1981, the project owner attempted to prepay their mortgage in 1990 under Sections 220 and 221 of the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA). Originally a total of 104 units were supported through HUD project-based Section 8 vouchers. Through the efforts of the City and HUD, project sponsors entered into a revised Plan of Action in December 1991 in which project affordability restrictions were retained in exchange for a modest increase in rental payments, and funding of an additional 45 project-based Section 8 units, for a total of 149 affordable units. Under this revised 20-year agreement between HUD and the JMK Sunnyhills Investors II, affordability restrictions are in place until October 1, 2011. Currently, the subsidy provided averages $950 per unit monthly. According to the owner, HUD has not yet discussed the continuation of the project-based Section 8 subsidies.

The total subsidy amount annually is $1,698,600 for the project or $11,400 per unit annually. According to the current owner, rents for the affordable units are low compared to market rate rents. The owner anticipates that, if HUD elects to renew the contract, the subsidy per unit will be increased substantially. One possibility is that the owner could decide to continue receiving Section 8 subsidies on a year-to-year basis.

Preserve Affordability

While it is difficult to estimate the exact cost to preserve the 149 affordable units, this analysis uses an annual subsidy amount of $1.7 million (a rounded amount of the current annual subsidy in 2008 dollars) as the basis for the estimate of preservation costs. This assumes that the property owner is willing to enter into a rental subsidy agreement with HUD, the Housing Authority of Santa Clara County, the City of Milpitas, or some other entity. Based, on this assumption, the cost to preserve these units for a 30-year period (assuming an inflation rate of three percent) would be approximately $80.9 million in 2008 dollars. (See Table III.36.)

Table III.36: Comparison of Costs to Preserve or Replace 149 Affordable Units at Sunnyhills Apartments

	Preservation Costs	Replacement Costs
Required Costs	$1.7 million Annual Subsidy	$58 million Permanent Financing
Financing Assumptions	30 years, 3% inflation rate	30 year amortizing loan @6% interest rate
Total Project Costs	$80.9 million	$126.4 million

Source: Vernazza Wolfe Associates, Inc.

Acquisition/Rehabilitation of Sunnyhills Apartments to Preserve Affordability

An acquisition strategy first requires that the current property owner is interested in selling the property to another entity, such as a nonprofit housing developer. Secondly, this nonprofit organization would need to obtain funds to purchase the property. The advantage of an acquisition/rehabilitation strategy is that the nonprofit developer does not need to go through the entire development process including locating a suitable site and obtaining necessary entitlements. However, funding requirements are similar and costs are generally comparable to new construction.[30]

Replace Affordable Units

As an alternative to providing ongoing monthly rent subsidies or attempting to acquire Sunnyhills Apartments, the City or another entity could develop replacement housing units that could be rented to the displaced households at lower-income rent levels. Based on the development costs of an affordable family project under construction in Milpitas in 2008, per unit construction cost is approximately $388,000 per unit or approximately $58 million for 149 units. Since rents affordable to lower-income households cannot support this mortgage, it would be necessary for the affordable housing developer to obtain subsidies for permanent financing. Assuming that all rental income is applied to operating expenses, then, the entire development costs would need to be financed. A loan in the amount of $126.4 million would be needed to replace the 149 units, assuming a six percent, 30 year, amortizing loan. (See Table III.36.)

The City must consider what resources are available to help replace these units so that lower-income tenants would not be displaced in the event that Sunnyhills Apartments is redeveloped as a market rate development. The City could provide some financing from the City Redevelopment Agency and its CDBG Entitlement Funds. In addition, nonprofit developers in Milpitas have access to a range of funding options that could also be used to pay for the replacement of the Sunnyhills apartments. These sources include the following:

- Mortgage Revenue Bonds
- State Grant Programs, such as MHP
- HOME Program

[30] Since costs are comparable to new construction, acquisition/rehabilitation cost estimates are not provided here.

- Federal Grant Programs
- Low Income Housing Tax Credits
- Housing Trust Fund of Santa Clara County

If the owners of Sunnyhills Apartments decide to convert the project to a market rate use in late 2011, the City will need to develop a strategy to replace the 149 affordable units. In most situations this entails collaboration with an affordable housing developer. The City is experienced in collaborating with affordable housing developers. The DeVries Place Senior Housing development and Montevista Apartments are two examples of the private/public partnership that would be needed to replace the at-risk units at Sunnyhills Apartments.

7.5 SITES INVENTORY

A. Projected Housing Needs

As shown in Table IV.1, the Association of Bay Area Governments (ABAG), in its final Regional Housing Needs Determination figures, allocated Milpitas 2,487 housing units for the period from 2007 to 2014. The allocation is equivalent to a yearly need of approximately 355 housing units for the seven-year time period. The principal difference in the regional housing needs allocation (RHNA) numbers between the last housing element period and the current period is in the reduction of the number of units required for moderate-income and above-moderate income households.

Table IV.1: Milpitas Regional Housing Needs Allocation by Income, 2007-2014

	Very Low	Low	Moderate	Above Moderate	Total
City of Milpitas	689	421	441	936	2,487
Percentage Distribution	27.7%	16.9%	17.7%	37.6%	100.0%

Source: Association of Bay Area Governments (ABAG), *Regional Housing Needs 2007-2014 Allocation.*

Milpitas's RHNA allocation represents about four percent of the total Santa Clara County RHNA figure of 60,338 housing units.[31]

B. Sites Inventory

The State Government Code requires that the Housing Element include an "inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment" (Section 65583(a) (3)).[32] The purpose of an inventory of sites is to demonstrate that the City of Milpitas has a sufficient amount of land to accommodate its fair share of the region's housing needs during the planning period (2007-2014). It further requires that the Element analyze zoning and infrastructure on these sites, to ensure that residential development is feasible during the planning period.

Since the last Housing Element update, additional information is now required to be included in the inventory. (See Government Code Section 65583.2) This information includes parcel number (or other unique identifier), parcel size, and current use (if not vacant). Also, the inventory must demonstrate that there are available sites that can accommodate a variety of housing types, including multifamily rental housing, manufactured housing, farmworker housing, emergency shelters and transitional housing.

A beginning point in the inventory of available sites is to identify current residential projects that are under construction, approved, or planned. Since the beginning of the current housing element update period (January 2007), five projects have been completed or started construction (Town Center Villas, Paragon,

[31] This share is slightly above Milpitas's share of total housing units in Santa Clara County estimated by the Department of Finance for 2008 at three percent. It is likely that this difference reflects the transit advantages and employment potential of Milpitas.

[32] Sites refer to locations for potential housing development. In some instances, these sites are comprised of several parcels (identified by APN's).

the last phase of Terra Serena, Senior Solutions Group Home, and the rental phase of Fairfield Murphy Ranch) for a total of 681 units, including 199 affordable units. Also, the City has now approved 1,923 additional units, including 156 affordable units. An additional 3,670 units are in the planning stages, including 299 affordable units, primarily for moderate-income households. More information on these projects is presented below. (See Table IV.5 for a complete list of these new developments.)

Table IV.2 summarizes this development activity and compares it to the RHNA numbers assigned to the City of Milpitas for the period 2007-2014. Although the City could surpass its housing needs goals by almost 3,800 units (assuming all approved and planned units are built), the number of affordable units planned and approved (654) falls short of the RHNA numbers. Furthermore, the majority of these below market rate units are priced for the moderate-income income group. The number of units to accommodate very low- and low-income households that remain to be accommodated on other Milpitas sites is 897 units.

Table IV.2: Summary of Current Milpitas Residential Development Projects Compared with RHNA Numbers (2009)

Project Status	Total Unit Count	Affordable Unit Count	Very Low-Income	Low-Income	Moderate-Income
Under Construction Since January 2007	681	199	51	30	118
Approved Residential Projects	1,923	156	44	60	52
Planned Residential Projects	3,670	299	36	27	236
Total Pending (Completed, Under Construction, Approved, and Planned)	**6,274**	**654**	**131**	**117**	**406**
RHNA Numbers	2,487	1,551	689	421	441
Difference between Total Pending and RHNA Nos.	-3,787	897	558	304	35

Source: City of Milpitas

Thus, one of the remaining goals for the City is to identify additional sites that can be used to develop affordable housing, as well as special needs housing.

Demonstrating an adequate land supply, however, is only part of the task. The City must also show that this supply is capable of supporting housing demand from all economic segments of the community. High land costs in the region make it difficult to meet the demand for affordable housing on sites that are designated for low densities. This is not a problem for the City of Milpitas, however, since it has zoned substantial areas of the City for high density residential and mixed use land uses.

The majority of the City's residential development potential is located in the areas covered by the Midtown and Transit Area Specific Plans. All of the Midtown Specific Plan Area is located in a redevelopment project area and all but 46 acres of the Transit Area Specific Plan Area is located in a redevelopment project area.[33] Only two sites on the inventory list presented below (Table IV.4) are located outside these areas. The specific plan areas are in the midst of a transition from older industrial and heavy commercial

[33] The portion of the Transit Area that is not included in a redevelopment project area is the Piper Drive/Montague Expressway Area. There are three pending projects located in this area – Piper Towers, Citation, and Milpitas Station.

uses to a mixed use community developed at urban densities. Over 2,000 units have been built or permitted in the City since 1999, and the majority of these are located in one of the specific plan areas. Additional units are now in the pipeline and are included as part of the 2007-2014 site inventory as new projects.

The inventory of potential sites that are not included on the current projects list was developed from two sources.

- First, the City reviewed the list of available sites that were presented in the 2002 Housing Element. This original list presented information on 28 sites, many of which were comprised of more than one assessor's parcel number (APN). From this original list, fewer than half of the original 28 sites are still potential development locations. These are included on the 2007-2014 site inventory.

- Second, the Transit Area Specific Plan identified six development opportunity areas that could be redeveloped within the five years following plan adoption. This five-year period falls into the housing element update period of 2007-2014. Additional sites located in these areas are included in the site inventory. [34]

When developing the inventory of potential sites, the opportunity sites were presumed to be developed at the midpoint of the allowable density range. This is a conservative assumption, as many initial development proposals for sites in the specific plan areas have been closer to the high end of the density range, or even above the top of the range. In addition, for those sites that are designated as mixed-use sites (MXD), the acreage on the site has been reduced by nine percent to account for the potential development of non-residential uses. This adjustment is based on recent mixed-use developments in the Midtown and Transit Specific Plan Areas that have been redeveloped with residential and commercial uses. While it is possible for sites zoned as mixed-use to be completely developed for non-residential uses, the historical trend within the City is for parcels in these areas to be developed primarily for residential uses.

Table IV.3 summarizes these potential sites, Figure IV-1 shows their locations, and Table IV.4 provides detailed information. Based on midpoint densities and current zoning, there is a potential for an additional 2,385 housing units that could be built on the 14 housing sites. With the exception of Site #1, all sites are zoned for multifamily development and are suitable for affordable housing developments.

[34] A market study prepared for the City in 2008 identified additional parcels that could be considered for residential development. These parcels are not zoned for residential use. These sites are not included on the site inventory list, since there are already a sufficient number of sites located in Milpitas that are zoned for residential use.

Table IV.3: Summary of Potential Sites for Single and Multifamily Housing, City of Milpitas

Site Number	Total Parcels	Net Residential Acreage	Potential Units
Outside Plan Area			
1	1	4.85	33
Subtotal		**4.85**	**33**
Midtown Plan Area			
2	5	1.98	49
3	5	1.73	43
4	1	1.17	29
5	4	1.69	42
6	2	1.1	25
Subtotal		**7.67**	**188**
Transit Plan Area			
7	4	1.91	96
8	1	4.37	253
9	4	12.33	432
10	2	3.87	224
11	2	4.97	288
12	1	0.56	32
13	1	8.17	474
14	4	12.17	365
Subtotal		**48.35**	**2,164**
Total	**37**	**60.87**	**2,385**

Sources: City of Milpitas and Vernazza Wolfe Associates, Inc.

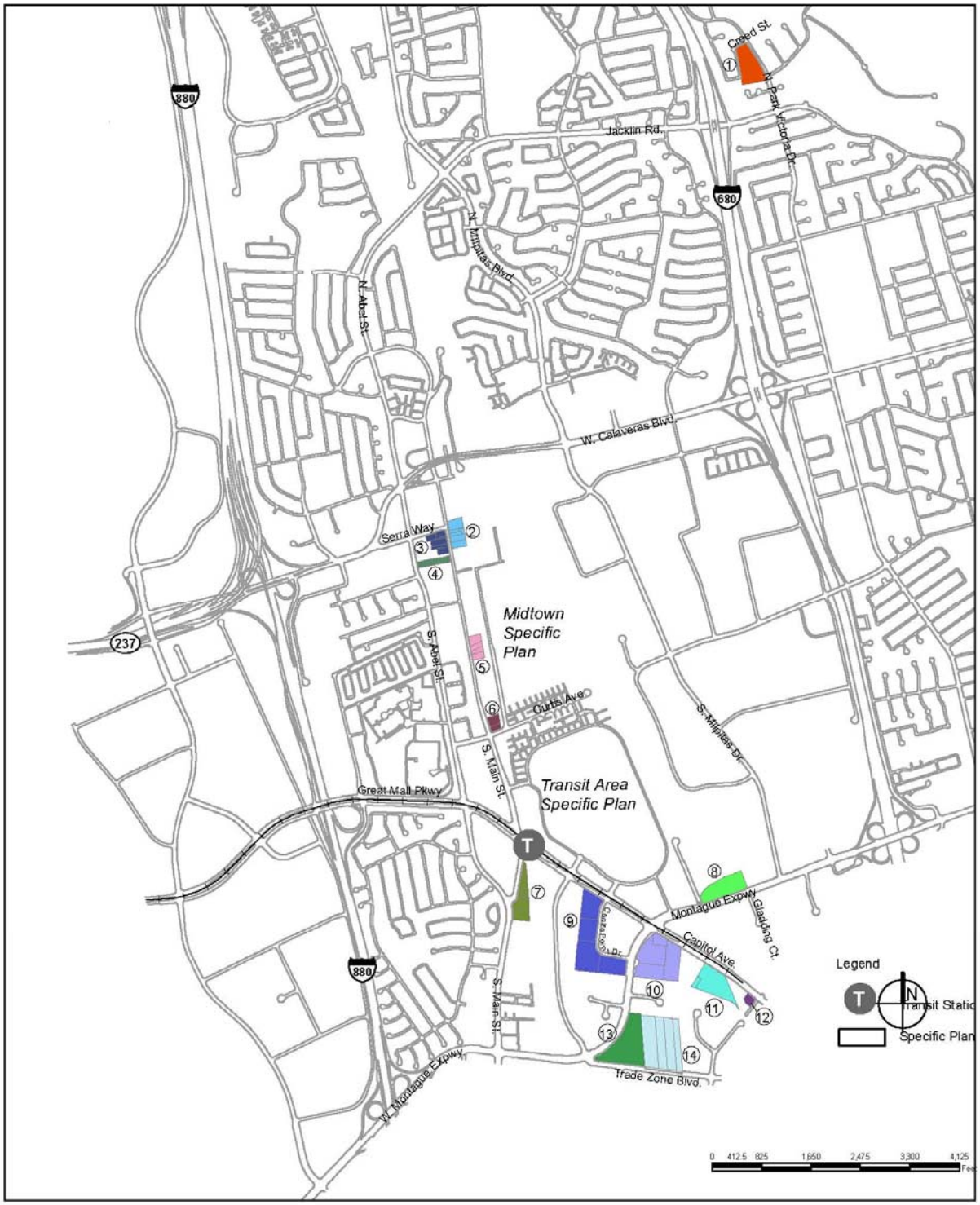

Figure IV.1: Location Map of Potential Sites for New Residential Development

Table IV.4: List of Additional Potential Housing Sites, City of Milpitas

Site #	In Plan Area (1)	APN	Street Address	Current Zoning	Current Land Use	Total Lot Size (Acres)	Adjusted Lot Size (Acres)	Midpoint Density	Potential Units @ Density Midpoint	Comments
1	No	2904040	1005 North Park Victoria Dr.	R1-6	Vacant	4.85	4.85	NA	33	This is the largest vacant single family detached housing site in the City. It is in a desirable location, adjacent to existing single family neighborhoods. This would be a site for market rate housing, given current zoning.
2	M	8627037	154 S. Main St.	MXD	Commercial	1.04	0.95	25	24	This site is located at the heart of Old Town Milpitas and includes several adjacent parcels under separate ownership.
2	M	8627039	166 S. Main St.	MXD	Commercial	0.20	0.18	25	5	
2	M	8627019	174 S. Main St.	MXD	Commercial	0.23	0.21	25	5	
2	M	8627040	196 S. Main St.	MXD	Commercial	0.56	0.51	25	13	
2	M	8627041	S. Main St. (no street number)	MXD	Commercial	0.14	0.13	25	3	
3	M	8608023	209 S. Main St.	MXD	Commercial	0.34	0.31	25	8	This site is located at the heart of Old Town Milpitas and includes several adjacent parcels under separate ownership. Affordable housing would be most likely if the parcels are assembled to form
3	M	8608024	227 S. Main St.	MXD	Commercial	0.45	0.41	25	10	
3	M	8608030	195 S. Main St.	MXD	Commercial	0.64	0.58	25	15	
3	M	8608045	Serra Way (no street number)	MXD	Vacant	0.42	0.38	25	10	
3	M	8608048	187 S. Main St.	MXD	Commercial	0.06	0.05	25	1	

Site #	In Plan Area (1)	APN	Street Address	Current Zoning	Current Land Use	Total Lot Size (Acres)	Adjusted Lot Size (Acres)	Midpoint Density	Potential Units @ Density Midpoint	Comments
										a larger development site.
4	M	8608012	Main St. (no street number)	MXD	Vacant	1.29	1.17	25	29	This is a flat, unconstrained lot with excellent transportation access and frontage along both Abel Street and South Main Street.
5	M	8625010	Main St. (no street number)	MXD	Vacant	0.38	0.61	25	15	The site has no constraints and could be redeveloped with a mixed use residential project. It includes two large open lots with a small structure built on one of them.
5	M	8625011	526 S. Main St.	MXD	Recreational	0.67	0.35	25	9	
5	M	8625012	554 S. Main St.	MXD	Commercial	0.46	0.42	25	10	
5	M	8625013	542 S. Main St.	MXD	Commercial	0.34	0.31	25	8	
6	M	8625020	850 Main St.	MXD	Vacant	0.41	0.37	25	9	This site consists of a contractor's storage yard with an adjoining vacant lot under separate ownership. It is adjacent to new multifamily housing.
6	M	8625021	808 S. Main St.	MXD	Natural Resources	0.69	0.63	25	16	
7	T	8623004	1362 S. Main St.	R4	Commercial	0.23	0.23	50	12	Five of these parcels contain commercial uses,
7	T	8623006	1312 S. Main St.	R4		0.40	0.40	50	20	
7	T	8623011	1380 S. Main St.	R4	Commercial	1.12	1.12	50	56	

Site #	In Plan Area (1)	APN	Street Address	Current Zoning	Current Land Use	Total Lot Size (Acres)	Adjusted Lot Size (Acres)	Midpoint Density	Potential Units @ Density Midpoint	Comments
7	T	8623013	1300 S. Main St.	R4	Commercial	1.07	1.07	50	54	including an old restaurant and commercial services, and a sixth is vacant. They are adjacent to the new Great Mall Light Rail station, have strong potential for reuse, and are on the TASP Opportunity list.
7	T	8623015	1400 S. Main St.	R4	Commercial	1.04	1.04	50	52	
7	T	8623016	1338 S. Main St.	R4	Vacant	0.21	0.21	50	11	
8	T	8632029	765 Montague Expressway	MXD3	Industrial	4.8	4.37	58	253	Low density, industrial building with a large parking area. Site is on the TASP Opportunity list.
9	T	8633086	1463 Centre Point Drive	R3	Industrial	3.13	3.13	30	94	Low density, industrial buildings, large parking area. Four parcels owned by same owner. Site is on the TASP Opportunity list.
9	T	8633087	1537 Centre Point Drive	MXD2	Industrial	2.66	2.42	40	97	
9	T	8633088	1567 Centre Point Drive	MXD2	Industrial	4.2	3.82	40	153	
9	T	8633089	1589 Centre Point Drive	R3	Industrial	2.96	2.96	30	89	
10	T	8637004	2369 Capitol Ave.	MXD3	Vacant	0.81	0.74	58	43	Of these 4 parcels, one is vacant, and the remaining are developed with general business uses, including yards for
10	T	8637019	400 E. Montague Expy.	MXD3	Industrial	2.50	2.28	58	132	
10	T	8637020	450 E. Montague Expy.	MXD3	Industrial	3.64	3.31	58	192	
10	T	8637021	620 E. Capitol Ave.	MXD3	Commercial	3.44	3.13	58	182	

Site #	In Plan Area (1)	APN	Street Address	Current Zoning	Current Land Use	Total Lot Size (Acres)	Adjusted Lot Size (Acres)	Midpoint Density	Potential Units @ Density Midpoint	Comments
										equipment. These parcels are adjacent to the new Montague/Capitol Light Rail Station and the proposed BART Station The parcel on Capital Ave. is on the TASP Opportunity list.
11	T	8637027	750 E. Capitol Ave.	MXD3	Commercial	5.12	4.66	58	270	Vacant lot adjacent to large warehouse in close proximity to new Montague/Capitol Light Rail Station and the proposed BART Station.
11	T	8637015	W. Capitol Ave. (no street number)	MXD3	Vacant	0.34	0.31	58	18	
12	T	8637025	888 E. Capitol Ave.	MXD3	Vacant	0.61	0.56	58	32	Vacant corner lot.
13	T	8636043	337 Trade Zone Blvd.	MXD3	Industrial	8..98	8.17	58	474	Low density, industrial building with a large parking area.
14	T	8636003	625 Trade Zone Blvd.	R3	Industrial	2.06	2.06	30	62	These four contiguous parcels are considered to have excellent potential for projects combining affordable and
14	T	8636004	615 Trade Zone Blvd.	R3	Commercial	2.86	2.86	30	86	
14	T	8636005	595 Trade Zone Blvd.	R3	Commercial	2.86	2.86	30	86	
14	T	8636006	573 Trade Zone Blvd.	R3	Natural Resources	4.39	4.39	30	132	

Site #	In Plan Area (1)	APN	Street Address	Current Zoning	Current Land Use	Total Lot Size (Acres)	Adjusted Lot Size (Acres)	Midpoint Density	Potential Units @ Density Midpoint	Comments
										market rate housing. They are included in the TASP Opportunity Sites List.

(1) "M" signifies a location in the Midtown Specific Plan Area and "T" signifies a location in the Transit Specific Plan Area.

Sources: 2002 Housing Element, City of Milpitas, DataQuick and Vernazza Wolfe Associates, Inc.

There are three vacant sites included in this inventory. These are Sites 1, 4, and 12, ranging in size from approximately one-half acre to almost five acres. In addition, some of the parcels that are aggregated to create a site include vacant parcels. Table IV.4 identifies these as well. The sites vary in size. Those located in the Transit Area Specific Plan Area are larger than those in the Midtown Specific Plan Area. With the exception of Site #1 on North Park Victoria, the **lowest** density of the sites listed is R3, which allows densities up to 20 units per acre. The **highest** density (up to 75 units per acre) is allowed in the TOD overlay portions of the R5 and MXD3 zones. Eight parcels located at five sites are zoned as MXD3. Minimum density requirements will ensure that the land is efficiently used, while development agreements and incentive programs will ensure that a significant portion of future housing will be affordable.

At present, there are 6,270 units that are under construction, approved, or under discussion. These units are located on additional sites, not included on Table IV.4. Table IV.5 provides a list of these current projects, and Figure IV.2 shows their locations. Eight of these developments will provide affordable units for a total of 654 units.

The City uses its development approval process to draft an affordable housing agreement for each residential development. These agreements are designed to meet either the City's affordable housing requirements (Section XI-10-6.03 of the City's Zoning Ordinance) or California Redevelopment Law affordable housing requirements. Since many of the new residential developments are located in one of the City's redevelopment project areas, the affordability requirements of Redevelopment Law are frequently those that are applied. Under Redevelopment Law, 15 percent of privately developed housing must be affordable to very low-, low- and moderate-income households. However, this requirement does not need to be met on a project-by-project basis, but within the redevelopment project area as a whole. Thus, the City has some leeway in negotiating the affordable housing requirement with housing developers. To illustrate, a portion of Terra Serena's affordable housing requirement was fulfilled by the donation of a site that was used by DeVries Place Senior Housing, a senior affordable development.

When affordable housing is provided on-site, the rents and sales prices are restricted and determined by the City consistent with California Redevelopment Law. In the case of affordable, for-sale housing, the City's website provides income guidelines, sales price information, and applications. Affordable rental housing is managed by individual property management companies.

The current and proposed projects that will provide affordable units are as follows:

- Town Center Villas is a 65-unit, mixed-income single family development and is almost completed. Sixteen of these units will be affordable to moderate-income buyers. The City of Milpitas has provided funds for down payment assistance to moderate-income, first-time homebuyers who will purchase homes in the Town Center project. Sales prices on the moderate-income units will be restricted until 2054.

- Another ownership project is Paragon, which is a 147-unit, mixed-income development under construction. Paragon is a condominium project that will provide 29 units affordable to very low- and moderate-income buyers. The City of Milpitas has provided funds for down payment assistance to very low- and moderate-income, first-time homebuyers who will purchase at Paragon. Sales prices will be restricted until 2044.

- The final phase of KB Homes Terra Serena development will provide 94 units, of which 63 will be affordable to moderate-income buyers. Sales prices will be restricted until 2062. The City has provided loans and grants to this project.

- The Fairfield Murphy Ranch Project consists of rental and ownership units. Of the 374 rental units to be developed at this site, 20 will be affordable to very low-income households, 30 will be affordable to low-income households, and 38 will be affordable to moderate-income households. The ownership portion of the Fairfield Murphy Ranch development consists of an additional 285 units. Forty-four units will be affordable (37 will be for moderate-income households, and seven for very low-income households). Although this project has not received financial assistance from the City, it will restrict sales prices and rents.

- The Matteson Condos, a 126-unit project, will provide 19 affordable units, of which four will be for low-income households, and the remaining units will be for moderate-income households. No funds have been provided to this project, but sales prices will be restricted.

- Apton Plaza will be completely affordable. It will provide 37 units for very low-income households and 56 units for low-income households to be sold at restricted sales prices. The City has committed a loan to this development.

- South Main Street Senior Lifestyles will provide 63 affordable assisted living units for seniors, of which 36 will be affordable to very low-income households, and 27 will be affordable to low-income households.

- Finally, there is the mixed-use Integral development that will include 1,573 housing units, of which 236 will be affordable to moderate-income households. The City will consider financial assistance to this development, but the level of this assistance has not yet been determined.

These affordable units are included in Table IV.2.

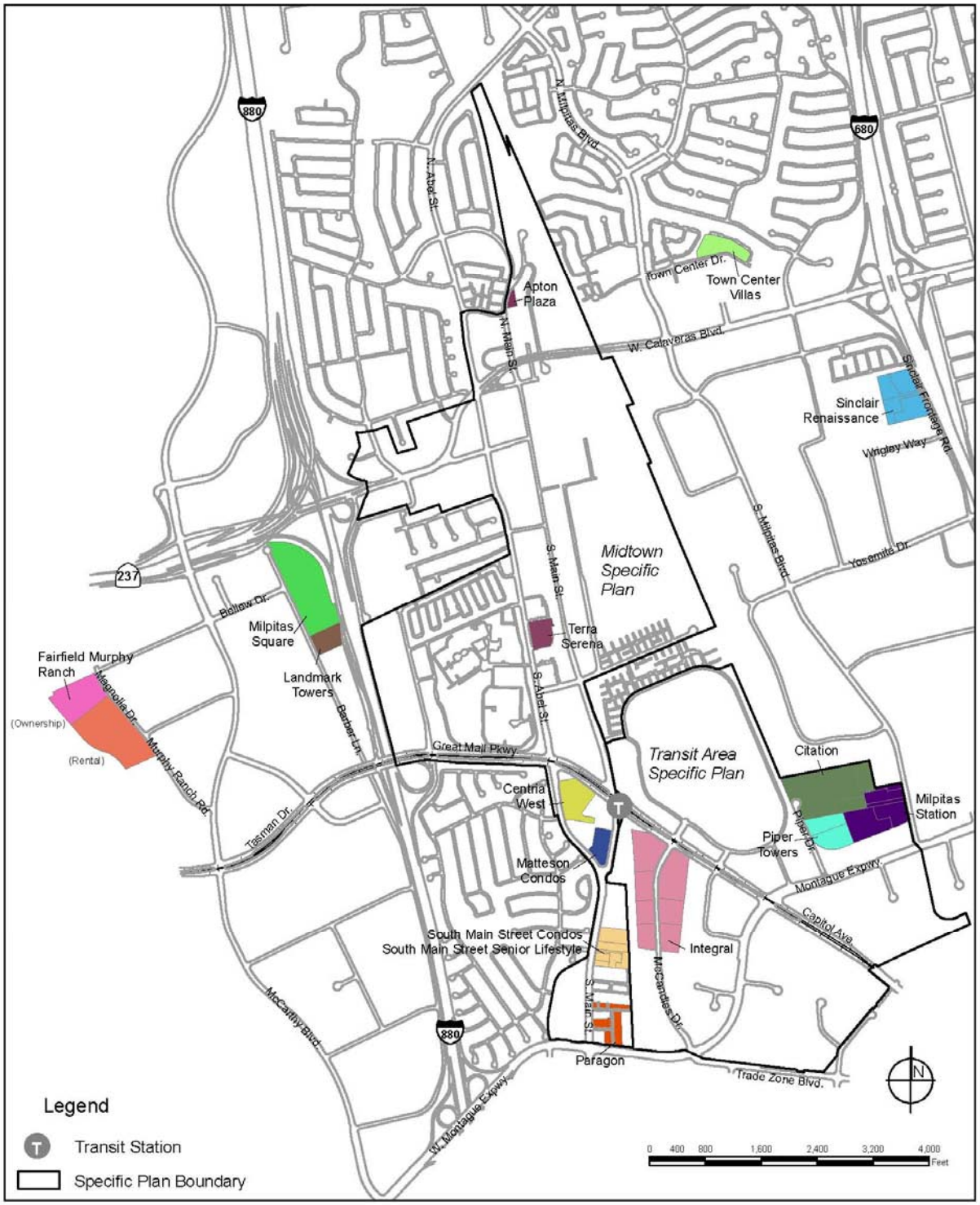

Figure IV.2. Location Map of Current Residential Projects

Table IV.5: List of New Projects - Under Construction, Approved, and Planned - City of Milpitas September 2009

Project Name	In Specific Plan Area	APNs	Street Address	Zoning	Current Land Use	TOD (Y/N)	Acres	Units
Under Construction[35]								
Fairfield Murphy Ranch (Rental)	No	8601042	Magnolia Dr.	R4	Vacant	N	14.15	374
Town Center Villas	No	2835001 to 2835065	Town Center Dr.	TC	Town Center	N	4.56	65
Terra Serena	Midtown	Various	Terra Serena E. and W. Sides of Abel St., N. of Curtis Ave.	R4-S	Under Construction	N	NA	94
Paragon	Midtown	8634017, 8634019, 8634020	1696 South Main St./75 Montague Expressway	R4-S	Under Construction	N	4.56	147
Subtotal							**23.27**	**680**
Approved								
Apton Plaza	Midtown	2834001 to 2834093	230 N. Main St.	MXD	Vacant	Y	0.61 (est.)	93
Citation	Transit	8632037, 8632038	1200 Piper Dr.	R3	Vacant	Y	15.44	638
Fairfield Murphy Ranch (Ownership)	No	8601041	501 Murphy Ranch Rd.	R4	Vacant	N	7.58	285
Landmark Towers	Transit	8601034	600 Barber Lane	R4	Vacant	Y	3.00	375
Matteson Condos	Midtown	8616100	1201 S. Main St.	R4	Industrial	Y	2.72	126
Milpitas Station	Transit	8632033 to 8632040	1419 S. Milpitas Blvd.	R4 and R3	Industrial	Y	2.93	326
Sinclair Renaissance	Transit	8629042 to 8629076	245-367 Sinclair Frontage Rd.	R1-3	Industrial	N	9.66	80
Subtotal (1)							**41.94**	**1,923**

(35) This total does not include the group home under development by Senior Solutions.
(2) This total does not include a mixed-use development that will provide three market rate units.
(3) South Main Street condos and South Main Street Senior Lifestyles are now planned for these parcels.

Project Name	In Specific Plan Area	APNs	Street Address	Zoning	Current Land Use	TOD (Y/N)	Acres	Units
Planned [2]								
South Main Street Condos [3]	Midtown	8622027 to 8622034	1556 S. Main St.	R4	Mainly Vacant	Y	5.9	207
South Main Street Senior Lifestyle	Midtown	8622027 to 8622034	1556 S. Main St.	R4	Mainly Vacant			180
Centria West (Rental)	Midtown	8612021	120 Great Mall Parkway	R4	Vacant	Y	5.24	327
Integral	Transit	8633092 to 8633101	1375 McCandless Dr.	MXD2 & MXD3	Light Industrial	Y	23.04	1,573
Milpitas Square	Transit	8601043	190 Barber Ct.	C-3	Market	N	16.85	900
Piper Towers	Transit	8632035, 8632036	1200 Piper Dr.	R4	Lumber Dealer		2.96	480
Subtotal							**53.99**	**3,667**
Total (UC, Approved, and Planned)							**119.20**	**6,270**

Source: City of Milpitas and Vernazza Wolfe Associates, Inc.

C. Additional Considerations

1) Site Considerations for Above Moderate-Income Households

A review of the land use database provided by the County of Santa Clara Assessor's Office and the City of Milpitas indicates that there are 29 vacant residentially-designated sites where new housing could be possible. These sites are in scattered locations but are mostly in the northeastern part of the City, consisting of either empty lots within existing subdivisions (e.g., Calaveras Ridge Estates, Calera Creek Heights, Vista Ridge), or as larger undeveloped parcels that extend up from the base of the hills along Piedmont Road and Evans Road, or along the sloped portion of County Club Road. Most sites are located within the City's Urban Growth Boundary and would be subject to the restrictions of voter-approved Hillside Residential Overlay District in the City's Zoning Ordinance that specifies a density of one unit per 10 acres. At current General Plan and zoning densities, these sites could yield approximately 119 units. Most of these would be appropriate sites for luxury single family homes.

One of the larger and more interesting sites that emerged from the site inventory discussed above is a 4.85 acre vacant parcel on North Park Victoria Drive. This site is listed on Table IV.4. It is located along the west side of North Park Victoria Drive and across from the intersection of Country Club Road, inside the Urban Growth Boundary and is zoned for residential use. It appears to be undeveloped except for a single family house located at the southeast corner of the property, a house that appears to have suffered fire damage and is currently unoccupied. The location and size of this parcel suggest that it might make a good candidate for luxury housing. This site could yield approximately 33 units under current zoning (R1-6 at seven units to the acre).

2) Adequacy of Infrastructure and Services

Although Milpitas is a built-out city, the conversion of older industrial and commercial sites in the Specific Plan Areas to residential and mixed land uses requires that additional infrastructure investment be undertaken. Transportation access to these areas is excellent, since these areas are in close proximity to two major freeways, two light rail stations and a future BART Station. However, since Milpitas is located at a crossroads of Silicon Valley, there is a great deal of regional traffic. The City has adopted a transportation impact fee that will help pay for needed road improvements within the City. Until sufficient funds are collected from this fee, affected roads will be operating below an acceptable level of service. Finally, traffic congestion along the major freeways is a regional problem that requires regional solutions. The Transit Area Specific Plan EIR recommended a Traffic Fee to contribute to address this issue.

Aside from transportation issues, remaining infrastructure, such as water, sewers, and storm drains are adequate to support the planned growth in Milpitas.

A final consideration is the fire and emergency medical assistance services provided throughout Milpitas by the Milpitas Fire Department (MFD). The TASP EIR recommended that a "standards-of-coverage" analysis be conducted "to determine the precise impact on the department's staffing, equipment and any required facility enhancements. In addition, the MFD will need to write an addendum to the City's emergency management plan to address future development of the project area. Thus, future development of sites in the TASP area will need to address these issues related to fire and emergency medical assistance services.

This Housing Element provides that similar consideration of the adequacy of fire and emergency medical assistance coverage be extended to all Housing Element sites, including those outside as well as inside the TASP area, at the time specific projects come up for review.

3) Environmental Constraints

Chapter V addresses more generally the extent to which environmental considerations could be a constraint on new development in the City of Milpitas. These include potential earthquakes, flooding, and hillside erosion. In addition, since many of the potential sites are located in a transitional area changing from older industrial and heavy commercial uses to a mixed use community, it is possible that there are hazardous materials on some of the potential sites.

- Milpitas is subject to the same hazards from seismic activity as are other cities in the San Francisco Bay Area. However, since the sites presented above are not located on landfill, new development on these sites is not exposed to any greater risk from a potential earthquake.

- Some of the housing sites in the Transit Area are located within the 100-year floodplain. Although flood depths would be very shallow, a combination of on-site and off-site improvements may still be required before building in areas that could experience potential flooding.

- Although development on the hillsides is theoretically possible, the area has serious seismic and landslide constraints. However since none of the sites included in the site inventory are located in the hillside area, this potential hazard is not a problem.

- None of the sites listed in the 2002 Housing Element that are still considered potential sites for 2007-2014 are contaminated. The five sites that are Transit Area Specific Plan Opportunity sites and which were not included in the 2002 Housing Element are Sites 10, 11, 12, 15, and 17. Given prior land uses, it may be necessary to undertake a Phase I Environmental Site Assessment for these sites prior to residential development.

A final environmental issue relates to vibration levels that may affect future development inside and outside the TASP area related to the UPRR and BART right-of-way. To make sure that vibration levels do not exceed acceptable levels, the TASP includes mitigation measures to address potential issues related to vibration. Future development in this area will be subject to potential siting and/or construction features sufficient to reduce the impacts of ground vibration. This Housing Element provides that Housing Element sites outside the TASP but within 300 feet of an active UPRR and/or BART alignment be subject to an analysis of vibration impacts and be required to provide for vibration reduction consistent with the direction of TASP policies.

D. Zoning for a Variety of Housing Types

In addition to the requirement of identifying potential sites for affordable housing, the City must identify districts within the City in which special needs housing can be constructed. The purpose of special housing is two-fold. First, it must be affordable, and second, the type of housing required should not be

subject to any special conditions, aside from conforming to site and design standards. Each type of special needs housing is presented below along with recommendations regarding the appropriate zoning districts in which the type of housing can be located. In all cases, the City will need to modify its Zoning Ordinance to allow the special needs use "by right" rather than as a conditional use.

1) Farmworker Housing

Health and Safety Code Sections 17021.5 and 17021.6 specify that the Housing Element must demonstrate that the local government's zoning, development standards and processing requirements encourage and facilitate all types of housing for farmworkers. Appropriate zoning would allow multifamily units as well as dormitory-style housing. While there are two exclusions to this requirement, the City does not meet either of these; thus, it will be necessary to modify the City's Zoning Ordinance for the 9 AR Agricultural Residence District to allow farmworker housing as a use "by right."[36]

2) Manufactured Housing

Similar to farmworker housing, the City needs to identify those residential districts in which manufactured housing is allowed.[37] Currently, there is no reference to manufactured housing in the Zoning Ordinance, only to mobile homes. With the exception of design requirements, a city can only subject the manufactured home and the lot on which it is placed to the same development standards which are required for a conventional single-family residential dwelling. Thus, the City will need to modify its Zoning Ordinance to permit manufactured housing in single family districts.

3) SRO Housing

Single room occupancy units (SRO's) are assumed to meet the needs of extremely low-income households. If a jurisdiction can show it is meeting the needs of extremely low-income households (below 30 percent AMI), then it is not required to consider SRO's in its Zoning Ordinance. However, according to the housing needs identified in Chapter III for Milpitas, there are over 755 extremely low-income renter households in Milpitas, the vast majority of which were overpaying for housing in 1999. So this income group does have need for additional affordable housing. Furthermore, this group has not been helped by recent affordable housing construction which benefits the upper bound of the low-income group, i.e., 50 percent AMI instead of 30 percent AMI.

Therefore, to meet these needs, the City will either need to amend its Zoning Ordinance to permit SRO housing in selected districts, or it will need to adopt an SRO Ordinance.

[36] The two exclusions are as follows: If the City could demonstrate there are no agriculture workers working in Milpitas, this zoning change would not be needed. However, ABAG currently identifies 180 agricultural workers in Milpitas' sphere of influence. (Employment information is presented in Chapter III of this Housing Element.) The second exclusion would be if the City's Zoning Ordinance did not indicate any agricultural zoning districts, then it could be waived out of this requirement. However, there are two zoning districts that specify agricultural uses in Milpitas.

[37] The applicable state law is Government Code Section 65852.3.

4) Homeless Shelters

Chapter III discussed the need for housing services for homeless individuals and families in the City. To meet this need, the City has identified the highway services (HS) Zoning District as the district for homeless shelters as a land use "by right." According to the City's Land Use Plan, there are 271 acres of land designated as HS, of which 44 acres are undeveloped. Parcel sizes range from less than one-half acre to 23 acres. The median parcel size is 1.3 acres, and the average parcel size is about three acres. Fifteen parcels are below one acre in size. Thus, the HS zone has parcels that would be of an appropriate size for a homeless shelter.

Land zoned as HS is located in several parts of the City (near major thoroughfares) and serves as a gateway to the City. Several new hotels and a mixed use development are located in this zone and include the Hampton Inn, Extended Stay, and Milpitas Square. The following locations include HS zoned parcels:

- West of I-880 and south of Calaveras Boulevard
- North of Montague Expressway, West of I-880, and East of McCarthy Boulevard
- East of I-680 near Jacklin Road
- Along North Milpitas Boulevard near Minnis Circle

The City will need to revise its Zoning Ordinance for the HS zone to allow homeless shelters as uses "by right."

5) Transitional and Permanent Supportive Housing

Finally, as authorized under SB2, sites for supportive transitional and permanent housing need to be identified. Appropriate sites for supportive transition housing would also be located near services and facilities and be subject to the same permitting processes as other housing in the zone without undue special regulatory requirements. It will be necessary to amend the current Zoning Ordinance to state that supportive transitional housing be allowed as a resident use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

E. Housing Resources

The City of Milpitas has access to a variety of funding sources for affordable housing activities. These include federal, state, and local resources. These resources in combination with high density zoning in the Specific Plan Areas, has enabled (and will continue to enable) the City to provide affordable housing opportunities to its residents.

1) Federal Programs

CDBG Program

Through the CDBG program, the federal Department of Housing and Urban Development (HUD) provides funds to local governments for funding a wide range of housing and community development activities for

low-income persons. The City of Milpitas is a CDBG Entitlement City and receives annual allocations directly from HUD.

Based on previous allocations, Milpitas expects to receive an annual allocation of $579,009 and an additional $100,000 in Program Income from the Single Family Housing Rehabilitation Program for a total of $679,009. In accordance with established policies, Milpitas is committed to increasing and maintaining affordable housing in the City. CDBG funds are used for site acquisition, rehabilitation, first-time homebuyer assistance, development of emergency and transitional shelters and fair housing/housing counseling activities. Additional activities in support of the new construction of affordable housing include site clearance and the financing of related infrastructure and public facility improvements.

HOME Program

While Milpitas does not received HOME funds directly from HUD, Milpitas can compete for funds that are allocated by the State of California. Milpitas can work with affordable housing developers to support applications for these funds that can be used for all aspects of affordable housing development.

Section 8 Assistance

The Section 8 program is a federal program that provides rental assistance to very-low income persons in need of affordable housing. This program offers a voucher that pays the difference between the current fair market rent and what a tenant can afford to pay (e.g. 30 percent of household income). The voucher allows a tenant to select housing that may cost above the payment standard. However, in that situation, the tenant must pay the extra cost. At present, 618 Milpitas households receive Section 8 Vouchers. In addition, affordable housing developments can request project-based Section 8 assistance.

2) State Programs

California Housing Finance Agency (CHFA)

The California Housing Finance Agency operates several programs that help reduce the cost of housing. These programs, funded by the sale of tax-exempt bonds, provide permanent financing of affordable housing developments, as well as financing for homebuyers.

Housing Funds Authorized by State Propositions

Since 2002, California voters have voted for two major housing funding programs. The first is referred to as Proposition 46. The funds from this program are now expended. The second Proposition, referred to as Housing and Emergency Shelter Trust Fund Act of 2006, or Proposition 1C, authorized $2.85 billion to be spent on affordable housing and other related activities. Funds from this Proposition still remain.

Low Income Housing Tax Credit Program

Created by the 1986 Tax Reform Act, the Low Income Housing Tax Credit Program (LIHTC) is used extensively by developers of affordable housing. Although enabling legislation was passed at the federal level, allocations of the tax credits are made by the State of California.

Affordable housing developers utilize this program in combination with City and additional funding sources to encourage the construction and rehabilitation of rental housing for lower-income households. The program allows investors an annual tax credit over a ten-year period, provided that the housing meets affordable income requirements. The tax credit is typically sold to large investors at a syndication value.

Mortgage Credit Certificate (MCC) Program

The Mortgage Credit Certificate Program (MCC), authorized by Congress in 1984, provides financial assistance to first-time homebuyers. Similar to the LIHTC Program, the MCC Program was authorized by the federal government, but is administered by the State. The MCC tax credit reduces the federal income taxes of qualified borrowers purchasing qualified homes; thus having the effect of a mortgage subsidy. The current tax credit rate is 15 percent. The MCC reduces the amount of federal income taxes otherwise due to the federal government; however, the mortgage tax credit cannot be claimed as a refund. While the MCC is not a direct subsidy, it enables program participants to reduce their federal income tax withholdings, so that the MCC indirectly provides a monthly benefit.

Santa Clara County administers the MCC Program on behalf of all participating cities located in the county. There are purchase price and income limits. For example, for a resale of an existing home, the sales price limit in 2008 was $570,000, and for a new home, the sales price limit was $630,000. Income limits for 2009 are $97,800 for a one- or two-person household and for a household with three or more persons, the limit is $112,470. This is between median- and moderate-incomes in Santa Clara County.

3) Local Programs

Redevelopment Housing Set-aside Funds

In accordance with State law, the Milpitas Redevelopment Agency sets aside 20 percent of all tax increment revenues generated from its redevelopment project areas to fund housing projects that increase, improve or preserve the supply of affordable housing. Housing developed with these set-aside funds must remain affordable to low- and moderate-income households for at least 55 years for rentals and 45 years for ownership housing. Table IV.6 presents information on the assistance provided to mixed-income and affordable developments since 1999. Between 1999 and 2006, the City provided $23.6 million in grants and loans to projects that have built (or will build) 1,758 housing units, of which 717 will be affordable. Since January 2007, the City has authorized an additional expenditure of $20.6 million for developments that will add an additional 580 units, of which 265 will be affordable. These funds came from the Redevelopment Housing Set-aside Fund. These funds provide direct assistance to developers, e.g., developer impact fee assistance, as well as second mortgages to homebuyers. The majority of the funds are loans, so, at some point, these funds will recycle back to the City for future affordable housing developments.

During the upcoming Housing Element period, the City expects to receive $36 million in annual tax increment revenue, of which 20 percent ($7.2 million) will accrue annually to the housing set-aside fund. The City will continue to expend these funds as follows:

- Twenty percent ($1.44 million) for down payment assistance.

- Thirty percent (2.16 million) for financial assistance to developers of affordable rental and ownership housing.
- Twenty percent ($1.44 million) for rehabilitation of multifamily and single family housing.
- Thirty percent ($2.16 million) for land acquisition to benefit affordable housing.

Several of the programs listed under the Five-Year Implementation Plan will be wholly or partially funded through the use of these Redevelopment Housing Setaside Funds.

Housing Trust Fund of Santa Clara County

The Housing Trust Fund of Santa Clara County provides assistance to first-time homebuyers, the homeless (through the creation of shelters and other special housing programs), and provides loans for new affordable housing development. The City of Milpitas contributes to this Trust Fund and in 2009 allocated $925,000. First-time homebuyers in Milpitas are eligible to receive benefits from the Trust Fund. These benefits include down payment assistance (up to $15,000 as a deferred loan) and mortgage assistance (below market interest rates and loans with a 40 year amortization). For both programs, there are household income limits. In the down payment assistance program, the income range is between 60 percent and 100 percent AMI, and for the mortgage assistance program, the income limit is higher at 120 percent AMI.

Table IV.6: Projects Receiving Assistance from the City of Milpitas Housing 1999-2009

Project Name (Developer)	Total Units	Total RDA Funding	Type of Funding			Affordability Level				Tenure		Status (1)
			Loans	Grants	Fees	Above Mod	Mod	Low	Very Low	Owner	Renter	
1999-2006												
DeVries Place Senior Housing	103	$9,600,000	$9,600,000			0	1	0	102	0	103	C
Aspen Family Apartments	101	$2,300,000	$2,300,000			0	1	0	100	0	101	UC
Centria East	137	$1,149,480	$770,000		$379,480	111	10	7	9	137	0	C
Crossing at Montague Apartments	470	$1,190,000	$1,190,000			376	0	0	94	0	470	C
Montevista Apartments	306	$3,000,000	$3,000,000			0	153	76	77	0	306	C
Parc Metro	382	$1,792,587	$1,500,000		$292,587	354	18	10	0	382	0	C
Senior Group Home (Senior Housing Solutions)	1	$800,000	$800,000			0	0	0	1	0	1	C
Parc Place	258	$3,797,480	$1,974,000		$1,823,480	200	34	6	18	258	0	C
TOTAL (1999-2006)	**1,758**	**$23,629,547**	**$21,134,000**	**$0**	**$2,495,547**	**1,041**	**217**	**99**	**401**	**777**	**981**	
2007-2014												
Paragon	147	$1,199,997	$1,199,997			118	20	0	9	147	0	UC
Terra Serena	94	$6,500,000	$1,800,000	$4,700,000		31	63	0	0	94	0	UC
Apton Plaza		$4,400,000	$4,400,000			0	0	56	37	93	0	A
Town Center Villas	65	$800,000	$800,000			49	16	0	0	65	0	UC
Senior Group Home (Senior Housing Solutions)	1	$750,000	$750,000			0	0	0	1	0	1	P
South Main Senior Lifestyle	180	$7,000,000	$7,000,000			117	0	36	27	0	180	P

Project Name (Developer)	**Total Units**	**Total RDA Funding**	**Type of Funding**			**Affordability Level**				**Tenure**		**Status** (1)
			Loans	**Grants**	**Fees**	**Above Mod**	**Mod**	**Low**	**Very Low**	**Owner**	**Renter**	
TOTAL (2007-2014)	**580**	**$20,649,997**	**$15,949,997**	**$4,700,000**	**$0**	**315**	**99**	**92**	**74**	**399**	**181**	

(1) C (Completed), UC (Under Construction), A (Approved), and P (Planned).
Source: City of Milpitas

7.6 HOUSING CONSTRAINTS

A. Introduction

Housing Constraints are defined as government measures and non-government conditions that limit the amount or timing of residential development. Government regulations can potentially constrain the supply of housing available in a community if the regulations limit the opportunities to develop housing, impose requirements that unnecessarily increase the cost to develop housing, or make the development process so arduous as to discourage housing developers. State law requires housing elements to contain an analysis of the governmental constraints on housing maintenance, improvement, and development (Government Code, Section 65583(a) (4)).

Non-governmental constraints (required to be analyzed under Government Code, Section 65583(a) (5)) cover land prices, construction costs, and financing. While local governments cannot control prices or costs, identification of these constraints can be helpful to Milpitas in formulating housing programs. Additional non-governmental factors that may constrain the production of affordable housing in Milpitas include infrastructure availability and environmental features.

B. Potential Government Constraints

Government regulations affect housing costs by limiting the supply of buildable land, setting standards and allowable densities for development, and exacting fees for the construction of homes. Potential regulatory constraints include local land use policies (as defined in the Milpitas General Plan), zoning regulations and their accompanying development standards, subdivision regulations, urban limit lines, and development fees. Lengthy approval and processing times also may be regulatory constraints.

1) General Plan

The last comprehensive update to the Milpitas General Plan occurred in 1994. During the last Housing Element update, the General Plan was amended to incorporate the land use designations, other policies, and design guidelines defined by the Midtown Specific Area Plan. Since the 2002 Housing Element, the General Plan has been updated to incorporate the land use designations, other policies, and design guidelines defined by the Transit Area Specific Plan.

With the recent amendments incorporating the Midtown and Transit Area Specific Plans, the General Plan identifies five categories of residential uses, distinguished from one another by unit type and density. These include R1 (with seven different subcategories depending on minimum lot size and three additional hillside categories), R2, R3, R4, and R5. In addition, there are three mixed use categories (MXD, MXD2 and MXD3) that allow residential development.

Finally, there are three overlay districts that affect residential development, including the “S” Site and Architectural Overlay District (S District), the “MHP” Mobile Home Park Overlay District (MHP District), and the “TOD” Transit Oriented Development District (TOD District). [38] If there is inconsistency between

[38] The Site and Architectural (S) Overlay District is not discussed in detail here. The S District does not impact the zoning parameters discussed in this section. Instead, the purpose of the S District is to encourage attractive

regular zoning districts and requirements under an Overlay District, the Overlay District's rules apply. The sites that benefit from the TOD Overlay District are located in the Transit Specific Plan Area. While the MHP Overlay District currently applies to a small area in the northwest portion of Milpitas zoned for Highway Services (where mobile home parks are currently located), the Mobile Home Park Overlay district could be combined with the R1-6, R2, R3-20 and HS districts.

In addition to these zoning categories and overlay districts, the City's two Specific Plans [Transit Area (Chapter 5) and Midtown Area (Chapter 8)] provide information on additional development requirements. The Zoning Ordinance does not repeat all the information provided in the specific plan documents. Again, as with the Overlay Districts, if there is an inconsistency between the Zoning Ordinance and the Specific Plan, the Specific Plan regulations prevail. If a standard is not listed in the Specific Plans, then the Zoning Ordinance prevails.

2) Zoning Ordinance

Densities and Permitted Land Uses

Table V-1 provides a summary of the zoning regulations for the five residential and three mixed-use categories that allow residential development. Except in the Hillside Overlay District, the R1 zoning designation spans a range of housing densities (from 4 to 17 dwelling units per gross acre) with minimum lot sizes ranging from 2,500 SF to 10,000 SF. In the Hillside Overlay District, housing densities range from three units per acre to 10 acres per unit, and consequently, minimum lot sizes are much greater and range from 14,520 SF up to 10 acres. Second units are permitted without a conditional use permit in all the R1 zones. The R2 district permits single family and duplex units, and the remaining residential zoning districts R3, R4, R5, and mixed use) permit multifamily housing.

Parking Requirements

Table V.1 also provides information on parking requirements specified in the Zoning Ordinance. For the R1 and R2 residential districts, two spaces per unit are required, if there are three or fewer bedrooms. If there are four or more bedrooms, three spaces per unit are required, plus one additional space for each additional bedroom. Parking requirements for R3, R4, R5, and the MXD categories are the same. These requirements are as follows:

- For studios, one covered space is required for each unit.
- For one-bedroom units, 1.5 covered spaces are required.
- For two- and three-bedroom units, two covered spaces are required per unit.
- For four-bedroom units, three spaces are required, of which at least two must be covered.
- For five-bedroom units, four spaces are required, of which at least two must be covered.
- For guest parking requirements – projects with structured parking must provide 15 percent additional parking spaces over the required number of spaces. All of these spaces may be

development and avoid uses that could have negative impacts on the environment, adjacent land uses, traffic or lead to other negative externalities. The S District accomplishes this through the development review process.

uncovered. For projects with private garages, 20 percent additional parking spaces are required. All of these spaces may be uncovered.

Table V.1: Residential Zoning District Regulations

Zoning District	Maximum Density (Units per gross acre)	Minimum Lot Sizes (SF)	Types of Units Permitted (w/o conditional use permit)	Parking Requirements
R1-2.5	17	2,500	Single family and Second Unit	3 bedrooms or fewer: 2 spaces per unit; 4 + bedrooms: 3 per unit, plus 1 per each additional bedroom
R1-3	15	3,000	Single family and Second Unit	Same as R1-2.5
R1-4	11	4,000	Single family and Second Unit	Same as R1-2.5
R1-5	9	5,000	Single family and Second Unit	Same as R1-2.5
R1-6	7	6,000	Single family and Second Unit	Same as R1-2.5
R1-8	5	8,000	Single family and Second Unit	Same as R1-2.5
R1-10	4	10,000	Single family and Second Unit	Same as R1-2.5
R1-H VL Density	0.10	435,600	Single family and Second Unit	Same as R1-2.5
R1-H L Density	1	43,560	Single family and Second Unit	Same as R1-2.5
R1-H M Density	3	14,520	Single family and Second Unit	Same as R1-2.5
R2	7 to 11 units	6,000 (single family) 8,000 (duplex)	Single family and Duplex Units	Same as R1-2.5
R3	12 to 20 units	2,000 SF/DU	Multifamily	Studio: 1 covered per unit; 1 bedroom: 1.5 covered per unit; 2-3 bedrooms: 2 covered per unit; 4 + bedrooms: 3 per unit, plus 1 additional space for each additional bedroom (at least two covered). Guest Parking: projects with structured parking: 15% of the total required, may be uncovered; projects with private garages: 20% of the total required, may be uncovered.
R4	31-40 units/acre	None	Multifamily	Same as R3
R5	41-60 units/acre	None	Multifamily	Same as R3

Zoning District	Maximum Density (Units per gross acre)	Minimum Lot Sizes (SF)	Types of Units Permitted (w/o conditional use permit)	Parking Requirements
Mixed Use MXD	21 minimum 30 maximum	Size must be large enough to accommodate all space requirements.	Multifamily	Same as R3
Mixed Use MXD2	31 minimum 40 maximum	Same as above.	Multifamily	Same as R3
Mixed Use MXD3	41 minimum 60 maximum	Same as above	Multifamily	Same as R3

Sources: City of Milpitas Zoning Ordinance and Vernazza Wolfe Associates, Inc.

Overlay Districts

Table V.2 presents zoning regulation information for the TOD and MHP Overlay Districts. Only some of the zoning districts are affected by these Overlay Districts. Zoning Districts R3, R4, R5, and the three mixed use districts benefit from the TOD designation. While not currently utilized, the MHP Overlay District could be applied to R1-6, R2, and R3-20 Residential Districts. Table V.2 summarizes the modifications that result from a location in an Overlay District.

Table V.2: Residential Zoning District Regulations as Modified by Overlay Districts

Zoning District	Maximum Density (Units per gross acre)	Minimum Lot Sizes (SF)	Types of Units Permitted (w/o conditional use permit)	Parking Requirements
Transit Oriented Development				
R3	21 minimum 40 maximum	Same as standard R3.	Same as standard R3.	Reduce by 20%. Guest parking is the same.
R4	41 minimum 60 maximum	Same as standard R4.	Same as standard R4.	Reduce by 20%. Guest parking is the same.
R5	41 minimum 75 maximum	Same as standard R5.	Same as standard R5.	Reduce by 20%. Guest parking is the same.
Mixed Use MXD	31 minimum 40 maximum	Same as standard MXD.	Same as standard MXD.	Reduce by 20%. Guest parking is the same.
Mixed Use MXD2	31 minimum 50 maximum	Same as standard MXD2	Same as standard MXD2	Reduce by 20%. Guest parking is the same.
Mixed Use MXD3	41 minimum 75 maximum	Same as standard MXD3.	Same as standard MXD3.	Reduce by 20%. Guest parking is the same.
Mobile Home Park				
R1-6	6 mobile homes	25 acres per park	Mobile Home Parks for single family dwelling uses and residential quarters for employees.	2.5 spaces per home-one of which must be contiguous to mobile home.
R2	6 mobile homes	Same as above	Same as above	Same as above
R3-20	7 mobile homes	Same as above	Same as above	Same as above

Sources: City of Milpitas Zoning Ordinance and Vernazza Wolfe Associates, Inc.

The principal differences attributable to the TOD District are densities and parking requirements.

- Minimum and maximum densities are higher in the TOD Districts in all residential zoning categories. With a TOD designation, builders can construct up to 75 units per acre. The lowest allowable density in a TOD District is 21 units (R3).

- For all zoning districts, minimum parking requirements are reduced by 20 percent. Guest parking requirements remain the same.

The TOD District has two main purposes. The first is to support transit by increasing the number of residential units near stations and bus stops. The second and related purpose is to decrease parking requirements. This decrease is justified on the grounds that occupants of TOD units will use transit for some portion of work or personal trips, therefore lessening demand for auto use.

However, the main purpose of the MHP Overlay District is to "promote the expansion and diversification of the available housing opportunities within the City of Milpitas by the establishment of standards for the creation of planned mobile home parks." [39] The MHP Overlay District establishes a zoning designation that both permits and regulates mobile home parks. These regulations include parking requirements, minimum mobile home park size, and maximum densities.

[39] Paragraph A of Section XI-10-12.04 of the Zoning Code.

Impacts of Residential Development Standards on the Cost and Supply of Housing

Recent development trends in Milpitas indicate that the zoning regulations adopted by the City since the 2002 Housing Element are encouraging higher density housing near transit and other transportation corridors. In contrast, little housing is being developed in the hills, which are protected by an Urban Growth Boundary and hillside development standards.

In comparison to existing densities in the City, the new housing is built at much higher densities and is primarily multifamily. This was the intent of revised zoning and site development standards adopted since the last Housing Element, particularly in the two specific plan areas (Midtown and the Transit Area). The type of housing recently completed, under construction or planned can be described as high density, middle-income housing.

A comparison between existing citywide residential densities and densities of new residential developments presented in the 2008 Milpitas Market Study quantifies the impact of higher allowed residential densities, ranging up to 75 units per acre in the TOD Overlay Districts. As of 2002, according to Table 2.2 of the updated General Plan, the average citywide residential density figure was five units to the acre. The new development under construction and approved in Milpitas as of 2008 had an average density figure of 34 units per acre, or almost seven times higher than existing residential development in the City at that time.

Higher densities can encourage new development, since one component of development costs (land) is lower due to a reduction in the amount of land required per unit. In fact, according to the 2008 Milpitas Market Study, a total of 995 housing units were added to the City's housing stock between 2000 and 2007. In comparison, the total number of units planned or under construction at the end of 2007 was 3,492 units or over three times the total number of units completed between 2000 and 2007. It can be concluded that the City's standards have encouraged new market rate residential development. Furthermore, since the City implements an affordable housing ordinance, almost 20 percent of these new units are affordable.

3) Site Development Standards

Through its Zoning Ordinance, the City of Milpitas enforces minimum site development standards for new residential developments. These standards include lot width, setbacks, lot coverage, and maximum building height. This information is readily available to the public and is posted on the City's website. The City's standards allow appropriate levels of development. Table V.3 summarizes height and setback standards by zoning district.

Height Limits

The standard height limit in the R1 and R2 zones is 30 feet. Again, there are different requirements for the Hillside Combining District. The maximum height in the three hillside districts is lower, at 17 feet. (See Table V.3.) In the R3, R4, R5, and Mixed Use Zones, maximum heights are considerably higher than in the R1 and R2 zones, ranging in height from 35 feet (R3) to 150 feet (MXD3).

Setbacks

Unlike other specifications, the setback requirements for the residential uses are somewhat similar except for the Hillside districts, R4, R5, and the Mixed Use zoning categories. For the most part, the front, side, and rear setbacks in the Hillside Combining District are greater than those that apply to other R1 zones. The setbacks in the R4, R5, and Mixed Use districts are slightly lower to permit efficient utilization of sites.

Table V.3: Residential Land Use Zoning Heights and Setbacks

Zone	Height	Front Setback	Side Setback	Rear Setback
R1-2.5	30’	20’	5’ one side	15’ or 20’(3)
R1-3	30’	20’	5’ one side	15’ or 20’(3)
R1-4	30’	20’	6’ one side	15’ or 20’(3)
R1-5	30’	20’	Adjacent to garage 6’ Total 10’(2)	20’
R1-6	30’	20’	Adjacent to garage 6’ Total 13’(2)	20’ or 25’(3)
R1-8	30’	25’	7’ one side- total 17’	25’ or 30’(3)
R1-10	30’	25’	8’ one side – total 20’	30’ or 35’(3)
R1-H VL Density	17’	25’(1)	40’	40’
R1-H L Density	17’	25’(1)	40’	40’
R1-H M Density	17’	25’(1)	40’	40’
R2	30’ (2.5 stories)	20’	4’ – 12’	25’ if single family 25’ - 30’ if two family unit
R3	35’ (3.5 stories)	20’	5’ – 20’	30’ if single story 35’ if 2 or 2.5 stories 40’ if 3 or 3.5 stories
R4	60’ (4 stories)	8’ (min) to 15’ (max	10’	10’
R5	75’ (6 stories)	12’(min) to 20’ (max)	15’ – 20’	15’
Mixed Use MXD	45’ (3 stories)	8’ (min) to 15’ (max	0’ – 10’	10’
Mixed Use MXD2	75’ (6 stories)	8’ (min) to 15’ (max	0’ – 10’	10’ or15’ when abutting residential use. 20’ for buildings over 60’ or 4 stories.
Mixed Use MXD3	150’ (20 stories)	12’ (min) to 20’ (max)	10’ – 20’	15’ or 20’ when abutting residential use. 30’ for buildings over 60’ or 4 stories.

(1) This assumes that slope is less than 16%.
(2) If side yard is adjacent to a garage, the minimum side setback is reduced to 6’.
(3) First number applies to single story units. Second number applies to units with 2 or more stories.

Source: City of Milpitas, Zoning Ordinance

TOD Heights and Setbacks

Table V.4 provides information only on additional site utilization that is possible under the TOD Overlay District. Higher building heights for the R3, R4, MXD, and MXD3 are allowed under the Overlay. Setbacks are similar to the standard requirements for each zoning designation, except for R3 and R4. Under the TOD Overlay, front setbacks for R3 zones are slightly lower, and for R4 zones, front setbacks are slightly higher.

Table V.4: Residential Land Use Zoning Heights and Setbacks as Modified by Overlay Districts

Zone	Height	Front Setback	Side Setback	Rear Setback
R3	60' (4 stories)	8' – 15'	Same as Standard R3	Same as Standard R3
R4	75' (6 stories)	12' – 20'	Same as Standard R4	Same as Standard R4
Mixed Use MXD	60' (4 stories)	Same as Standard MXD	Same as Standard MXD	Same as Standard MXD
Mixed Use MXD2	75' (6 stories)	Same as Standard MXD2	Same as Standard MXD2	Same as Standard MXD2
Mixed Use MXD3	Up to 24 stories possible	Same as Standard MXD3	Same as Standard MXD3	Same as Standard MXD3
Mobile Home Park Overlay District				
R1-6, R2, R3-20	Shall not exceed standard height for zoning district	35' from a public street	25' for side and rear setbacks, if abutting a residential district. Otherwise 15'.	

Sources: City of Milpitas Zoning Ordinance.

4) Standards for Second Units

Second units are addressed in Section XI-10-13.08 of the Zoning Ordinance. Second units are allowed by right in R1 areas as long as they meet the following minimum standards:

- The lot is residentially zoned and contains only one single, legal existing single family housing unit.
- A maximum of one second unit per lot is allowed.
- The unit must be owner-occupied at the time an application for a second unit is submitted.
- The second unit may not be sold to a different owner than the owner of the main residence. However, the second unit may be rented.
- Attached second units cannot exceed 30% of the existing living area, with a maximum of 475 SF. If the attached second unit is located in the Hillside Combining District, the maximum area increases to 1,200 SF, as long as this does not represent more than 30% of the existing floor area of the primary housing unit.

- There are specified height and setback requirements, again, that vary between Hillside and non-Hillside areas. For example, there is a height limit of 15' in the non-Hillside areas, and 17' in the Hillside areas.
- One additional off-street parking space is required and may be tandem parking.
- Other standards include the definition of minimum size (150 SF), the maximum number of rooms (one bedroom and one kitchen), the requirement for a permanent foundation, and design and setback requirements (the second unit must fit in the existing unit's footprint).

Based on these criteria, the City's Zoning Ordinance does not present a constraint to second unit production, particularly since homeowners can develop second units "by right" and separate, covered parking is not required.

5) Urban Growth Boundary

Milpitas voters approved this Urban Growth Boundary (UGB) in 1998. The UGB establishes an urban limit line. The boundary is intended to remain in place through 2018 and can only be amended through a majority vote of the electorate. The UGB was primarily created as a hillside protection measure.

The Urban Growth Boundary has primarily impacted the above moderate-income housing market and has had little or no impact on low- and moderate-income households. The high cost of hillside construction, the prestige associated with a "view" or hillside home, and the general character of the area make it difficult to build more affordable housing in these areas. Utility and road extensions would be costly. Higher density housing in this area would require large-scale grading, cuts and fills, and would have substantial adverse environmental impacts. Moreover, the potential for landslides and wildfire in the hillside areas suggest that increasing population densities in these areas could be imprudent. However, a limited amount of development potential still exists beyond the Growth Boundary, subject to a slope density formula that dictates minimum lot sizes.

Aside from potential impacts on the luxury housing market, the City has mitigated impacts from the growth boundary on the supply of housing by significantly increasing the residential development potential of land within the existing urbanized area. The rezoning of several hundred acres of former commercial and industrial sites within the Specific Plan Areas to very high residential densities and mixed use development has more than compensated for the loss of development potential outside the Urban Growth Boundary. Moreover, the viability of affordable housing in the Specific Plan Areas is far greater than it would be on sites in the hillsides, given the higher densities permitted and the proximity to mass transit and urban services. Finally, the UGB is in keeping with the general principles of "smart growth" advocated by the Association of Bay Area Governments and planning agencies throughout the San Francisco Bay Area.

6) Density Bonus Law

During the last Housing Element period, density bonuses had been granted through the use of a Density Bonus Combining District which could be applied in all residential zones, but which required an additional step in the development process. One of the program recommendations in the last Housing Element was to amend the City's Density Bonus so that it would eliminate the Combining District approach and be consistent with State Law.

Consequently, the City adopted a Density Bonus Ordinance (Section XI-10-54-15 of the Zoning Code) in 2005. The Density Bonus applies to all zoning districts that allow residential development, and the minimum project threshold size is five dwelling units. In addition to providing higher densities, the Ordinance also allows reduced parking standards. Table V.5 provides a summary of the key features of this Ordinance.

Table V.5: Milpitas Density Bonus Law

Attribute	Milpitas Housing Density Bonus (1)
Percent of Units Required to be Affordable	5% of units to be affordable to very low-income, or 10% of units to be affordable to lower-income households, or a senior housing development (no affordability restrictions), or 10% of units to be affordable to moderate-income households, if the development is a condominium.
Resale/Rent Restrictions	For very low- and low-income housing, a 30-year restriction applies, if required by other funding programs or if the City provides at least one incentive in addition to the Density Bonus. If this is not the case, then there is a minimum 10-year restriction.
Maximum Amount of Density Bonus	Sliding scale. **Very low** (percentage of very low-income units ranges from 5% to 11% and accompanying density bonus ranges from 20% to 35%); **Low** (percentage of low-income units ranges from 10% to 20% and accompanying density bonus ranges from 20% to 35%), and **Moderate** (percentage of moderate-income units ranges from 10% to 40% and accompanying density bonus ranges from 5% to 35%). For senior housing, since 100% of units in a development must be targeted to seniors, a uniform density bonus of 20% applies.
Rounding of Density Bonus Units	All fractions are rounded up to provide for more density.
Number of Incentives Provided (2)	Under the minimum required percentage of units for very low-, low- and moderate-income households, one incentive is provided. If a project doubles the percentage of affordable units, e.g., 10% of units for very low-income; 20% of units for lower-income, or 20% of units for moderate, then two incentives are provided. If a project triples the percentage of affordable units, e.g., 15% of units for very low-income; 30% of units for lower-income, or 30% of units for moderate, then three incentives are provided.
Reduced Parking Incentive	There are three ways that the reduction in the number of parking spaces provides a cost benefit to developers. First, for developments outside the TOD Overlay District, the number of required spaces for each unit size is lower (except for four-bedroom units). Secondly, parking spaces do not need to be covered, and thirdly, there is no requirement for guest parking.

(1) Excludes density bonuses related to provision of child care facilities in residential developments.
(2) The actual incentives are not defined. Incentives must result in more affordable housing costs.
Sources: City of Milpitas Zoning Ordinance, XI-10-54.15.

7) Affordable Housing Requirement

While the City of Milpitas does not have an Inclusionary Zoning Ordinance, it has adopted an Affordable Housing Requirement as part of its Zoning Ordinance (Section XI-10-6.03). According to this Ordinance, 20 percent of new units are to be affordable. This requirement allows the City to negotiate affordable housing goals on a project-by-project basis with area developers. In the past, these negotiations have resulted in several options to comply with the affordable housing requirement including payment of in-lieu fees, land

dedication, off-site development, and on-site inclusionary units. Furthermore, the City can waive a development out of the requirement altogether, if it appears that compliance with the requirement would render a project financially infeasible. Frequently, the City provides loans, grants, and down payment assistance to facilitate affordability.

Table IV.6 in the previous chapter provides information on assistance provided to affordable and market rate projects developed since 1999. There are eight market rate projects listed on this table that were required to provide affordable units. These include Centria East, Crossing at Montague, Parc Metro, Parc Place, Paragon, Terra Serena, Town Center Villas, and South Main Senior Lifestyle. Together, these projects have received (or have received commitments) for a total of over $23.4 million in city financial assistance; approximately 70 percent of this financial assistance has been (or will be) provided as loans. This assistance enables the developers to build financially feasible projects while at the same time, providing the required affordable housing. However, there are also market rate projects (under construction, approved and planned) that have not requested assistance, but are still required to provide affordable units. These include Fairfield Murphy Ranch and Matteson Condos. These developments will be able to comply with the City's affordable housing requirement without receiving financial assistance from the City.

In addition to financial assistance, the City provides other development incentives, primarily by allowing modifications to development standards that intensify land utilization. By allowing more units to be built on a given site, the City assists developers by lowering land costs per unit. Examples of more favorable development standards include reducing parking requirements, increasing height limits, providing density bonuses, and reducing setbacks. The City provided these incentives to two recent condominium projects – Parc Place and Paragon – assisting in the provision of 87 affordable units.

Specific income group targeting for affordable units is not specified in the City's Zoning Ordinance. The actual incomes targeted depend, in part, on prevailing market conditions. For example, in the falling housing market (2008-09), the City and developers encountered problems in marketing deed-restricted moderate-income units. Since market rate and moderate-income sales prices were fairly close, moderate-income, first time homebuyers were less interested in purchasing units with resale restrictions because they could afford to purchase market rate units without restrictions. Thus, the City used some of its redevelopment housing set-aside funds to offer second mortgages so that low-income buyers could purchase these units.[40] This is an example of the flexibility of the City's housing policies.

Since the City's affordable housing requirement is not specified in terms of affordability targeting and can be waived entirely, depending on project economics, it is difficult to provide a generalized discussion of its "impacts on the cost and supply of housing." While compliance with this zoning requirement could result in a decrease in the profitability of residential development projects for developers (or could increase the cost of market rate housing in the City if developers passed compliance costs onto buyers), there is enough flexibility in the City's implementation of its affordable housing requirement that it has not presented a problem thus far. In fact, during the last ten years, the City has experienced a significant building boom.[41] (See Table III.16 in Chapter III.) This building boom illustrates the market neutrality of the city's affordable housing requirement.

[40] Since much of the new residential development is located in a redevelopment project area, the City can use its housing set-aside funds to support the affordable housing required under the City's Zoning Ordinance and California Redevelopment Law.

[41] Much of this boom can be attributed to higher densities and other development incentives provided under the City's two specific plans as well as to an increase in demand due to job growth in Silicon Valley.

8) Building Codes and Enforcement

The City of Milpitas has adopted the Uniform Building Code (UBC), the National Electrical Code, the Uniform Mechanical and Plumbing Code, and the Uniform Fire Code. It also enforces California Energy Commission's Title 24 standards for energy efficiency. City codes are updated regularly to reflect changes made in state and national codes and standards.

The City has not adopted any special requirements above and beyond those in the UBC. Class B (or better) roofing is required in new residential construction on the Valley Floor. Structures on the hillsides are subject to special engineering criteria for high wind, representing an added cost for the small number of homes that may eventually be built in these areas. These structures are also subject to fire-retardant roofing standards and sprinkler requirements. The City allows the use of the more flexible State Historic Building Code for historic structures, although the number of eligible structures is small.

While the UBC contains no prohibitions on exterior building materials, the Midtown and Transit Area Specific Plans disallow certain materials. These include vinyl, aluminum, and T-111 siding, and horizontal sliding or plastic snap-in windows. These prohibitions should not affect housing affordability or production. For example, affordable housing projects in the City have used stucco or wood exteriors, allowing them to better blend with the surrounding community and convey an image of quality and durability.

9) Site Improvement Requirements

Residential developers are responsible for constructing road, water, sewer, and storm drainage improvements on new housing sites. Where a project has off-site impacts, such as increased run-off or added congestion at a nearby intersection, developers may be responsible for additional expenses to offset impacts from their projects.

The City's Subdivision Ordinance, which is part of the City's Municipal Code, establishes the requirements for new subdivisions, including local street rights-of-way and curb-to-curb widths, sanitary sewer and storm drainage lines, and easements. These requirements do not restrict market rate housing development. While there are no special provisions or exceptions in the Subdivision Ordinance for affordable units, the City Council has the discretion to consider such exceptions. The City allows narrower streets within new subdivisions if these streets are privately owned and maintained, and if safety and emergency access concerns are adequately addressed.

10) Design Review

The City of Milpitas requires design review for projects within the "S" overlay zoning district only. These districts generally apply in commercial, industrial, and multifamily residential areas, and on the hillsides. Since most single family homes are outside the S district, alterations to individual homes (such as remodels and additions) are not usually subject to design review. New multifamily projects are typically

evaluated through a site plan review process, which includes an evaluation of design attributes by the Planning Commission. The City does not have a separate design review process.

The City has not adopted citywide residential design guidelines, but has adopted guidelines for the Midtown and Transit Specific Plan Areas.[42] These Guidelines cover site planning and building design, including massing, windows, materials, color, roof design, landscaping, signage, and lighting. In addition, there are specific guidelines by building type, covering mixed-use and multifamily residential. These Guidelines do not pose a constraint, and are intended to ameliorate concerns that could arise when very high density residential projects are proposed in a city, such as Milpitas, that had primarily consisted of single family homes.

Subsurface parking is required in higher density housing and can extend no more than five feet above grade. While the cost of subsurface garages is high, the high densities allowed (up to 75 units per acre), can support the higher development costs of subsurface parking.

It has been the City's experience that these Guidelines do not add to development costs or result in a negative impact on approval certainty, since developers have found that the Guidelines are straightforward and helpful.

11) Permit Processing

Permit processing time is not a development constraint in Milpitas. Small to medium-sized projects (less than 50 units) consistent with the General Plan and Zoning Ordinance typically receive final zoning and tentative map approval within three months after a complete application is submitted. Projects requiring an environmental impact report, a General Plan Amendment, or a major rezoning may require longer processing times.

New subdivisions and multifamily construction are subject to environmental review, under the California Environmental Quality Act. One of the advantages of the two Specific Plan Environmental Impact Reports (EIRs) is that future projects are expected to rely heavily on those documents rather than preparing entirely new EIRs to assess broad-based and cumulative impacts (such as geologic hazards and air quality). Additional environmental review may still be required, but only if the project has the potential for impacts not already considered.

Once zoning approval is obtained, building permit processing times are relatively short. The City is in compliance with the Permit Streamlining Act and typically issues building permits within six to eight weeks after complete applications are received. To expedite the process, an applicant may request an outside Plan Checker from the City's approved list. Longer times, ranging from six to nine weeks, are possible for multifamily developments. Pre-development conferences and meetings with staff are encouraged before applications are submitted. In this way, concerns can be addressed early and subsequent delays can be avoided.

The Zoning Code stipulates the residential types permitted, conditionally permitted, or prohibited in each zone allowing residential uses. Permitted Uses are those uses allowed without discretionary review, as

[42] The Appendix to the Transit Area Specific Plan provides detailed design guideline information for new residential construction in both Specific Plan Areas.

long as the project complies with all development standards. Conditional use permits (CUP) are approved by the Planning Commission unless appealed to the City Council. Typical findings of a CUP include that the project is consistent with the General Plan, the use is compatible with surrounding uses, and would not be a detriment to basic public health, safety, and general welfare. Table V.6 describes the housing types by permitted, not permitted, and conditional uses.[43]

Table V.6: Housing Types Permitted by Zoning District

Use	Residential Zones					Mixed Use Zones			
	R1	**R2**	**R3**	**R4**	**R5**	**MXD**	**MXD2/ ground**	**MXD2/ upper**	**MXD3**
Condominiums and Condo Conversions	NP	SFR: C Duplex: C	C	C	C	C	C	C	C
Duplex (Two dwellings)	NP	P	NP	NP	NP	NA	NA	NA	NA
Group Dwelling	NP	NP	NP	C	C	NA	NA	NA	NA
Guest House	C	NP	NP	NP	NP	NA	NA	NA	NA
Mobile Homes	P	NP	NP	NP	NP	NA	NA	NA	NA
Multifamily Dwellings (Three or more units)	NP	NP	P	P	P	P	NP	P	P
Planned Unit Development	P	P	P	P	P	P	P	P	P
Second Residential Dwelling Units	P	SFR: P Duplex: NP	NP	NP	NP	NA	NA	NA	NA
Single Family Dwelling	P	P	NP	NP	NP	NA	NA	NA	NA

C – Conditional Use Permit
P – Permitted
NP – Not permitted
NA – Not Applicable
Source: City of Milpitas

Permit Processing Time

The time required to process a project varies greatly from one project to another and is directly related to the size and complexity of the proposal, the location (if located within the Site and Architectural or Hillside Overlay Districts) and the number of actions or approvals needed to complete the process. Typically, projects only requiring Planning Commission Subcommittee review take four to six weeks to process. Projects only requiring Planning Commission review take eight to 12 weeks to process, while projects requiring City Council consideration take 14 – 16 weeks to process. Table V.7 identifies the typical processing time most common in the entitlement process. It should be noted that each project does not necessarily have to complete each step in the process (i.e., small scale projects consistent with General Plan and zoning designations do not generally require Environmental Impact Reports (EIRs), General Plan Amendments, Rezones, or Variances). Also, certain review and approval procedures may run concurrently. For example, a ministerial review for a single-family home would be processed concurrently with the design review. Since the majority of EIRs are prepared in response to a General Plan Amendment request they are often processed simultaneously. The City also encourages the joint processing of related applications for a single project. As an example, a rezone petition may be reviewed

[43] Since mixed-use zones only allow multifamily housing, most of the mixed use cells in TableV.6 are not applicable.

in conjunction with the required site plan**,** a tentative tract map, and any necessary variances. Such procedures save time, money, and effort for both the public and private sector and could decrease the costs for the developer by as much as 30 percent.

Table V.7: Timelines for Permit Procedures

Type of Approval or Permit	Typical Processing Time	Approval Body
Site Plan Review (Building Permit)	1 - 6 weeks	City Staff
Minor Site Development Permit	4 – 6 weeks	Planning Commission Subcommittee
Site Development Permit	8 – 12 weeks	Planning Commission
Conditional Use Permit	8 -12 weeks	Planning Commission
Variance	8 - 12 weeks	Planning Commission
Zone Change	12 - 24 weeks	City Council
General Plan Amendment	12 - 24 weeks	City Council
Final Subdivision Map	6 weeks	Community Development Director
Tract Subdivision Maps	14 -16 weeks	City Council
Parcel Subdivision Maps	8 -12 weeks	Planning Commission
Negative Declaration	4 - 6 weeks (1)	Planning Commission
Environmental Impact Report	4 - 6 months (1)	Planning Commission or City Council (2)

(1) After project is deemed complete.
(2) Depending on entitlement.
Source: City of Milpitas

Projects proposed outside of the City's Site and Architectural and Hillside Overlay Districts that are consistent with the General Plan and zoning require only a building permit. Typical review and approval takes four to eight weeks.

For projects proposed within the City's Site and Architectural and Hillside Overlay Districts, then one or more planning entitlements are required. The City works closely with developers to expedite approval procedures so as not to put any unnecessary timing constraints on development. For a typical project, an initial pre-consultation meeting with the Planning Division, Public Works Department, and the Fire Department is arranged to discuss the development proposal. Then a tentative parcel map application or a description of the project must be filed with a site plan. These documents are first reviewed by the Planning Department and other departments, such as Public Works, for consistency with city ordinances and General Plan guidelines. Concurrently, the elevations are reviewed by staff for recommendations or for approval. The plan is then approved at the staff level. Depending on the complexity of the project, a single family project (one to four units) could be approved in eight to 12 weeks from the date of plan submission. After the project is approved, the various affected departments perform plan checks and issue appropriate permits, including building permits. Larger projects requiring tentative maps require

review by the City Council. The typical time for processing is 14 to 16 weeks. All of these projects require public hearings. Planning Commission meetings are held twice a month and the City Council meets twice each month.

Throughout construction, the Building Department will perform building checks to monitor the progress of the project. This process does not seem to put an undue time constraint on most developments because of the close working relationship among city staff, developers, and the decision-making bodies. Table V.8 outlines typical approval requirements for a single-family infill project, a two to four unit subdivision, and a five or more unit multifamily project.

Table V.8: Typical Processing Procedures by Project Type within Site and Architectural Overlay Districts

	Single Family Unit	Two to Four Unit Subdivision	Five or More Unit Subdivision
Entitlements and Permits	Site Development Permit	Tentative Parcel Map Site Development Permit Environmental Review	Tentative Tract Map Site Development Permit Environmental Review
	Plan Check	Final Map Plan Check	Final Map Plan Check
Estimated Total Processing Time	14 - 20 Weeks	6 Months	8 - 12 Months

Source: City of Milpitas

12) Development Fees

The City of Milpitas charges residential developers several different types of fees for services performed by City staff, including staff review of building plans and inspection of construction in progress. In addition, developers pay for sewer and water hook-ups, storm drainage connections, impact fees for schools, parks and traffic, and additional fees for fire and sewer facilities. Finally, developers of larger projects may incur costs in complying with the City's Affordable Housing Policy, either by building the required affordable units, or by providing land or capital to affordable housing developers.

Table V.9 shows total fees for two residential prototypes in Milpitas.

- The first prototype presented in Table V.9 is a single home that is a three-bedroom, two-story house. This prototype consists of 2,000 SF of interior space a 400 SF garage. It is sited on a 5,000 SF lot. The house is located outside the Hillside Combining District and the two Specific Plan Areas.

- The second prototype is a multifamily development that is wood-frame construction consisting of 150 units on 4.5 acres (density is 34 units per acre). Each unit has two bedrooms and is 1,200 SF in size with 200 SF of parking space per unit. Again, this development is outside the two Specific Plan Areas. For this prototype, there are two variations. One assumes that the development is located outside the Transit Specific Plan Area, and the second assumes that the development is located inside the Transit Specific Plan Area.

According to the estimates presented in Table V.9, a single family home could pay $42,700 in development fees, and a multifamily unit (outside the Transit Specific Plan Area) would pay less, at approximately $28,600 in fees.[44] Both figures are under-estimates of actual fees, since they do not include the City's traffic impact fee which varies by location and is difficult to model.

Table V.9: City of Milpitas Residential Development Fees

	Outside Transit Area		**Within Transit Area**
	Fees per Unit		**Fees per Unit**
Fee Type	**Single Family** (1)	**Multifamily** (2)	**Multifamily** (2)
Sewer Connection	$1,908	$1,406	$1,406
Water Connection	$1,910	$1,164	$1,164
Water Meter	$134	$4	$4
Storm Drainage Connection Fee	$1,100	$503	$503
Treatment Plant Fee	$880	$690	$0
Fire Fees	$858	$181	$181
School Impact	$5,940	$3,564	$3,564
Park In-Lieu Fee	$22,370	$18,427	$0
Total Building Department Fees (3)	$7,315	$2,463	$2,463
Approvals Process Review (4)	$286	$214	$214
Transit Area Impact Fee	$0	$0	$20,000
Total(5)	**$42,701**	**$28,616**	**$29,499**

(1) Single family fees based on a three-bedroom, two-story, 2,000 SF home with a 400 SF garage, situated on a 5,000 SF lot. The combined development value of the home (@$138/SF) and garage (@$35/SF) is $145/SF.
(2) Multifamily fees based on a wood-construction building with 150 units on 4.5 acres (34 units per acre) with 200 SF of parking per unit. Each unit is 1,200 SF in size. The combined development value of the unit (@$109/SF) and garage (@$123/SF) is $129.50/SF.
(3) Includes building permit and plan check fees. Assumes there are no additional fees for a grading permit, Zoning or General Plan changes.
(4) Includes review by Planning, Engineering, Building Inspection and Fire Departments. Estimates are based on total staff review costs for a recent project.
(5) The City of Milpitas assesses traffic impact fees that vary greatly by street location. Since there is no uniform way to calculate these fees, they are not included in this table.
Sources: City of Milpitas Department Staff and Vernazza Wolfe Associates, Inc.

In addition to development fees, the City charges planning fees based on services as needed. (See Table V.10.) The majority of these fees would apply to subdivisions or multifamily housing, but a few, such as a conditional use permit or a variance could also apply to single family housing. The City does not consider these fees to be a burden. Instead, they are necessary charges to cover staff time that is required by proposed developments. Alterations to existing housing are also levied some fees. These are triggered by changes that exceed 200 SF.

[44] Overall development fees, including impact, planning, and connection fees represent approximately six percent of total development costs for single family units and ten percent of total development costs for multifamily units.

Table V.10: City of Milpitas Residential Planning Fees

Fee Category	Amount
Variance	$375 (SF) $3,000 initial deposit (MF)
Conditional Use Permit	$375 (SF) $3,000 initial deposit (MF)
General Plan Amendment	$20,000 initial deposit
Zone Change	$5,000 initial deposit
Site Development Permit	Minor ($750 initial deposit) New Buildings ($20,000 initial deposit)
Planned Unit Development	$20,000 initial deposit
Specific Plan	$20,000 initial deposit
Development Agreement	$20,000 initial deposit
Tentative Tract Map	$10,000 initial deposit
Final Parcel Map	$5,000 initial deposit

Source: City of Milpitas Planning Division Fee Schedule (Effective January 30, 2010)

It is important to consider whether these fees are reasonable or whether the fees are too high and could constrain development. In reviewing the fees, the single largest fee is for parks. An important part of the fee calculation is land value which is reappraised biannually. The method of calculating this fee has remained essentially the same since the 2002 Housing Element; however, since land costs have risen in Milpitas, so have park fees.

Overall, fees in the City are not unreasonable for the Silicon Valley Area. As a point of comparison, Milpitas' fees can be compared with the average of fees charged in eight South Bay Cities (seven in Santa Clara County and one in Monterey County). According to the 2006-07 Survey of South Bay Area Cost of Development, average fees for a single family unit for the eight cities surveyed was $38,936 for a single family unit (compared with $42,701 in Milpitas) and $24,072 for a multifamily unit (compared with $28,616 in Milpitas). While the average fees reported in this survey are slightly lower than fees charged in Milpitas, they also cover an earlier time period (2006-07). Finally, given that the City experienced major residential growth between the last housing element and the housing market slowdown starting in 2007, the fees do not appear to be constraining development.

13) State of California Article 34

Article 34 of the State Constitution requires voter approval for specified "low rent" housing projects that involve certain types of public agency participation. Generally, a project is subject to Article 34 if more than 49 percent of its units will be rented to low-income persons, and if the City is the developer. If a project is subject to Article 34, it will require an approval from the local electorate. This can pose a constraint to the production of affordable housing, since the process to seek ballot approval for affordable housing projects can be costly and time consuming, with no guarantee of success.

The provisions of Article 34 allow local jurisdictions to seek voter approval for "general authority" to develop low-income housing without identifying specific projects or sites. If the electorate approves general parameters for certain types of affordable housing development, the local jurisdiction will be able to move more quickly in response to housing opportunities that fall within those parameters.

The City of Milpitas has not held an Article 34 election, since it does not directly build affordable housing. Instead, the City provides loans and grants to affordable housing developers and therefore does not trigger Article 34. So far, a lack of Article 34 authorization has not been a barrier in the production of affordable housing.

14) Infrastructure and Public Facility Constraints

Most housing sites in Milpitas are in developed areas that are fully served by infrastructure. The conversion of older industrial and heavy commercial sites in the Specific Plan Areas to residential and mixed land uses require that additional infrastructure investment be undertaken.
Furthermore, because many of the sites identified in Chapter IV are located in the Specific Plan Areas, it is very important to understand whether inadequacy of infrastructure could serve as a constraint to development during the Housing Element Update period.

Adequacy of infrastructure to accommodate development in the Midtown Specific Plan Area was discussed in the 2002 Housing Element Update. The 2009 Housing Element Update focuses on the Transit Area Specific Plan Area, since it was adopted since the last Housing Element period. The Transit area provides opportunities for high density residential development with good freeway and transportation access.[45] In addition, since the area is undergoing land use conversion from industrial and heavy commercial to residential and mixed uses, some of the parcels in the Transit Area are large in size, which facilitates multifamily development.
This subsection discusses the need for infrastructure and public facilities that has been identified in the Transit Area Specific Plan EIR, as well as some information about infrastructure constraints elsewhere in the City.

[45] This area enjoys close access to two freeways, two light rail stations, and a future BART station.

Roads

Even in the absence of new development in the Transit Area, traffic congestion is already a problem in Milpitas during peak hours. The Environmental Impact Report for the Transit Area Specific Plan discusses impacts of planned growth in the area on the roads and highways in Milpitas. The Executive Summary of the EIR concludes that there will be significant, unavoidable environmental impacts on the transportation system. These include the following:

- Freeway speeds and delays on I-680, I-880, and SR-237 segments will be below the Congestion Management Program LOS Standards.
- There will be substandard roadway segment operation during peak hours along numerous roads.
- Growth in the Transit Area will contribute to substandard intersection operations during peak hours along 15 key intersections. However, impacts at two intersections are more easily mitigated than are impacts at other affected intersections.

In the detailed listing of impacts, 13 intersections are identified that could operate at unacceptable levels of service when the area is built out. These intersections are divided into two groups. The first group consists of roads that are not programmed for improvements and includes the following intersections:

1. Tasman/Alder Drive
2. McCarthy Boulevard/Alder Drive
3. Tasman Drive/N. First St.
4. Montague Expressway/Milpitas Boulevard
5. Montague Expressway/First Street

The second group consists of intersections that can be improved once funds are generated through a traffic fee.

1. Tasman Drive/I-880 SB Ramps
2. Great Mall Parkway/I-880 NB Ramps
3. Montague Expressway/McCarthy Boulevard-O'Toole Avenue
4. N. Capitol Avenue/Trade Zone Boulevard-Cropley Avenue
5. Great Mall Parkway-E. Capitol Avenue/Montague Expressway
6. Montague Expressway/Zanker Road
7. Montague Expressway/S. Main Street-Oakland Road
8. Montague Expressway/McCandless Drive-Trade Zone

Between the time there is new development in the Transit Area and the point at which sufficient funds accumulate to pay for transportation improvements, the affected roads will be operating below an acceptable level of service.

One of the principal motives in adopting a transit area is to encourage the use of transit. Thus, it is anticipated that the light rail system and proposed BART extension should also help manage future congestion, as will the improvement of bicycle and pedestrian facilities planned for the area.[46]

Water

An updated Urban Water Management Plan was adopted by the City of Milpitas in December 2005. As described by this Plan, the City of Milpitas receives potable water from the San Francisco Public Utilities Commission (SFPUC) and the Santa Clara Valley Water District (SCVWD) and distributes this water to two separate areas of the City. In addition, the City receives recycled water from the San Jose/Santa Clara Water Pollution Control Plant (WPCP), South Bay Water Recycling Program. During normal rainfall periods, the City has sufficient water supply to meet water demands through 2030. However, the City could be impacted by drought shortages. During drought periods, the two water wholesalers may not have sufficient supplies to meet demand. When this situation occurs, it may be necessary to reduce water deliveries through drought rationing options, such as calls for voluntary water conservation or mandatory reductions.

As described by the Milpitas Transit Area Infrastructure Financing Technical Report, the Transit Area is located primarily within the SCVWD's service zones. The increase in water demand associated with redevelopment in this area can be met through supplies available from the SCVWD. The Transit Area Development Impact Fee will fund construction of the additional main lines needed to connect the development portions of the Transit Area to the City's water system. The fee will also cover costs to connect the expansion of the City's recycled water system to new development. (Recycled water is used for irrigation and may be used for industrial processes).

In addition, new development will be required to install water saving devices required by the Uniform Plumbing Cod as adopted by the City of Milpitas. These devices reduce water consumption and consequently reduce wastewater.

Wastewater

Wastewater from Milpitas is directed to the WPCP for treatment. Improvements needed within the Transit Area to existing sewer mains are identified in the 2004 Sewer Master Plan Revisions and Draft 2007 Sewer Master Plan Update. The Transit Area Development Impact Fee will provide funds to construct the improvements necessary to transport wastewater from developing portions of the Transit Area to the City's sewage treatment trunk lines connecting the City to the treatment plant.

The additional capacity required to accommodate cumulative growth in the city along with the Transit Area growth can be accommodated by the City's contracted capacity at the WPCP. The City has

[46] In November 2008, voters in Santa Clara County passed an increase in the County sales tax to pay for the BART extension through Milpitas. While it is necessary to secure additional state and federal funding, the proposed BART Station in the Transit Area is becoming more of a reality. At this time, the planned Milpitas BART Station will be a below-grade station near Montague Expressway and Capitol Avenue, south of the Great Mall.

contractual rights to 14.25 mgd. Thus, the City could need to acquire an additional 0.75 mgd of capacity at the WPCP if needed. The City will monitor the increase in demand generated by growth throughout the City, including the net increase attributable to the Transit Area, to determine when additional capacity will be needed.

Storm Drainage

The Transit Specific Plan Area is located within the lower floodplain areas of local watersheds. Thus, it is subject to flood hazards. In fact, there are three zones that are categorized by FEMA as 100-year floodplains. Because of this situation, area-wide planning is required and special construction methods must be applied to development within much of the Transit Area. The 2001 Storm Drainage Master Plan identified improvements for the Transit Area. These include construction of a culvert and constructing additional drainage pipes.

In addition to area-wide improvements, storm drainage studies for new development projects are performed on a case-by-case basis, with mitigation measures determined for each project. These measures may include on-site improvements, such as raising development sites with fill or adding storm water retention pond, and off-site improvements, such as the widening of channels or culverts downstream. The improvements are typically financed by the developer as a condition of approval.

Most of the large residential projects built during the last few years, including affordable projects, have been subject to storm drainage improvement requirements. While the storm drainage improvements add to development costs, they have not been a constraint to development as evidenced by the recent construction of housing projects in the floodplain.

Solid Waste

The City of Milpitas sends all of its recycling and garbage for processing at the Allied Waste Services (Allied) Recyclery and disposal at the Newby Island Sanitary Landfill (NISL) respectively. The City's collection and disposal contracts with Allied (and affiliate companies) end September 5, 2017. Recent studies estimate that the NISL may remain open until approximately 2025. However, this is dependant upon the facility obtaining an extension of its State permit.

The City offers residential and commercial recycling programs and maintains outreach programs promoting source reduction and waste prevention. However, residential and commercial development in the Transit Area will increase recycling and garbage generation. The Transit Area EIR states that development in the Transit Area will not cause an appreciable change in the filling rate of the NISL. Based on the City's waste characterization study of 2002, this is primarily due to effective diversion rates (recycling program participation).

15) Environmental Constraints

Housing production in Milpitas is constrained by steep hillsides on the east, wetlands on the west, and City boundaries on the north and south. Because of these physical limitations, future housing

development will largely occur through infill and redevelopment. Although development on the hillsides is theoretically possible, the area has serious seismic and landslide constraints. Hillside homes would be expensive to construct and could have significant environmental impacts. Residents would be subject to ongoing geologic and wildfire risks.

The entire City is located in a seismically active area. The closest fault to the Transit area is the Hayward Fault Zone, located two miles to the east. On sites throughout the Bay Area, housing must meet building code standards which reflect the area's earthquake-related ground shaking and liquefaction hazards.

As mentioned earlier in this section, flooding is another environmental constraint that could affect housing production. Some of the housing sites in the Transit area are located within the 100-year floodplain. Although flood depths would be very shallow, a combination of on-site and off-site improvements may still be required before building in areas that could experience flooding.

Although such environmental constraints could ultimately impact the cost of new housing, they are relatively common in the Bay Area. Natural hazards are a fact of life in Coastal California, and there are few steps the City can take to reduce their impact on housing costs without endangering public safety.

C. Assessment of Potential Barriers

The City of Milpitas has demonstrated its support of higher density housing, particularly near transit. It has created two specific plans, rezoned many sites in the specific plan areas to higher densities and created a TOD Overlay District that further augments allowable residential densities. Other Zoning Ordinance changes have resulted in reduced setbacks, reduced parking requirements, and higher height limits. During the residential development boom period in the early part of this decade, builders responded to these changes by proposing and building many market housing units, as well as required affordable units. At this time, the Zoning Ordinance, other development standards, and the permitting process do not constitute barriers to development in Milpitas.

The City continues to enforce its Urban Growth Boundary (UGB) that was approved by voters in 1998. While the UGB does restrict development on the City's hillsides, it also protects the hillsides, reduces the possibility for landslides and wildfires that accompany development, and avoids the need for costly infrastructure extension. Most importantly, sites in the hillside areas would serve the luxury housing market only. Since the City has identified an excess number of sites to meet its RHNA allocations without development of the hillsides, the City has concluded that the UGB is not a barrier to housing development.

Development fees have increased in Milpitas since the prior housing element, but this trend has not constrained development. In markets with high demand, these fees can be added to the cost of a new unit and not constrain development. Under weaker market conditions, there is an imbalance between development costs and likely revenues. However, this imbalance is not caused by the imposition of fees alone, but by sales prices that are too low to support new development costs. Finally, the City will provide developer impact fee assistance for affordable housing units in mixed income developments built in the redevelopment project area by transferring housing set-aside funds to the General Fund to cover these fees.

Finally, a recent EIR prepared for the Transit Area Specific Plan identified several problems on local freeways and key intersections, some of which could operate at unacceptable levels of service, once the Transit Specific Plan Area is built out. The City has adopted a Transit Area Impact Fee that will be used to improve levels of service at some of the intersections. However, freeway congestion is a regional issue, and therefore requires a regional solution. In the long run, it is hoped that more development located near transit will reduce some of the auto trips associated with new development in the Transit Area.

D. Housing for Persons with Disabilities

Many persons with physical disabilities do not require special housing. However, a small proportion of the City's disabled population requires housing that is specially adapted to accommodate their disabilities. Housing units that meet the special needs of persons with disabilities can be supplied in two ways. First, it is possible to adapt the regular housing stock to accommodate special needs. Secondly, it is possible to build special housing units that are accessible and are located near supportive services. In addition, on-site services may be provided in special needs housing.

The City ensures that new housing developments comply with California building standards (Title 24 of the California Building Code) which are even more rigorous than the ADA in its accessibility requirements. The City provides applicants with a check list to assist them in developing Title 24/ADA compliant plans before they are submitted. Building Department staff is well versed in accessibility requirements. Also, the City requires ADA-compliant parking, accessible entries, accessible paths of travel through areas being altered, and handicap-accessible restrooms, drinking fountains and public phones.

Pursuant to State law, Milpitas does not require discretionary review of small group homes for persons with disabilities (six or fewer residents). The City allows small group homes in all residential zones, and allows large group residential facilities in the R3 and R4 zones. There are no zoning, design review, or building code provisions that conflict with the goal of providing a barrier-free environment. The City does not impose additional zoning, building code, or permitting procedures other than those allowed by State law. There are no City initiated constraints on housing for persons with disabilities caused or controlled by the City. For example, the City's definition of "family" includes unrelated persons who function together as a single household unit. Also, there are no spacing requirements for group homes.

The City also allows and encourages residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with accessibility requirements. Such retrofitting is permitted under Chapter 11, 1998 version of the California Code. Further, the City works with applicants who need special accommodations in their homes to ensure that application of building code requirements does not create a constraint. Also, the City provides funding for retrofits.

Finally, the Milpitas Zoning Ordinance [Section 10-54.08(B)(9)] allows for an exception for ADA structures (ramps and associated railings) in any front, side or rear yard (no closer than three feet from the property line) from setback requirements. While there are no provisions for exceptions for height to allow for an elevator shaft to extend beyond the height limitations, with the height limit of 30 feet, it is possible to accommodate two stories and an elevator shaft.

As part of the update of the housing element in 2002, the City conducted a comprehensive review of its

zoning laws, policies and practices for compliance with fair housing laws. While the City has not identified any zoning or other land-use regulatory practices that could discriminate against persons with disabilities and impede the availability of such housing for these individuals, it recognizes that reasonable accommodation is an important policy issue. Thus, as part of proposed Zoning Ordinance changes, the City will establish procedures for reasonable accommodation in housing for persons with special needs.

E. Potential Non-Governmental Constraints

Cost factors, such as financing, land, and construction costs are the principal non-governmental constraints to the development of affordable housing. These costs have been steadily increasing in Milpitas and throughout Santa Clara County. A new trend since the 2002 Housing Element has been a drop in housing prices (after 2006) while production costs have increased. This lowers profits to the point that new development is not feasible. In fact, many of residential projects in Milpitas that have received entitlements are not yet applying for building permits, since they are waiting for prices to rise to the point where development will be feasible. Because of these market conditions, it was necessary to estimate current development costs (and not try to obtain costs directly from developers). To simplify this estimation, a single family house is used as a prototype.

1) Land Costs

Land costs are a major factor in the cost to build housing in Milpitas. According to an appraisal company that provides updated information on land values for the City's Park Impact Fee, the 2007 average cost for land was $55/SF. This land value is a very approximate. For this price, the land would be unimproved.

The main way that a jurisdiction can decrease the land cost component is by increasing the number of units that can be built on a given piece of land. The increased densities allowed in the Transit Oriented Development Overlay District provide a very good example of how the City has supports higher densities to decrease housing costs. For example, in the R5 and MXD3 zones allowable densities reach 75 dwelling units per acre.

2) Construction Costs

Information on construction costs entered in Table V.11 is from the International Code Council and was provided by the City of Milpitas Building and Safety Department. The valuation data is effective as of September 2008. For the purposes of estimating the cost of a single family unit it was assumed that the construction type is 5B or $138.47/SF, and the garage's costs would be $35/SF. Thus, for a 2,000 SF single family home with a 400 SF garage, the total construction cost is $290,000.

In addition to this, the cost of on-site improvements is estimated at $68,400. This estimate is based on general cost estimates provided by Bay Area builders. Since site development costs vary based on actual site conditions and intended use, it is difficult to derive a single figure that would apply in all situations.

Table V.11: Estimated Development Costs of a Single Family House, City of Milpitas

Cost Component	Amount
Land Price	$275,000
Site Improvement Cost	$68,400
Total Construction Cost	$290,000
Total Permits/Fees	$42,700
Total Housing Development Cost	$676,100

Sources: City of Milpitas and Vernazza Wolfe Associates, Inc.
Note: Costs assume a 2,000 SF house with a 400 SF garage on a 5,000 SF parcel.

3) Financing

Financing is critical to the housing market. Developers require construction financing, and buyers require permanent financing. Financing can serve as a constraint to new residential development if developers are unable to access construction financing and if buyers are unable to obtain reasonable mortgage financing.

- If financing is not easily available, then more equity may be required to build new projects. In addition, fewer homebuyers can purchase homes, since higher down payments could be required.
- Higher construction period interest rates for developers result in higher development costs. For homebuyers, higher interest rates translate into higher mortgage payments (for the same loan amount), and therefore reduces the purchasing power of homebuyers,

At the end of 2008, the problem with financing is the availability of credit and not high interest rates. Bay Area developers have indicated that banks are lending less for new residential projects. The problem is that banks appraise the value of the completed project in determining how much construction financing to provide. When sales prices drop (which has occurred), the bank reduces the after construction appraised value, and therefore reduces the amount of construction financing that a developer can secure. In this situation, a developer either has to raise more equity to invest in a project, or postpone development. At this time, developers are delaying projects.

For homebuyers, it is necessary to pay a higher down payment than in the immediate past. Furthermore, borrowers must demonstrate credit worthiness and adequate incomes, so that loan applications meet standard underwriting criteria. While strict adherence to underwriting criteria was not required during the last eight years, the return to stricter standards is consistent with loan standards prior to 2001.

4) Housing Production Costs

As shown in Table V.11, total development costs for a 2,000 SF single family home on a 5,000 SF lot is $676,100, including land, site improvements, construction costs, and development fees. This figure does not include developer profit, payments to equity partners, or marketing costs. According to the figures shown in Table III.13, none of Milpitas' lower- or moderate-income households could afford to purchase a

new home in Milpitas. Although many newly constructed homes, particularly condominiums are smaller than 2,000 SF, these would still not be affordable to low- and moderate-income households. In fact, in order to afford the new home described in Table V.7, a household would need an income of at least $161,000 as well as savings of approximately $135,000 for a down payment. Based on current household incomes, this income level would place the household at 153% AMI.

The two cost components that have increased the most since the 2002 Housing Element are permits/fees, and land costs. The current fees charged by the City are not excessive and are vital to supporting city departments that review, approve, and monitor new building activity. In addition, impact fees are required to pay for the expansion of public facilities, particularly parks that are required to serve new residents. Finally, although the land cost per SF is now $55 (in comparison to $45/SF in the last housing element) is relatively high for the single family house example in Table V.11, it should be remembered that land costs per unit would be much lower for multifamily housing.

5) Affordable Housing Constraints

In addition to the constraints to market rate housing development discussed above, affordable housing projects face additional constraints. These are listed below.

Financing Constraints

Multiple funding sources are needed to construct an affordable housing project, since substantial subsidies are required to make the units affordable to very low-, low- and moderate-income households. It is not unusual to see six or more financing sources required to make a project financially feasible. Each of these sources may have different requirements and application deadlines, and some sources may require that the project has already successfully secured financing commitments.

Since financing is so critical and is also generally competitive, organizations and agencies that provide funding often can effectively dictate the type and sizes of projects. Thus, in some years senior housing may be favored by financing programs, while in other years family housing may be preferred. Target income levels can also vary from year to year.

This situation has worsened in 2008 for two reasons. Similar to market rate development, lenders have reduced appraised values for completed affordable projects. This reduces the amount of funds provided to a project by conventional lenders. Secondly, tax credits are no longer selling on a one for one basis. In other words, once a project has received authorization to sell a specified amount of tax credits to equity investors, the investors are no longer purchasing the credits at face value, but are purchasing them at a discount. (Tax credits are not worth as much to investors if their incomes have dropped.)

The City helps to lessen the financing constraint for affordable housing development by providing loans (either to the developer or to first-time homebuyers), developer impact fee assistance, and sometimes grants for affordable housing. The City's Redevelopment Agency (20% Low-Income Housing Set-Aside Funds) provides the majority of the funds that are used to assist affordable housing units in two ways. First, the City also provides assistance to non-profit developers, such as Mid-Peninsula Housing Coalition, to build projects that are completely affordable. The City also helps market rate developers that

are encouraged to provide affordable units under Section XI-10-6.03 (Affordable Housing) in the Zoning Code.[47]

Section XI-10-6.03 of the Zoning Code requires that affordable housing units be provided in all new housing projects. The City of Milpitas negotiates the number of affordable units on a project by project basis. The City's goal is that 20 percent of all new units built be affordable. During these developer negotiations, the City considers a number of factors including location, size of the project, proximity to transit, and the type of housing to be provided.
Since the end of the 1990's, the City experienced considerable development activity in its Redevelopment Project Area and therefore was able to offer significant financial assistance for affordable units. Table V.12 presents the total number of units assisted, the types of assistance provided, and the total amount of financial assistance provided. Since 1999, 913 affordable units (located in 14 projects) have received financial assistance totaling over $34 million. Of this total, about 76 percent of funds are loans which will eventually cycle back to the City to be used in additional affordable housing developments.

Table V.12: Redevelopment Agency and City of Milpitas Assistance for Affordable Housing Units

	1999-2006	2007 and later	Total Since 1999
No. of Affordable Units Assisted	785	128	913
Loans	$21,134,000	$4,927,997	$26,061,997
Development Impact Fee Assistance	$2,495,547	$130,560	$2,626,107
Grants	$0	$5,422,000	$5,422,000
Total Funds	**$23,629,547**	**$10,480,557**	**$34,110,104**

Sources: City of Milpitas and Vernazza Wolfe Associates, Inc.

Size of Projects/Land Acquisition

In addition, the size of projects also relates to financing and management concerns. Small projects are proportionately more expensive to develop and operate, and so financing sources and affordable housing developers generally prefer projects of at least 30 to 40 units, with as preference for larger projects.

This preference for larger sites is not a problem in Milpitas. Most new housing developments (both mixed-income and affordable) are located in one of the two Specific Plan Areas. This redevelopment consists of changing land uses from industrial/heavy commercial to residential. Thus, there are already large parcels that would be suitable for residential developments. Also, it is possible to assemble smaller parcels to create larger sites. In fact, the average project size represented by the affordable units presented in Table V.12 is 69 units, and the median is 258 units.

G) Policies to Overcome Constraints

[47] *XI-10-6.03 Affordable Housing: Affordable housing units should be provided in all new housing projects. While twenty percent (20%) is the minimum goal, affordable unit requirements will be determined on a project by project basis, taking into consideration the size and location of the project, the type of housing unit, proximity to transit and the mix of affordable units in the vicinity. (Ord. 38.777 (8) (part), 6/17/08)*

The rising costs of land, construction, and financing described above are outside the ability of the City of Milpitas to change. However, there are two ways in which the City has attempted to mitigate these constraints.

- First, land costs are estimated to average $55/SF. The 2002 Housing Element stated that land costs were $45/SF, based on costs in downtown San Jose. While the market determines land prices, the City can reduce the land cost per unit by allowing higher densities. The City has accomplished this for sites in the Midtown and Transit Specific Plan Areas.

- Secondly, since affordable housing developments face the same increasing development costs as do market rate units, the City has provided substantial financial assistance to new developments to help reduce these high costs. Since 1999, the City has provided (or pledged) almost $40 million in assistance that has benefited (or will benefit) almost 2,000 units.

7.7 HOUSING PLAN

Based on the needs, resources, and constraints identified above, this chapter presents the Housing Plan for the City of Milpitas for the 2009-2014 planning period. The City has established this Plan in consideration of its own local needs and priorities, as well as its obligations under State Housing Element law.

The Housing Plan is structured as a series of goals and related policies. Related to each policy, there are one or more programs that the City will implement over the 2009-2014 planning period. These programs are summarized in a Five-Year Implementation Plan which presents the programs together with implementing agencies, funding sources and time-frames for implementation. Finally, the Housing Plan sets forth quantified objectives for housing construction, rehabilitation and conservation for the Housing Element planning period.

A. Identification of Adequate Sites

Goal

Goal G-1: Provide Adequate Sites for Housing Development in the City of Milpitas.
The City of Milpitas will maintain adequate sites to accommodate its share of the regional housing need, including sites that would be appropriate for the development of housing affordable to very low-, low-, moderate- and above moderate-income households.

Implementing Policies and Programs

Policy A-1: The City will facilitate land acquisition and site assembly.

> The City will continue to work with local property owners to assemble small sites for future developments.

Policy A-2: While the City is able to accommodate its share of the regional housing need without rezoning during the current Housing Element period, it has demonstrated a willingness to consider land use redesignation in order to accommodate specific projects.

> The City will consider land use redesignations if they are needed.

B. Housing & Neighborhood Conservation

Goals

Goal B-1: Maintain High Quality Residential Environments
The maintenance and improvement of the quality of life of existing neighborhoods is a high priority for the City of Milpitas.

Goal B-2: Preserve Housing Resources
Milpitas will strive to maintain and preserve existing housing resources, including both affordable and market rate units.

Implementing Policies and Programs

Policy B-1: The City will continue to enforce housing codes and regulations to correct code violations in the most expeditious manner to protect the integrity of housing while minimizing the displacement of residents. The City will work to have all dwelling units that cannot be rehabilitated demolished, so that hazards will be eliminated, and land will become available for new housing.

> The City will continue to enforce its existing codes through its Code Enforcement Program, utilizing all available authorities to compel property owners to correct code violations. This program has been strengthened through the passage of the Neighborhood Beautification Ordinance (NBO), which establishes guidelines for the overall maintenance and preservation of neighborhoods citywide.
>
> Through its Replacement/Relocation Program, the City will assist any household displaced through code enforcement activities to relocate to other suitable and affordable housing.

Policy B-2: The City will continue to provide assistance for the rehabilitation of housing units occupied by very low-income and low-income households during the next five-year Housing Element Planning Period.

> Through the Housing Rehabilitation Program, the City will provide funds to assist very low- and low-income owner households to undertake repairs to their homes to bring them up to standard condition and prolong the useful life of the local housing stock. The City will give priority for participation in this program to very low-, and low-income homeowners who are subject to code enforcement actions that could otherwise lead to displacement of residents. Assuming adequate CDBG funding, the City will continue assisting between six and eight low-income homeowners annually.
>
> The City adopted a Lift Zone Program in the City in 2009. The purpose of this program is to bring together residents and property owners to strengthen neighborhoods through neighborhood clean-up, blight removal, and housing rehabilitation.
>
> The City will continue to provide CDBG funds to Rebuilding Together to preserve affordable housing. This program provides safety, accessibility, and mobility repairs to mobile and single family homes owned by very low- and low-income households.

Policy B-3: The City will monitor the need to replace infrastructure as needed to conserve older neighborhoods.

When updating its Capital Improvement Program and associated budget, the City of Milpitas will allocate resources to rehabilitate and/or replace infrastructure in older neighborhoods whose infrastructure is approaching obsolescence.

Policy B-4: Milpitas will collaborate with other public and private entities to ensure that no lower-income residents are adversely impacted by the conversion of existing affordable housing projects to market rate rents.

The City will continue to monitor the status of the 149 units at risk of conversion to market rates at Sunnyhills Apartments. The City will work with the Santa Clara County Housing Authority, U.S. Department of Housing and Urban Development, and the property owner to insure the continuation of subsidies to the 149 low-income renters. If notice is received that the owner will convert the property to market rate use, the City will implement the following actions:

- Establish contact with public and non-profit organizations, such as Mid-Peninsula Housing Coalition, BRIDGE Housing, and other non-profit housing providers working in the Santa Clara area, to inform them of the **potential** conversion status of Sunnyhills Apartments and to determine interest in purchasing and/or managing units at-risk.

- If the owner decides to convert the development to a market rate use, the City will notify these organizations and where feasible, provide technical assistance and support to these organizations with respect to financing to acquire or replace these units.

- The City will work with tenants of at-risk units and provide them with education regarding tenant rights and conversion procedures. The City will also provide tenants at Sunnyhills Apartments with information regarding Section 8 rent subsidies available through the Santa Clara Housing Authority, and other affordable housing opportunities in the City.

- The City will assist tenants to obtain priority status on the Section 8 Waiting List.

Policy B-5: The City will maintain the existing stock of affordable housing provided through the private market and provide tenant protections for apartment units at risk of condominium conversion.

The City will continue to administer a condominium conversion ordinance that was enacted with the intention of minimizing the negative impacts of conversions on the rental market.

The City will continue to administer a mobile home rent control ordinance that regulates rental rates and landlord tenant relations for the three mobile home parks in Milpitas.

C. New Housing Production

Goal

Goal C-1: Facilitate New Housing Production
The City of Milpitas will take necessary steps to promote new housing development and remove public infrastructure constraints to new housing development.

Implementing Policies and Programs

Policy C-1: The City will continue to use its planning tools to facilitate housing production.

The Transit Area Specific Plan EIR can be used to expedite environmental review for subsequent projects that are consistent with the Transit Area Specific Plan.

The City will continue to implement the planning and design guidelines specified in the Midtown and Transit Area Specific Plans, including the minimum density requirements in the TOD Overlay Districts and in all MXD zones (ranging from 21 to 41 units per acre, depending on zoning designation).

Policy C-2: The City will continue to address public infrastructure constraints to housing production where feasible.

The City will continue to coordinate sanitary and storm sewer improvements with the Cities of San Jose and Santa Clara and other relevant agencies if needed to acquire sufficient wastewater capacity to serve residential development. Measures to be explored include the reduction of wastewater flows (through water conservation programs) and the purchase of surplus capacity from other agencies using the regional water pollution control plant.

The City will continue to work with the Santa Clara Valley Water District to reduce the extent of the flood plain on the housing sites identified in the Midtown Specific Plan.

On an ongoing basis, the City will explore alternatives to the on-site retention of stormwater on each housing site, including the development of an area wide retention pond or allowances for porous pavement and other pervious surfaces which can absorb runoff.

The City will continue to pursue state and federal grants and other financial measures to reduce the cost of off-site traffic improvements for housing developers in the City. This could also include the use of redevelopment funds to offset costs for projects that include a significant number of affordable housing units.

The City will continue to monitor additional infrastructure improvements needed for access to the Union Pacific Site.

Policy C-3: The City will facilitate development of executive-luxury style housing to support its economic development strategy.

The City will continue to work with builders developing high-rise buildings and with custom homebuilders to assist in the creation of additional executive-luxury style housing within the City.

D. Housing Diversity and Affordability

Goals

Goal D-1: Promote Housing Affordability for both Renters and Homeowners
The City of Milpitas will use available resources to expand the number of new housing units affordable to extremely low-, very-low, low- and moderate-income households.

Goal D-2: Support Housing to Meet Special Needs
The City of Milpitas strives to increase the range of housing opportunities for all residents, including those with special needs and those unable to afford market rate housing within the community. The City of Milpitas will place a priority on construction of housing that is appropriate to meet the needs of special needs populations.

Goal D-3: Support Housing Diversity and Creativity in Residential Development
In recognition of the diverse needs of Milpitas' households, the City supports creativity in the design and development of housing projects.

Implementing Policies and Programs

Policy D-1: The City will facilitate the development of at least 441 new housing units affordable to moderate-income households, 421 units affordable to low-income households and 689 new housing units affordable to very low-income households.

> The City will continue to operate its Below-Market Rate Financing Program for new construction. Funds for this program are provided through Redevelopment Housing Set-Asides, CDBG, and other available resources, such as in-lieu payments, that can be used to finance affordable housing.

Policy D-2: The City of Milpitas will continue to target the provision of at least 20 percent affordable units within new multifamily residential projects.

> The City will continue to promote affordable units in residential projects. In conformance with Section XI-10-6.03 of the City's Zoning Ordinance, affordable housing requirements are negotiated on a project-by-project basis, aiming for a minimum percentage (20 percent) of affordable units in all housing developments.

Policy D-3: The City will provide density bonuses and other incentives for projects which provide affordable units.

> The City will continue to provide density bonuses under its amended Ordinance.
>
> On a project-by-project basis, the City will continue to assist developers pay for development fees for housing developments that provide low-income units.

Policy D-4: The City will promote the ability of lower- and moderate-income households to become homeowners.

The City will continue to provide assistance to first-time homebuyers to purchase below market rate units.

Policy D-5: The City will encourage the expansion of housing opportunities for extremely low-income households.

Housing for extremely low-income households includes conventional apartment units as well as SRO units. Policy G-2 states that the City will modify the Zoning Ordinance to identify zones for SRO Developments as a "by right" land use. In addition, the City will encourage affordable housing developers to include units for extremely low-income households in future developments and will provide its housing trust funds to help subsidize development costs to achieve affordability targeting to extremely low-households.

Policy D-6: Milpitas will support housing services for the homeless.

The City will continue to facilitate the development of emergency and transitional housing through financial and/or other incentives.

The City will continue to support emergency services and housing resources consistent with the City's ongoing commitment to and participation in the Santa Clara County Continuum of Care Plan.

Policy D-7: The City will continue efforts to improve housing opportunities for disabled households in Milpitas.

- Provide funds (through CDBG and other programs) to local non-profits, such as Rebuilding Together, assisting residents with home retrofits.
- Include units appropriate for disabled households within new housing developments.
- Enforce Title 24 of the California Building Code, and the Americans with Disabilities Act (ADA) when reviewing proposed development plans.
- Assist disabled residents with information on housing resources and suitable housing opportunities in the community.
- The City will modify the Zoning Ordinance to include a written statement regarding reasonable accommodation for persons with disabilities. This statement will provide exception in zoning and land-use for housing. The process to be followed will be a ministerial process, with minimal or no processing fee, subject to approval by the Panning Director.

Policy D-8: The City will continue to encourage developers to provide new units that meet the needs of both very small and large households.

In reviewing proposed projects, City staff shall attempt to obtain the inclusion of studio and four-bedroom units in new projects as feasible through incentives, including financial and regulatory.

Policy D-9: In public outreach efforts, the City will convey to the community that affordable housing can be attractive, enhance the quality of life, and provide an essential resource for long-time Milpitas residents and workers.

> The City will consider establishing a public education campaign that provides examples of affordable, award-winning projects that are compatible with Milpitas neighborhoods.

Policy D-10: The City will support housing alternatives, such as live/work lofts and manufactured housing.

> Live work lofts are a conditional use in R4 zones and permitted use in R5 zones. Consistent with the Midtown Specific Plan, the City will favorably consider applications for live work lofts as one housing type to address the changing needs of Milpitas residents.
>
> The City will modify the Zoning Ordinance to permit manufactured housing in R1 zones, subject to the meeting of architectural requirements as well as the same development standards to which conventional single-family residential dwellings on the same lot would be subject.

Policy D-11: The City will support the inclusion of space for child care facilities in new residential developments.

> The provision of space for child care facilities at major new residential developments permits the integration of this needed service in residential areas as they are developed. The City will explore the feasibility of encouraging new residential developers to provide space for future child care facilities.

E. Fair Housing

Goal

Goal E-1: Eliminate Housing Discrimination
Milpitas values diversity of its population and protection of housing rights for its citizens. The City strives to ensure that all households have equal access to the City's housing resources.

Implementing Policies and Programs

Policy E-1: The City will work to eliminate all unlawful discrimination in housing with respect to age, race, gender, sexual orientation, marital or familial status, ethnic background, medical condition, or other arbitrary factors, so that all residents can obtain decent housing throughout the City.

> The City will work with appropriate Local, State and Federal Agencies to ensure that fair housing laws are enforced.
>
> The City will continue to implement its ordinances and policies prohibiting discrimination in housing practices.

The City will carry out necessary actions to address any impediments to fair housing choice identified in the City's HUD-mandated Analysis of Impediments to Fair Housing.

The City will continue to distribute information on fair housing laws through flyers brochures, public service announcements and other means.

The City will continue to fund an appropriate agency, such as Project Sentinel, to advocate for Milpitas households that may have experienced unfair or illegal housing practices.

F. Energy Conservation Opportunities

Goal

Goal F-1: Promote Energy Conservation in Residential Development
The City of Milpitas will promote energy efficiency in residential development within the City, including reduction of energy use through better design and construction in individual homes, and also through energy efficient urban design.

Implementing Policies and Programs

Policy F-1: The City will continue to undertake a variety of activities to achieve energy efficiency in residential development in conformance with State laws.

The City will continue to partner with local utility providers to promote participation of Milpitas' low-income residents in available energy efficiency programs, such as PG&E's Energy Partners Program.

The City will continue to promote use of passive solar devices and promote energy audits of existing homes.

The City will adopt a Green Building Ordinance by the end of 2009.

The City will continue to encourage the incorporation of energy-saving principles in the design and planning of new residential developments, including features such as solar orientation.

The City will continue to encourage mixed-use and transit-oriented development at transit nodes.

In accordance with the Green Building Policy Resolution adopted in February 2008, the City will continue to require that planning applications for new buildings include a completed LEED or GreenPoint Rated checklist.

G. Remove Government Constraints

Goals

Goal G-1: Continue to Promote Land Use Policies and Development Standards to Facilitate Housing Production.

During the last Housing Element Period, Milpitas made extensive changes to its Zoning Ordinance in order to provide high density, transit oriented development in its specific plan areas. Housing developed in these areas will continue to provide opportunities for affordable and workforce housing, will reduce the jobs housing imbalance in Milpitas, and promote the use of alternative means of transportation, such as transit.

Goal G-2: Remove Government Constraints to the Production of Special Needs Housing

Milpitas supports the development of special needs housing. The City will take necessary steps to remove government constraints to the development of affordable housing serving special needs populations.

Implementing Policies and Programs

Policy G-1: The City will continue to enforce land use policies and development standards that facilitate affordable housing production.

> The City continues to enforce its development standards including minimum housing densities, mixed use zoning, and intensive land utilization in its TOD areas. These standards support both regional housing goals and financial feasibility goals required by developers.

Policy G-2: The City will modify its Zoning Ordinance to ensure that there are opportunities for special needs housing.

> The City will modify the Zoning Ordinance to allow homeless shelters as a “by right” land use (without discretionary action) in the Highway Services Zone. The City will also modify the Zoning Ordinance to ensure that development standards adopted for homeless shelters will encourage and facilitate shelters and only subject shelters to the same development and management standards that apply to other allowed uses within the identified zone.
>
> The City will modify the Zoning Ordinance to allow transitional housing as a “by right” land use (without discretionary action) in residential zones and only subject to those restrictions that apply to other residential uses of the same type in the same zone.
>
> The City will modify the Zoning Ordinance to list permanent supportive housing as a “by right” land use (without discretionary action) as one of the possible uses in residential zones and only subject to those restrictions that apply to other residential uses of the same type in the same zone.
>
> The City will modify the Zoning Ordinance to identify zones for farmworker housing as a use “by right” (without discretionary action).
>
> The City will modify the Zoning Ordinance to identify zones for SRO Developments as a “by right” land use (without discretionary action).

7.8 FIVE-YEAR IMPLEMENTATION PLAN

The Five-Year Implementation Plan presented below summarizes the City's Housing Plan. For each program, information is provided on the responsible department(s), funding source(s), and the time frame. The majority of programs are ongoing. The key funding sources include department budgets, Redevelopment Agency Housing Funds, and the CDBG Program.

Table VII.1: Five-Year Implementation Plan

Goals and Policies	Programs	Responsible Department(s)	Funding Source	Time Frame
A. Identification of Adequate Sites				
Goal A-1: Provide Adequate Sites for Housing Development in the City.				
Policy A-1: Facilitate land acquisition and site assembly.	Facilitate land acquisition.	Planning Redevelopment	Redevelopment	Ongoing
Policy A-2: Modify land use designation if necessary.	Study land use redesignation, as needed.	Planning	Department Budget	Ongoing
B. Housing and Neighborhood Conservation				
Goal B-1: Maintain High Quality Residential Environments.				
Goal B-2: Preserve Housing Resources.				
Policy B-1: Continue to enforce housing codes and regulations.	1. Operate Code Enforcement Program. 2. Operate Replacement/Relocation Program.	Neighborhood Services	CDBG, Redevelopment	Ongoing
Policy B-2: Provide assistance for rehabilitation to lower-income households.	1. Continue to operate the CDBG Rehabilitation Program. 2. Operate a Lift Program where needed. 3. Continue to support Rebuilding Together. 4. Continue to support Project Sentinel.	Neighborhood Services	CDBG RDA Housing Funds	Ongoing Ongoing Ongoing
Policy B-3: Replace infrastructure as needed.	Provide priority in Capital Improvement Program to rehabilitate/replace infrastructure in older neighborhoods	Engineering	Department Budget	Ongoing
Policy B-4: Preserve or replace affordable housing that converts to market rate.	Continue to monitor at-risk Sunnyhills Apartments. If notice to convert is received, the City will: 1. Contact public and non-profit agencies to inform them of potential conversion. 2. Provide technical assistance and support to agencies. 3. Help at-risk tenants.	Neighborhood Services	Department Budget	Ongoing

Goals and Policies	Programs	Responsible Department(s)	Funding Source	Time Frame
Policy B-5: Preserve affordable housing provided by the market.	1. Continue to administer the Condominium Ordinance. 2. Continue to administer the Mobile Home Rent Control Ordinance.	Planning	Department Budget	Ongoing
C. New Housing Production				
Goal C-1: Facilitate New Housing Production.				
Policy C-1: Continue to use planning tools to facilitate housing production.	1. Use Transit Area Specific Plan EIR to expedite environmental review for projects located in the area. 2. Continue to implement planning and design guidelines in the Midtown and Transit Area Specific Plans.	Planning	Department Budget	Ongoing
Policy C-2: Address infrastructure constraints to housing production where feasible.	1. Continue to coordinate sanitary and storm sewer improvements with the Cities of San Jose and Santa Clara. 2. Continue to work with the Santa Clara Valley Water District to reduce flood plain issues on specific sites. 3. Explore alternatives to on-site retention of storm water. 4. Pursue grants to reduce cost of off-site traffic improvements. 5. Continue to monitor additional infrastructure improvements needed for access to the Pacific Union site.	Planning and Engineering	Department Budgets	Ongoing
Policy C-3: Facilitate the development of executive-luxury style housing to support economic development strategy.	Continue to work with builders developing high-rise buildings and with custom homebuilders to assist in the creation of executive-luxury style housing with the City.	Planning	Department Budget	Ongoing
D. Housing Diversity and Affordability				
Goal D-1: Promote Housing Affordability for Renters and Homeowners.				
Goal D-2: Support Housing to Meet Special Needs				

Goals and Policies	Programs	Responsible Department(s)	Funding Source	Time Frame
Goal D-3: Support Housing Diversity and Creativity in Residential Development.				
Policy D-1: Facilitate the development of at least 441 new housing units affordable to moderate-income households, 421 units affordable to low-income households and 689 new housing units affordable to very low-income households.	1. Continue to operate the Below-Market Rate Financing Program for new construction.	Neighborhood Services and Redevelopment	RDA Housing Funds	Ongoing
Policy D-2: Continue to target the provision of 20 percent affordable units within new multifamily projects.	1. Continue to promote affordable units in new residential projects.	Planning	Department Budget	Ongoing
Policy D-3: Provide incentives for affordable units.	1. Continue to provide density bonuses to new residential development. 2. Continue to assist developers in paying development fees for low-income and special needs units included in new residential projects.	Planning and Redevelopment	Department Budget RDA Housing Funds	Ongoing
Policy D-4: Promote homeownership for lower- and moderate-income households.	Continue to provide assistance to first-time homebuyers.	Neighborhood Services and Redevelopment	RDA Housing Funds	Ongoing
Policy D-5: Expand housing opportunities for extremely low-income households.	Encourage affordable housing developers to include units for extremely low-income households in future developments. Provide additional financial support for these units.	Neighborhood Services	CDBG RDA Housing Funds	
Policy D-6: Support housing for the homeless.	1. Continue to facilitate development of emergency and transitional housing. 2. Continue to support emergency services and housing resources.	Neighborhood Services	CDBG RDA Housing Funds	Ongoing

Goals and Policies	Programs	Responsible Department(s)	Funding Source	Time Frame
Policy D-7: Promote housing for the disabled.	1. Provide funds to local non-profits to assist residents with home retrofits. 2. Include accessible units within new residential developments. 3. Enforce Title 24 of the Building Code and the ADA when reviewing proposed development plans. 4. Provide information on housing resources to disabled residents. 5. Modify Zoning Ordinance to include a statement specifying reasonable accommodation for persons with disabilities.	Neighborhood Services and Planning Building Department	CDBG Department Budget	Ongoing
Policy D-8: Continue to encourage developers to provide new units meeting the needs of both very small and large households.	Encourage developers to include studio and four-bedroom units in new projects as feasible through incentives.	Planning	No Cost	Ongoing
Policy D-9: Provide outreach to encourage community acceptance of affordable housing.	Consider establishing a public education campaign that provides positive examples of affordable housing.	Planning and Neighborhood Services	Department Budget	Ongoing
Policy D-10: Support housing alternatives, such as live/work lofts and manufactured housing.	1. The City will favorably review applications for live work lofts in R4 and R5 districts. 2. The City will modify the Zoning Ordinance to permit manufactured housing in R1 zones.	Planning	Department Budget	2010
Policy D-11: Support the inclusion of space for child care facilities in new residential communities.	1. The City will explore the feasibility of encouraging developers of large residential projects to include space on-site for child care facilities.	Planning and Neighborhood Services, Child Care Coordinator	Department Budget	2011
E. Fair Housing				
Goal E-1: Eliminate Housing Discrimination				

Goals and Policies	Programs	Responsible Department(s)	Funding Source	Time Frame
Policy E-1: Work to eliminate all forms of unlawful discrimination so that residents can obtain decent housing through the City.	1. Ensure that fair housing laws are enforced. 2. Continue to implement City ordinances and policies that prohibit discrimination in housing. 3. In the event that the Analysis of Impediments identifies any impediments, the City will take appropriate actions to address them. 4. Continue to distribute information on fair housing laws. 5. Continue to fund Project Sentinel to assist Milpitas households that experience discrimination in the housing market.	Neighborhood Services	CDBG Department Budget	Ongoing
F. Energy Conservation				
Goal F-1: Promote Energy Conservation in Residential Development.				
Policy F-1: Continue to work to achieve energy efficiency in residential developments.	1. Promote PG&E's Energy Partners Program. 2. Promote use of passive solar devices and energy audits of existing homes. 3. Adopt a Green Building Ordinance. 4. Encourage the adoption of energy-saving design in new residential developments, including solar orientation. 5. Encourage mixed-use and development at transit nodes. 6. Require the inclusion of a completed LEED checklist in planning applications for new buildings.	Planning and Neighborhood Services Building Department	Department Budgets	Adopt Green Building Ordinance by the end of 2009. Other programs are ongoing.
G. Remove Government Constraints				
Goal G-1: Continue to Promote Land Use Policies and Development Standards to Facilitate Housing Production.				
Goal G-2: Remove Government Constraints to the Production of Special Needs Housing.				
Policy G-1: Continue to enforce policies and standards that facilitate affordable housing production.	Continue to enforce development standards that encourage multifamily housing. These include minimum residential densities, higher densities near transit, and mixed-use zoning.	Planning	Department Budget	Ongoing

Goals and Policies	**Programs**	**Responsible Department(s)**	**Funding Source**	**Time Frame**
Policy G-2: Modify Zoning Ordinance to ensure there are opportunities for special needs housing in multifamily developments.	1. Modify Zoning Ordinance to allow homeless shelters as a use "by right" in the Highway Services Zone. Adopt development standards that subject shelters to the same standards that apply to other allowed uses within this Zone. 2. Modify Zoning Ordinance to allow transitional housing as a use "by right" in residential zones. Adopt development standards that subject transitional housing to the same restrictions that apply to other residential uses of the same type in this zone. 3. Modify Zoning Ordinance to allow permanent supportive housing as a use "by right" in residential zones. Adopt development standards that subject permanent supportive housing to the same restrictions that apply to other residential uses of the same type in this zone. 4. Modify Zoning Ordinance to identify zones for farmworker housing as a use "by right." 5. Modify Zoning Ordinance to identify zones for SRO units as a use "by right."	Planning	Department Budget	2010

7.9 QUANTIFIED OBJECTIVES

The following table summarizes the quantified objectives for the construction, rehabilitation, and conservation of housing in the City of Milpitas for this Housing Element period.

Table VIII.1: Summary of Quantified Objectives, City of Milpitas (2007-2014)

	Construction (1)	Rehabilitation	Conservation/ Preservation (2)
Total Units	2,487	40	149
Extremely Low-Income (3)	345	0	149
Very Low-Income	344	20	0
Low-Income	421	20	0
Moderate- Income	441	0	0
Above Moderate-Income	936	0	0

(1) It should be noted that the total units to be constructed listed in Table VIII.1 are defined by the RHNA numbers. As of 2009, a significant number of new units required are already under construction, approved or are in the planning process.
(2) This figure does not include mobile home units rented to seniors on fixed incomes.
(3) Per HCD guidance, the quantified objective for extremely low-income housing units is assumed to be one-half the total of the very low-income units required.
Source: City of Milpitas

The sources of information for Table VIII.1 are as follows:

- The new construction goals by affordability are defined through the Regional Housing Needs Determination process conducted by the Association of Bay Area Governments (ABAG).
- The rehabilitation goals are based on the current funding provided by the City's CDBG Rehabilitation Program.
- The conservation goal is based on the need to preserve or replace the 149 affordable units at-risk to market conversion at Sunnyhills Apartments. In addition, there are 544 mobile home units located in three remaining mobile home parks. The City administers a Mobile Home Rent Control Ordinance to maintain affordability for those units occupied by low-income seniors, estimated to be approximately 65 percent of all mobile home residents.

IX. OTHER REQUIREMENTS

A. Consistency with the General Plan and Other Planning Documents

1) General Plan

A comprehensive update of the City's General Plan was conducted in 1994. Several amendments have occurred since then. For example, changes were made to the General Plan to incorporate the Midtown and Transit Area Specific Plans, including revisions to the General Plan land use map and text for consistency among these planning documents. The 2009-2014 Housing Element is consistent with the General Plan.

In the event that future changes to the Zoning Ordinance or other regulations governing the City of Milpitas result in any inconsistencies between the Housing Element policies and the General Plan, the City will determine the most appropriate means to achieve overall General Plan consistency.

2) City of Milpitas Consolidated Plan

The City's most recent Consolidated Plan covers the period 2007-2012. The 2009-2014 Milpitas Housing Element is consistent with the program and policy goals in this Consolidated Plan. In addition, information from the Consolidated Plan was utilized in the Housing Element update.

3) City of Milpitas Redevelopment Agency Implementation Plan

The City last updated its Five-Year Implementation Plan in 2006. The 2009-2014 Milpitas Housing Element is consistent with the goals and expenditures outlined in this Plan.

B. Notification of Housing Element to Water and Sewer Providers

Upon adoption and certification of this Housing Element, the City of Milpitas will provide a copy of the Housing Element to the San Francisco Public Utilities Commission, the Santa Clara Valley Water District, and the Milpitas Department of Engineering in the City of Milpitas, pursuant to Government Code Section 65589.7. The purpose of this notification is to ensure that these providers of water and sewer services place a priority for proposed housing developments for lower-income households in their current and future resource or service allocations.

C. Review of Conservation and Safety Elements Pursuant to AB 162

Assembly Bill 162 requires that the City of Milpitas review, and if necessary, to identify new information for its Conservation Element at the time the Housing Element is revised. The purpose of this review is to identify rivers, creeks, streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. In addition, the Safety

Element will be reviewed to identify information regarding flood hazards that could affect development on the potential sites listed in the Housing Element.

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7.11 APPENDIX A: HOUSING ELEMENT UPDATE PUBLIC MEETINGS

Two public meetings were convened prior to the writing of the Housing Element update. The first meeting was held in the afternoon of November 6, 2008, and the second meeting was held in the evening of November 13, 2008.

These meetings had several goals:

- Explain the housing element update process.
- Explain current housing needs and conditions.
- Elicit suggestions regarding housing problems and possible solutions.

The City distributed summary tables of early findings. Also, participants were asked to complete questionnaires. Since many housing professionals who were invited to the meeting did not attend, these questionnaires were sent out electronically for follow-up. A summary of comments expressed at these meetings is presented below.

Market Rate Housing

- One resident felt that there remains demand for luxury housing in Milpitas that is unmet since new residential development in the hills is zoned for one unit per ten acres in accordance with the Hillside Ordinance. This Ordinance was adopted after the electorate voted to constrain development in the hills. The resident suggested that the Hillside Ordinance be mentioned as a luxury housing constraint. However, staff attending the meeting mentioned that much of the hillside area cannot be developed since it is parkland or part of the San Francisco watershed. Also, the Hillside Ordinance has not constrained market rate or affordable housing development.

- When affordable sales prices at both the upper and lower ranges of the income distribution in Milpitas are compared with sales prices of homes recently sold, there is a mismatch at both ends of this distribution. In other words, proportionately, there are fewer units selling for under $459,000 than there are households that can afford such units, and fewer units priced above $1,150,000 than there are households that can afford higher cost housing.

Issues Related to New Development in the Specific Plan Areas

- What about the lack of infrastructure to industrially zoned land that could be converted to residential uses? New development will pay for this infrastructure. The Financing Plan for the Transit Area Specific Plan has established a plan to pay for infrastructure.

- Traffic congestion is already a problem at certain intersections, such as Main and Montague and 237 and Main. More development in the Transit Area will worsen already bad congestion problems. Thus, the City should work with VTA to run more small buses, not large buses, for transportation. This could decrease some of the traffic congestion.

- Milpitas schools need to accommodate increases in school enrollment related to new development in the Transit Area. Land has been set aside in the Specific Plan to accommodate the need for new schools.

Additional Issues

- Although the reduction of parking requirements is a possible cost offset to developers who provide affordable housing, the result of this policy is a lack of parking in certain areas. This parking problem exists in areas where street widths are too narrow to allow parking on both sides, as well as space for two-way traffic flow. The built environment (such as street widths planned for lower residential densities) no longer serves the needs of current residents, who live more densely in multifamily and single family neighborhoods, often due to doubling up in units or extended families occupying the same unit.

- The link between the housing element and other services, such as education and parks occurs in the land use element, not the housing element.

- Overcrowded units are more and more of a problem in Milpitas. Multigenerational families, often recent immigrants, share the same unit. Staff mentioned that this overcrowding problem is included in CDBG reports. Some of the streets affected include Adams-Temple-Selwyn.

- Another source of overcrowding is changing lifestyles. For example, when new condo projects were first built, young urban professionals moved in. Now, several years later, these couples are having children, resulting in overcrowding.
- Since the railroad tracks bisect Milpitas, there are only four major streets to use to travel east/west. These include 237, Abel/Jacklin, Dixon Landing Road, and Montague Expressway. Thus, these streets are more congested.

- A first-time homebuyer program is needed. This helps stabilize the community. Also, a first-time homebuyer program for school employees would be a good idea. (The City currently establishes preferences for new school teachers in the mixed-income developments. In fact, three or four teachers moved into very low-income units at Parc Place when the project first opened. The City continues to provide outreach about affordable units to teachers. However, a housing program that targets $40,000 annual incomes would not help teachers with more experience or teachers

with spouses who earn higher incomes. Therefore, a school employee homebuyer program targeted to a higher income group should be considered.

- There appears to be an increase in the number of homeless persons in Milpitas. There are cooling and warming areas in the City for the homeless. The Sports Center is one example. It is possible that more homeless services are needed in Milpitas.

- When asked by staff whether residents at the meeting thought that child care facilities should be required at larger developments, there did not appear to be strong sentiments one way or another.

7.12 APPENDIX B: MILPITAS HOUSING ELEMENT ACCOMPLISHMENTS (1999-2006)

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
Housing & Neighborhood Conservation			
A-G-1: Maintain High Quality Residential Environments *A-G-2: Preserve Housing Resources*			
Policy A-1-1: Continue to Enforce Housing Codes to Correct Code Violations. Those units that cannot be rehabilitated, will be demolished to avoid hazards and make sites available for new housing.			
	Code Enforcement Program	In September 1999, the City adopted the Neighborhood Beautification Ordinance (NBO) which establishes guidelines for the overall maintenance and preservation of neighborhoods citywide. The NBO includes several programs (Lend-a-Tool, Housing Rehabilitation Loans, Vehicle Abatement, Graffiti Terminators and Garbage Container Collection Services for Disabled Persons). In 2000, NBO was amended to establish fines for violations of non-compliance.	Continue
	Replacement/Relocation Program	No replacement or relocation has taken place between 1999 and 2006.	Continue
Policy A-1-2: Provide Assistance for the Rehabilitation of Housing Units Occupied by Very Low- and Low-Income Households.			
	Housing Rehabilitation Program	Owner-occupied units were rehabilitated using CDBG Program funds. The number of units rehabbed during between 1999 and 2006 was between 6 and 8 annually.	Continue

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
Policy A-1-3: Replace Infrastructure in Older Areas as Needed to Conserve These Areas.			
	Capital Improvement Program-Allocate Resources to Rehabilitate and/or Replace Obsolete Infrastructure.	The City's Capital Improvement Program provides funds to resurface streets, repair sidewalks and undertake other repairs of infrastructure and public facilities. Examples of projects undertaken during the last housing element period include the installation of audible pedestrian signals, improvements to the large gym at the Sports Center, ADA sidewalk ramps and pedestrian ramps, park path resurfacing, annual street resurfacing, sewer deficiency corrections, and improvements to Selwyn Park. Total expenditures on these projects were $6,435,085.	Continue
Policy A-1-4: Collaborate with Other Entities to Ensure Lower-Income Tenants are not Adversely Affected by Conversion of Affordable Units to Market Rate.			
	Conversion Monitoring and Response Program	Sunnyhills is still at-risk. According to the CHPC, current expiration date is 2/2008, and maturity date is listed as 10/2011.	Continue to Monitor
	Use Available Funding Programs to Conserve Affordable Housing.	City continued to support Santa Clara County's Section 8 vouchers provided to residents at Sunnyhills Apartments.	Combine this program with program listed above.
Policy A-1-5: Maintain Existing Stock of Private Market Affordable Housing.			
	Continue to Administer Condominium Conversion Ordinance	The City continues to administer the Condominium Conversion Ordinance.	Continue

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
	Continue to Administer a Mobile Home Rent Control Ordinance	The City continues to administer the Mobile Home Conversion Ordinance to Other Uses Ordinance. In 2007, the South Main Street Mobile Home Park prepared the required impact report which was approved by the City Council. A total compensation relocation package of $9,500 was offered to most mobile home park residents. No future closures are anticipated in the remaining three mobile home parks.	Continue
New Housing Production			
B-G-1: Provide Adequate Sites for Housing Development *B-G-2: Remove Constraints to Housing*			
Policy B-1-1: Establish Land Use Policies and Development Standards to Facilitate Housing Production.			
	Transit-Oriented Development Overlay Zone	Accomplished through Section XI-10-43 of the Zoning Code.	Delete
	Minimum Housing Densities	The minimum housing density of 20 du/acre has been maintained. In the Midtown and Transit Specific Plan Areas, the minimum density has been exceeded, where densities of 60 du/acre are permitted by right in several zoning districts. A 25% increase in density is permitted with a use permit. The State Density Bonus could also be used with the use permit.	Delete
	Mixed-Use Zoning District	Accomplished	Delete
	Allowance for Housing in TC Town Center Zoning District	The Milpitas General Plan and Zoning Ordinance has been amended to permit residential development within the Town Center. The City has approved a 65-unit condominium project in the Town Center. This project will include 16 affordable units.	Delete

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
	Allow Mixed Use and Residential Development By Right in Midtown Area.	Upon adoption of the Midtown Specific Plan in 2002, mixed use development was permitted by right. Two mixed unit developments have been approved by the City (Apton Plaza and Matteson).	Continue
Policy B-1-2: Address Public Infrastructure Constraints to Housing Production Where Feasible.			
	Sanitary and Storm Sewer Improvements	Milpitas purchased 1 mgd of wastewater capacity in 2006 from the West Valley Sanitation District and an additional 0.75 mgd from Cupertino Sanitary District in 2009. Milpitas also continues to participate in regional water conservation and recycled water programs. Land development staff is currently working with Santa Clara Valley Water District to reduce the floodplain area. There are no current plans to develop an area-wide retention basin. Pervious surfaces are encouraged; however, clay soils and a high ground water table inhibit run-off absorption.	Continue
	Transportation Improvement Costs-City will pursue state and federal grants to reduce the cost of off-site traffic improvements for housing developers. RDA funds to be used for off-site transportation improvements for projects that provide affordable housing.	The City is considering requesting funds from the Valley Transportation Authority (VTA) and BART to off-set some of the costs associated with the land use development in the Transit Area Specific Plan Area. Other State and Federal funding sources are also under consideration. The Transit Area will also receive some financial assistance from the Milpitas Redevelopment Agency for traffic improvements. In addition, the City is undertaking capital improvements that will assist development in the two Specific Plan Areas (thereby benefiting the affordable housing built in these two areas) including coordination with VTA for the design of the future BART Extension, construction of an interchange at Tasman and I-880, and improvement of traffic capacity at the Great Mall Parkway/I-880 Interchange	Continue

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
	Union Pacific Site Access and Infrastructure Improvements	A water system loop connecting Bothello Avenue and E. Carlo was completed. The City will continue to monitor additional infrastructure requirements needed for this area.	Continue
	Trade Zone Boulevard Sewer Service	Sewer infrastructure serving the Trade Zone is now considered part of in-tract Transit Area improvements. An interagency agreement may not be needed depending on street alignment in this area.	Delete
	Sewer Master Plan Follow-Up Measures	See achievements listed above under "Sanitary and Storm Sewer Improvements."	
	Stormwater Detention Requirement Waivers	The City's current NPDES permit includes requirements to develop a stormwater detention waiver policy. A policy has been approved by the Regional Water Quality Control Board. At this time, there are no plans to construct a centralized detention pond. The Regional Water Quality Control Board approved the Hydromodification Plan, which identifies geographical areas subject to on-site stormwater detention. Most of the Milpitas valley floor is exempt from on-site stormwater detention. The requirements may be revised in future NPDES permits.	Delete
	Density Calculations on Parcels with Stormwater Detention Ponds (density based on total site area, not on the net developable area).	The Crossings is the only development during this period that required an on-site detention pond. The project was approved with a Planned Unit Development (PUD) process which allows densities up to 40 du/acre. The Crossings was approved at 30.1 du/acre.	Continue
Policy B-1-3: Promote Redevelopment of Sites in the Midtown Specific Plan Area.			
	Midtown Task Force	This task force served as the steering committee to assist the Planning Commission and the City Council on the preparation of the plan which was adopted in March 2002. Since the plan has been adopted an implementation has started, the task force is no longer needed.	Delete

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
	Prepare Marketing and Promotional Materials for Midtown Area	The City hired a consultant to prepare a marketing and promotional brochure for the Midtown Specific Plan Area. In addition, the consultant prepared advertisements that aired on the City's Website, Cable TV, and the local newspaper, the *Milpitas Post*.	Delete
	Expansion of Redevelopment Area	Completed	
	Commitment of Redevelopment Funds for infrastructure for reuse of key housing sites. RDA funds also to be used to cover impact fees on affordable housing projects in area.	Milpitas has provided over $5.8 million to assist developers with impact fees (school, traffic, park in-lieu, and building permits) to support affordable housing projects. This is an ongoing activity.	
	Master EIR	EIR was completed.	Delete
	Land Acquisition and Site Assembly	Milpitas continues to work with local property owners to assemble small sites for future developments. Most property owners have been reluctant to participate and have expressed concerns over the recent downturn in the housing market. Currently, there is a "wait and see" attitude towards additional development on the part of developers. The City will continue to meet with property owners to encourage them to participate.	Continue
Policy B-1-4: Support Rezoning of Marginal Commercial Areas to Allow Housing.			
	Rezoning of Dixon Landing Rd. and Fiesta Plaza from C1 to MXD	Because of the rezoning of parcels in the Midtown Specific Plan Area in 2002 (supporting the potential for 3,500 units) and in the Transit Area Plan Area in 2008 (supporting the potential for 7,000 units), the need to rezone these specific sites for housing has been placed on hold. Rezoning could be considered in the future.	Delete

Housing Diversity and Affordability

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
C-G-1: Promote Housing Affordability for both Renters and Homeowners *C-G-2: Support Housing to Meet Special Needs* *C-G-3: Support Housing Diversity and Creativity in Residential Development*			
Policy C-1-1: Facilitate Development of 351 Units Affordable to Low-Income and 698 Units to be Affordable to Very Low-Income Households.			
	Below Market-Rate Financing Program for new construction (RDA Set-aside, CDBG).	Between 1999 and 2006, the City provided $23.6 million in financial assistance to 10 residential development projects, resulting in 789 affordable units. Furthermore, the City provided $800,000 to the Housing Trust Fund of Santa Clara County since its inception in 2002. In return, two affordable developments built during this period received funds from the Housing Trust Fund ($500,000 for DeVries Place and $100,000 for Senior Housing Solutions).	Continue
	Study Increasing Redevelopment Set-Aside	Because the Redevelopment Agency's 20% Low-Income Housing Set-Aside Fund has a substantial surplus, the City determined that there was no need to increase the set-aside percentage at this time.	Delete
Policy C-1-2: Target at Least 20 Percent Affordable Units within New Multifamily Residential Projects.			
	Use PUD Process to Promote Affordable Units in Residential Projects.	Milpitas has achieved its goal of targeting 20% of new multifamily units for households that are very low-, low-, and moderate-income. Part of this accomplishment was through the use of the PUD Process; 399 affordable units in seven projects were built or are planned using this Process. However, there are other planning mechanisms used by the City to encourage the provision of affordable units in market rate developments.	Delete
Policy C-1-3: Provide Density Bonuses and Other Incentives for Projects that Provide Affordable Units.			

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
	Provide Density Bonuses	The City encourages the use of density bonuses to promote affordable housing in certain projects. The DeVries Place senior housing rental development, Summerfield single family homes, and the Alexan rental development are examples of the use of the density bonus to support affordable development. The Transit Area Specific Plan provides for a 25% increase in density when a use permit is approved. Also, Milpitas has provided a substantial amount of financial assistance and has expedited review of density bonus projects that provide affordable housing to keep costs down for developers.	
	Amend Density Bonus Ordinance.	The density bonus was amended in to provide consistency with State Law. This revised Ordinance took effect on January 1, 2005.	Delete
	Fee Reductions for Affordable Housing	The Redevelopment Agency provided $2,472,067 to assist developers to pay for fees at three projects during the last housing element period.	Continue
Policy C-1-4: Promote Homeownership for Lower- and Moderate-Income Households.			
	First Time Homebuyer Program	While the City does not have a specific program directed to first-time homebuyers, it has provided considerable financial support to first-time homebuyers in the form of mortgage assistance. In addition, Milpitas residents have received 42 loans for home purchase since the conception of the Housing Trust Fund.	Continue
Policy C-1-5: Promote Housing for Seniors, Disabled, Large Households, Single-Parent Households, and the Homeless.			
	Promote Housing for Seniors	For seniors, the City provided $9.6 million to DeVries Place (an affordable senior development), $700,000 to Senior Housing Solutions to acquire and rehabilitate a group home to five extremely low-income seniors, and $425,000 in CDBG funds over the past four years to Terrace Garden Senior Housing.	Continue

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
	Promote Housing for Diverse Household Sizes	For diverse household sizes, the City has worked with developers to encourage and support housing diversity. For example, recently constructed Terra Serena provides four-bedroom units, Town Center provides three 4-bedroom units, and the Alexan and Aspen Family developers will include studio units.	Continue
	Maintain Sites for Emergency/Transitional Housing	The City amended its Zoning Ordinance to permit emergency shelters and transitional housing. Milpitas also provided CDBG funding for an emergency shelter and transitional housing.	Continue
	Support Homeless Services	The City has supported the Emergency Housing Consortium (EHC) for the past 18 years. Milpitas recently provided funds for the Our House Youth Program (emergency shelter, drop-in center and transitional housing for 400 homeless, runaway and throwaway youths in the County). Milpitas also provided funds to EHC to provide temporary shelter of 4,500 nights of supportive shelter to 52 unduplicated homeless Milpitas residents. Other city assisted supportive services provided to the homeless (or at-risk) include provision of food (Second Harvest Food Bank and Milpitas Food Pantry), crisis intervention counseling, information, and referral services. Milpitas is also part of Santa Clara County's Task Force to End Homelessness in 10 years.	Continue
	Housing Support for Disabled Persons	For disabled households, Milpitas requires that all first floor units meet ADA accessibility requirements.	
	Amend Milpitas Zoning Ordinance to define group dwelling as including homeless shelters as a conditional permitted use in the MXD Zoning District, as in R3 and R4 Districts.	Accomplished	Delete
	Housing Support for Disabled Persons:		

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
	-Provide funds for retrofit.	Milpitas provides CDBG housing rehabilitation funds for retrofitting and participates in the Project Sentinel Retrofit Program which also provides funding to local residents.	Continue
	-Include units for disabled within new developments.	All units located on the first floor must meet ADA accessibility requirements. The Milpitas Building Department enforces these requirements.	Continue
	-Enforce Title 24 of the building code and the ADA when reviewing plans	The Milpitas Building Department provides a locally-developed brochure to developers who submit plans. This brochure describes Title 24 and ADA compliance. Developers are encouraged to address issues related to Title 24 and ADA compliance at the initial planning stage.	Continue
	-Provide information to disabled residents regarding housing resources.	The City's website and Cable TV provide information to disabled persons about housing opportunities and resources. Also, Project Sentinel provides information at the Milpitas post office.	Continue
Policy C-1-6: Provide Public Outreach to the Community to Explain that Affordable Housing is a Positive Benefit to the Community.			
	Establish a Public Education Campaign.	Milpitas provides a variety of information on housing and housing opportunities on the City's website, Cable TV, and the *Milpitas Post.* In addition, the City has held six first-time homebuyer seminars with lenders and developers. Also, Milpitas participated in two Santa Clara County Association of Realtors educational seminars to lenders and realtors and provided information on Milpitas' affordable housing programs. Finally, a draft Housing Guide for Developers and Local Residents is under review, prior to final publication.	Continue
Policy C-1-7: The City Will Support New Housing Types.			
	Consider Live/Work Lofts	Milpitas has adopted a policy to encourage live/work lofts in specific residential projects. The City has held pre-development meetings to	Continue

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
		re-enforce this policy.	
Policy C-1-8: The City Will Support Inclusion of Studio and Four-Bedroom Units in New Residential Developments.			
	Negotiate Housing Diversity - City to support studio and 4-bedroom units.	Milpitas has worked with residential developers to encourage and support housing diversity. Projects, such as Terra Serena, Town Center, and Kennedy Park, include four-bedroom units, whereas, Alexan and Aspen Family Apartments will include studio units.	Continue
Fair Housing			
D-G-1: Eliminate Housing Discrimination			
Policy D-1-1: The City Will Work to Eliminate All Unlawful Discrimination in Housing.			
	-Coordinate with Federal and State Agencies -Implement City Ordinances -Address Impediments to Fair Housing Choice -Distribute Fair Housing Information -Fund Appropriate Agency to Advocate for Milpitas Households	The City provides $25,000 in annual funding to Project Sentinel. Project Sentinel is a social services agency that monitors housing discrimination, provides housing counseling, referrals and information regarding housing discrimination. The City is following through on recommendations identified in the 2004 Analysis of Impediments prepared by Project Sentinel. These actions include continuing to disseminate outreach materials, encouraging high density residential development, monitoring local papers for discriminatory real estate practices, and facilitating group homes.	Continue

Milpitas Housing Element Accomplishments (1999-2006)

Policies	Programs	Achievement	Continue/ Delete
Energy Conservation			
E-G-1: Promote Energy Conservation in Residential Development			
Policy E-1-1: The City Will Continue to Undertake Activities to Achieve Energy Efficiency in Residential Development in Conformance with State Law.			
	Energy Conservation Partnership Program	Milpitas' low-income residents are eligible to participate in PG&E's Energy Partners Program. This program provides qualified customers with free weatherization services and energy-efficient appliances to reduce gas and electricity usage. In addition, the City of Milpitas provides referrals and outreach materials at the senior housing developments (Terrace Gardens and DeVries Place).	Continue
	Energy Efficient Design Program	The City adopted a Green Building Policy Resolution in February 2008. Details are provided in Resolution No. 7735. Also, Milpitas building requirements mandate conformance with the State of California's Title 24 Energy Efficiency Standards.	Continue

7.13 APPENDIX C: METHODOLOGY FOR MILPITAS HOUSING CONDITION SURVEY, 2008

Overview

The purpose of the survey was to assess housing conditions in selected areas in Milpitas. The areas surveyed were chosen based on suggestions from City staff. The survey had two parts as follows:

- **Housing/Property Condition Survey** – A survey form was completed for each selected parcel. The procedure for selecting the parcels is outlined below.

- **Block Segment Check List** – This was a simple checklist completed for each block segment. A block segment is the street corridor (both odd and even sides) that is between two cross streets. This part of the survey provided the opportunity to gather some information on parcels that were not surveyed individually as well as to document conditions for the overall block segment. The goal was to provide a general assessment of the conditions of the block segment, focusing on specific conditions that violated the City's Beautification Ordinance.

Areas Surveyed

The three primary areas surveyed were as follows:

- Selwyn Park neighborhood including Selwyn, Shirley, and Edsel Drives as well as Dempsey Road. (This area is south of East Calaveras Boulevard.)

- Area along and off East Calaveras Boulevard near the School District Offices from South Park Victoria to Temple Drive.

- Adams Street area west to include Fanyon Street on both sides, north to Kennedy Drive, Lynn Avenue, North Gadsen Drive and North Temple Drive. (This area is north of East Calaveras Boulevard.)

Methodology for Selecting Parcels to Be Surveyed

The streets/blocks surveyed are shown on the map presented at the end of this Appendix. The procedures for surveying a street were as follows:

1) Consultant staff surveyed every third parcel. After completing a survey form for the third parcel, staff skipped the next two parcels and surveyed the sixth parcel. This procedure was continued until the block segment was finished.
2) On the first street, staff began the survey with the first parcel on the even side of the street and surveyed every third parcel on the even side before going to the odd side. The same process was repeated for the odd side of the street. This would complete a block segment. For the next block segment, staff started the survey with the first parcel on the odd side of the street.
3) The procedure was repeated, starting with the second parcel and then the third parcel.

4) If the selected parcel did not have any housing units (vacant parcel, commercial building, etc.), the staff person did not complete a survey form and, instead, proceeded to the next parcel on the block and surveyed it.
5) At the same time, a Block Segment Check List was completed for each block that was surveyed.

Instructions for Block Segment Check List

Consultant staff completed the Block Segment Check List after completing the designated parcel surveys on the block segment. The purpose of this Check List was to record the overall conditions of the Block Segment. On this list, Staff recorded the presence or absence on the street of any of the conditions on the Block Segment Survey form. All parcels on the Block Segment were included, not just the ones that were surveyed.

Staff used the comments section to note conditions that were not included on the Check List, but which provided additional information about neighborhood conditions.

HOUSING/PROPERTY CONDITION SURVEY

BUILDING ADDRESS_____

BLOCK SEGMENT _____

APPROXIMATE AGE

<10 years ☐ 11-20 years ☐ 21-30 years ☐ 31-50 years ☐ 50 + years ☐

STRUCTURE TYPE

Single Family ☐
Duplex ☐
3-4 units ☐
Multifamily ☐ (# of units _____)
Other (Explain _____) ☐

1. DWELLING UNIT CONDITION

A. Foundation

Good condition 0 ☐
Cracked/broken, but reparable 5 ☐
Needs partial replacement 10 ☐
Need complete replacement 20 ☐
No foundation 25 ☐
Not visible (from car) 0 ☐

B. Roofing

Good condition 0 ☐
Cracked/broken/curled shingles/shakes 5 ☐
(Incl. broken downspouts & rain gutters)
Needs partial re-roofing 10 ☐
Needs complete re-roofing 20 ☐
Roof structure needs replacement 25 ☐
(Roofline is bowed, wavy, or uneven)

C. Siding

Good condition 0 ☐
Needs repainting 3 ☐
Cracked/broken in spots, but reparable 5 ☐
Needs replacement 10 ☐
(Siding is too deteriorated to repair)
Not Visible 0 ☐

D. Windows/Doors

Good condition 0 ☐
Needs repainting 3 ☐
Cracked/broken, but reparable 5 ☐
Need complete replacement 10 ☐
Single Pane Windows 5 ☐

Overall Condition Excellent Sound Minor Rehab
(Circle one after adding
Scores. (See 3rd page.) Moderate Rehab Substantial Rehab Dilapidated

See additional conditions to rate on the next page.

OTHER CONDITIONS (NOT RELATED TO STRUCTURE)

Presence of graffiti	yes	no
Accumulations of trash	yes	no
Garage converted to living space	yes	no
Abandoned car	yes	no
Car on lawn or sidewalk	yes	no
Abandoned building	yes	no
Unsafe sidewalks	yes	no

DWELLING UNIT CONDITION RATING

0 = Excellent
3 - 9 = Sound
10 – 15 = Minor rehabilitation
16 – 39 = Moderate rehabilitation
40 – 55 = Substantial rehabilitation
56+ = Dilapidated

Definitions

Excellent: A dwelling unit that is new or well maintained and structurally intact (no visible deficiencies). Foundation appears structurally undamaged, and rooflines are straight. Windows, doors, and siding are in good repair. Exterior paint is in good condition.

Sound: A dwelling unit that requires minor deferred maintenance, such repainting, window repairs, the replacement of a few shingles on the roof, or the repair of cracks in the foundation.

Minor Rehabilitation: A dwelling unit that shows signs of multiple instances of deferred maintenance, or that requires the repair of one major component.

Moderate Rehabilitation: A dwelling unit that requires multiple repairs and the replacement of a major component.

Substantial Rehabilitation: A dwelling unit that requires the repair or replacement of all exterior components.

Dilapidated: A dwelling unit that suffers from excessive neglect, appears structurally unsound and not safe for human habitation, and may not be feasible to rehabilitate.

BLOCK SEGMENT CHECK LIST

Block Segment #_____
Street_____
Start and End Nos._____

Cross Streets_____

Presence of graffiti yes no

Accumulations of trash yes no

Garage converted to living space yes no
(Note address)

Abandoned car yes no

Car on lawn or sidewalk yes no

Abandoned building yes no
(Note address)

Unsafe sidewalks yes no

Presence of buildings in poor condition yes no
****

Overall Rating of Area Excellent Good

Fair Poor

Comments

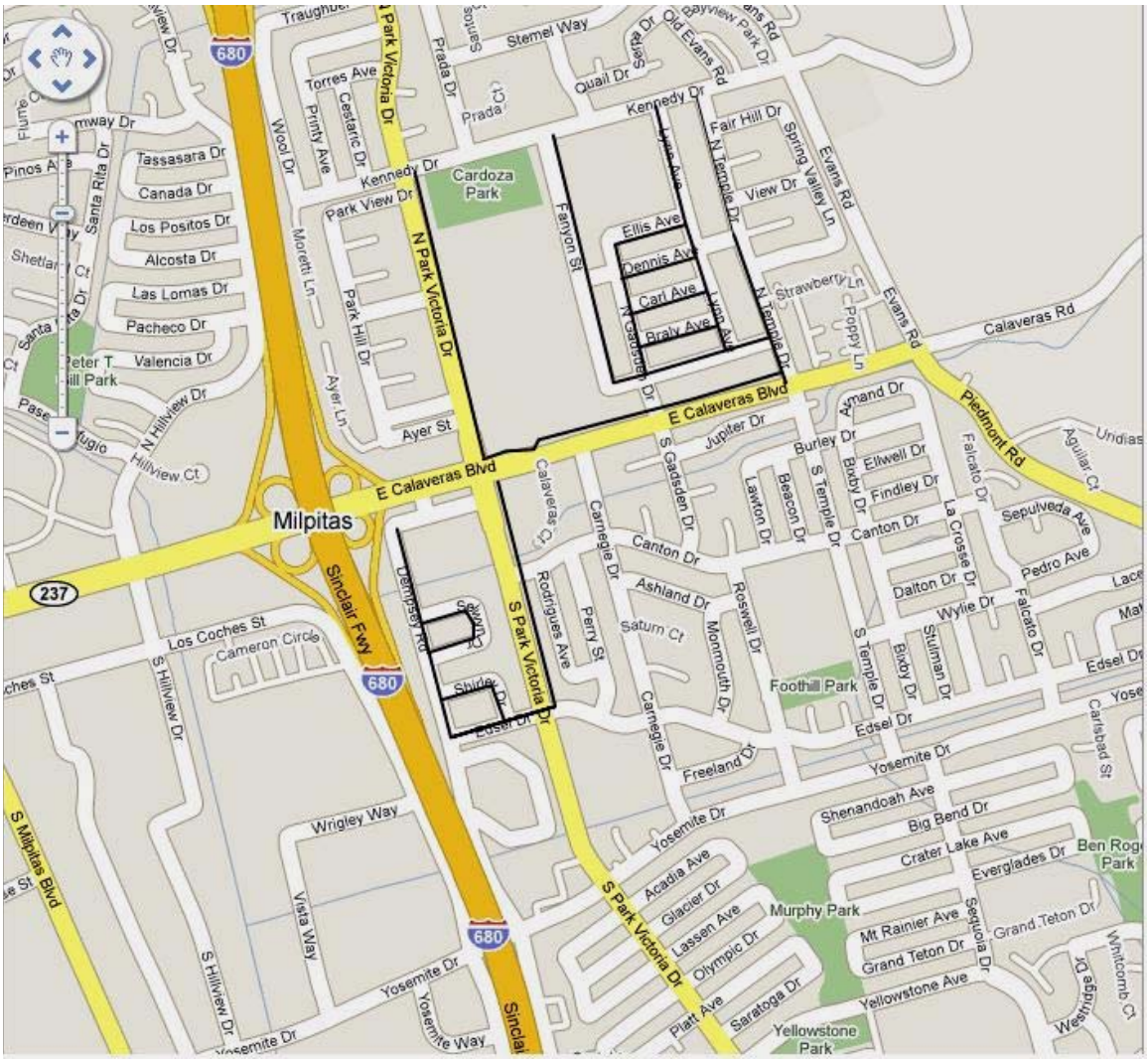

Figure C.1: Block Segments Surveyed

7.14 APPENDIX D: LIST OF ADDITIONAL POTENTIAL HOUSING SITES, CITY OF MILPITAS

The multifamily sites noted on Table IV.3 are located either in the Midtown Specific Plan Area (sites 2 through 6) or the Transit Area Specific Plan Sites 7 through 14). Of these multifamily sites, two are completely vacant (Sites 3 and 9). This Appendix addresses conditions on the remaining sites that are not vacant.

When assessing the likelihood of redevelopment on these sites, it is important to consider the general principle of highest and best use in real estate appraisal and development. While a parcel may be developed in a use that provides an income stream to the owner, it may make sense to redevelop the site into a land use that can command a higher income stream. The sites in the Midtown and Transit Specific Plan Areas that are presently used for industrial and commercial purposes can provide a greater income stream if they were redeveloped into residential and mixed use developments. Therefore, even though these sites are not vacant, they are good candidates for redevelopment.

Furthermore, it is possible to consider the ratio of assessed improvement values to assessed values. This is referred to as the ratio of improvement-value-to-total assessed value (I/AV Ratio). This is another indicator of the suitability of reuse. While assessed values are not true indicators of market value, this ratio indicates the relative importance of improvements to overall values. When the ratio is below 50 percent, it is signal that the land is worth more than the built structures and could be a good candidate for redevelopment and infill housing.[48] This measure has been included in the discussion below of non-vacant parcels.

Midtown Specific Plan Area Site Assessment

Sites 2 through 6 are located in the Midtown Specific Plan Area. This area is undergoing redevelopment. Several of the residential developments built between 1999 and 2006 are located in the Midtown Area. Examples include Aspen Family Apartments, earlier phases of Terra Serena, Parc West, Parc Metro and Parc Place, and several of the current projects, such as Apton Plaza (affordable) and Paragon.

All the sites in the Midtown Specific Plan Area that are included in the inventory are designated as mixed-use developments. Consequently, when estimating potential units that could be built in mixed-use districts, the site inventory assumed that 91 percent of each site could be developed with residential uses and nine percent would be developed with commercial uses. These ratios reflect current development patterns in mixed-use districts in the City.

Furthermore, the midpoint of allowable residential densities has been used to estimate potential capacity. This approach takes into consideration the fact that some of the land on each site will be needed for site improvements, such as parking and drainage.

Table D-1 summarizes information on these non-vacant sites.

[48] John D. Landis et. al., *The Future of Infill Housing in California: Opportunities, Potential, and Feasibility* (2006) discusses the use of the improvement to land value (I/L Ratio). This Appendix uses a modified version of this index (I/AV Ratio).

- Site 2 consists of five parcels, totaling approximately 2.2 gross acres. This site could support 49 units. It is located in the Midtown Specific Plan Area, an area undergoing redevelopment. There are multiple owners involved, so site assembly is needed. Current land uses include under-utilized commercial properties. The I/AV Ratio is 61 percent. (Photo provided.)

- Site 3 consists of five parcels on 1.9 gross acres. This site could support 43 units. It is similar to Site 2 in that there are several owners and will require site assembly in order to create a building site that is large enough for a feasible affordable, housing development. One of the parcels (Serra Way) is vacant. Including the vacant parcel, the I/AV Ratio is 24 percent. (Photo provided.)

  (Sites 2 and 3 are located across the street from each other.)

- Site 5 is 1.85 gross acres and contains four parcels that could support 42 units. The site contains three small businesses and a large parking area. Buildings appear to be about 40 years old and are in fair to poor condition. There are multiple owners. The I/AV Ratio is 15 percent. (Photo provided.)

- Site 6 is 1.1 gross acres and can support 25 units. This site is smaller than the size preferred by many affordable housing developers. On the positive side, one of the parcels is vacant, and the second parcel contains a contractor's shed. The I/AV Ratio is 25 percent. This site is near Parc West at 950 South Main Street (a 68-unit affordable housing development built in 2005).

Transit Area Specific Plan Site Assessment

One of the major attractions of the Transit Specific Plan Area is its proximity to current transit (Light Rail) and to a proposed BART Station. As part of the Transit Area planning process, property owners in the area were interviewed to learn about existing conditions, future plans for their properties, physical constraints, and other issues related to new development. Based on information from these interviews, opportunity sites were identified. In fact, three of the current projects listed in the Housing Element (Citation, Milpitas Station, and Piper Towers) are located on opportunity sites identified in the Transit Area Specific Plan. This confirms the Plan's findings that development can occur on these sites within the five-year time frame proposed. All, but one, of the Transit Area Specific Plan Area sites included in this inventory have been identified as opportunity development sites within the next one to five years.[49]

Similar to the sites in the Midtown Specific Plan Area, several of the sites are wholly or partly zoned as mixed use. The two exceptions are Sites 10 and 18. Consequently, when estimating potential units that could be built on mixed use parcels, the site inventory assumed that 91 percent of each parcel could be developed with residential uses, and nine percent would be developed with commercial uses. These ratios reflect current development patterns in mixed use districts in the city. Furthermore, the midpoint of allowable residential densities has been used to estimate potential capacity. This approach takes into consideration the fact that some of the land on each site would be needed for site improvements, such as parking and drainage.

- Site 7 is approximately two acres and can support about 96 units. The four parcels include two vacant buildings and two active businesses. There are multiple property owners. The I/AV Ratio is 43 percent. This site is adjacent to the Great Mall Light Rail Station. Current land uses are not the highest and best uses, given the site's proximity to transit. (Photo provided.)

- Site 8 consists of a single parcel that is almost five gross acres. It can support over 250 units. It is currently occupied by a low-density industrial building and a large surface parking lot. The I/AV Ratio is less than one percent. It is adjacent to three current residential projects (Milpitas Station, Piper Towers, and Citation) and to Light Rail and the future BART Station.

- Site 9 consists of four parcels, is almost 13 gross acres and can support over 400 residential units. Current land uses include older industrial buildings with surface parking lots. The same company owns all four parcels. Buildings in this complex are vacant and available for lease. The I/AV Ratio is 39 percent. This is an excellent site, located near current sites under development in the Transit Area.

- Site 10 is also large, comprising over four gross acres that could support over 200 housing units. It consists of two parcels, of which one is vacant, and the remaining parcel has a small building. The I/AV Ratio is three percent. This site is adjacent to the Montague/Capitol Light Rail Station and the proposed BART Station. This site is a good location for a transit oriented development.

- Site 11 consists of two parcels, is over five gross acres and could support almost 300 housing units. The smaller of the two parcels is vacant. The developed lot has a vacant building on it.

[49] The exception is Site 14 – a 4.25 acre parcel with a capacity for over 200 units. Only one of the two parcels at Site 14 has been identified as an Opportunity Site.

The I/AV Ratio is 50 percent. This site is also adjacent to the Montague/Capitol Light Rail Station and the proposed BART Station. This site is a good location for a transit oriented development.

- Site 13 is one large parcel consisting of almost nine gross acres with a vacant building. It could support over 470 units. It is adjacent to auto parts and recycling businesses. The I/AV Ratio is 36 percent. This site is adjacent to Site 18. (Photo provided.)

- Site 14 is over 12 gross acres and can support 365 units under current zoning (R3). One parcel is vacant, and the other three have auto related businesses. The buildings are in very poor condition. Two of the parcels are under the same ownership. The I/AV Ratio is less than one percent. (Photo provided.)

Table D-1: Description of Non-Vacant Sites for Residential Redevelopment

Site Number & Unit Count	Addresses	Site Assessment	Improvement to Assessed Value Ratio (I/AV)
MIDTOWN AREA			
Site 2 (49 units)	154, 166, 174, 196 S. Main St.	This site is located in the Midtown Specific Plan Area, an area currently undergoing redevelopment. Since there are multiple owners, site assembly will be required. These parcels contain three individual buildings with small businesses and one vacant lot. The buildings are approximately 40 years old in fair to poor condition. There is limited parking and little business activity.	61%
Site 3 (43 units)	209, 227, 195, 187 S. Main St. and Serra (no St. #)	This site includes two vacant lots and three small businesses and a large parking area. This site is similar to Site 3 in that there are several owners and will require site assembly in order to create a building site that is large enough for a feasible development. Buildings appear to be about 40 years old and are in fair to poor condition.	24%
Site 5 (42 units)	526, 554, 542 S. Main St. (plus one parcel that does not have an address listed)	Three businesses are located at this site, including a very outdated self-service car wash. Site 8 (vacant) is adjacent to the car wash. Buildings are approximately 40 years old and in poor condition, particularly the car wash which has a metal roof. Again, there are multiple owners.	15%
Site 6 (25 units)	808 and 850 S. Main St.	Vacant lot, except for a small shed. This site is near Parc West at 950 South Main Street, a 68-unit affordable housing development built in 2005.	25%
TRANSIT SPECIFIC PLAN AREA			

Site Number & Unit Count	Addresses	Site Assessment	Improvement to Assessed Value Ratio (I/AV)
Site 7 (96 units)	1300, 1312, 1338, 1362 S. Main St.	These four parcels include one vacant building (with a for-lease sign), a small building with no business, and two active businesses. The site is under-utilized, and buildings are at least 40 years old. There does not appear to be much business activity here. Buildings are in poor condition. The site is adjacent to the Great Mall Light Rail Station. Given the proximity to the station, the current land uses are not the highest and best uses.	43%
Site 8 (253 units)	765 Montague Expressway	Old industrial building in fair to average condition and a large surface parking lot. Adjacent to three current residential projects (Milpitas Station, Piper Towers, and Citation). Very close proximity to light rail and future BART Station.	Less than one percent
Site 9 (432 units)	1463, 1537, 1567, 1589 Centre Point Dr.	Low density, older industrial buildings with surface parking. No businesses are identified by signs; however, there are signs showing that the buildings are available for lease. All parcels owned by same owner. Close proximity to light rail and the future BART Station.	39%
Site 10 (224 units)	2369 Capitol and 620 E. Capitol	There is a large vacant parcel, and a second parcel has a building with several tenants. Adjacent to proposed BART Station and the Montague/Capitol Light Rail Station. This is a good site for a transit oriented development.	3%

Site Number & Unit Count	Addresses	Site Assessment	Improvement to Assessed Value Ratio (I/AV)
Site 11 (288 units)	750 E. Capital and a second parcel on W. Capitol with no street address indicated	This is a large site. The building on this site has been vacant for over two years. It is adjacent to a trucking business. It is located along the light rail line and very close to the proposed BART Station. It is across the street from The Crossing at Montague - a relatively new mixed-income residential development consisting of 468 units, of which 94 are affordable.	50%
Site 13 (474 units)	337 Trade Zone Blvd.	Large parcel with a vacant building, adjacent to auto parts and recycling businesses. The building is at least 35 years old. This site is adjacent to Site 18. It is also close to light rail and the proposed BART Station.	36%
Site 14 (365 units)	573, 595, 615, 625 Trade Zone Blvd.	One parcel is vacant, and the other three parcels have auto related businesses. The buildings are metal sheet buildings with large rear lots for auto parts. The buildings are in very poor condition. Two of the parcels are under the same ownership.	Less than one percent

Sources: City of Milpitas and Vernazza Wolfe Associates Inc.

PHOTOS OF SELECTED NON-VACANT RESIDENTIAL SITES
CITY OF MILPITAS

Site 3 - Vacant Lot adjacent to small businesses at 187, 209, and 227 South Main Street

Site 5 - Self-Service Car Wash at 554 South Main Street

Site 7 - Vacant building at 1362 South Main Street

Site 9 –1463, 1537, 1567, and 1589 Centre Point Drive

Site 10 – 2369 Capitol and 620 E. Capitol

Site 14 - 595 Trade Zone Boulevard

7.15 APPENDIX E: GLOSSARY OF TERMS

Acre: A unit of land measure equal to 43,560 square feet.

Affordability Restrictions: A property title agreement which places resale or rental restrictions on a housing unit.

Affordable Housing: Under state and federal statutes, housing which costs no more than 30 to 35 percent of gross household income. Housing costs can be defined differently for renters and includes include rent and utilities. Costs for homeowners include mortgage payments and may also include utilities, taxes, insurance, homeowner association fees, and related costs.

Assisted Housing: Housing that has received subsidies (such as low interest loans, density bonuses, direct financial assistance, etc.) by federal, state, or local housing programs in exchange for restrictions requiring a certain number of housing units to be affordable to very low, low, and moderate income households.

Association of Bay Area Governments (ABAG): The regional government agency authorized by the federal and state government to address regional planning issues in the nine Bay Area Counties.

At-Risk Housing: Assisted rental housing that is at risk of losing its status as housing affordable for very low-, low-, and moderate-income residents due to the expiration of federal, state or local agreements.

California Department of Housing and Community Development - HCD: The state department responsible for administering State-sponsored housing programs and for reviewing housing elements to determine compliance with State housing law.

Census: The official decennial enumeration of the population conducted by the federal government.

Community Development Block Grant (CDBG): A grant program administered by the U.S. Department of Housing and Urban Development (HUD). This program allots money to cities and counties for housing rehabilitation and community development activities, including public facilities and economic development.

Condominium: A building or group of buildings in which units are owned individually, but the structure, common areas and facilities are owned by all owners on a proportional, undivided basis.

Density: The number of dwelling units per unit of land. Density usually is expressed “per acre,” e.g., a development with 100 units located on 20 acres has density of 5.0 units per acre.

Density Bonus: The allowance of additional residential units beyond the maximum for which the parcel is otherwise permitted usually in exchange for the provision of affordable housing units at the same site.

Development Impact Fees: A fee or charge imposed on developers to pay for a jurisdiction’s costs of providing services to new development.

Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for the exclusive use of a household.

Dwelling, Multifamily: A building containing two or more dwelling units for the use of individual households; an apartment or condominium building is an example of this dwelling unit type.

Dwelling, Single family Attached: A one-family dwelling attached to one or more other one-family dwellings by a common vertical wall. Row houses and town homes are examples of this dwelling unit type.

Dwelling, Single-family Detached: A dwelling, not attached to any other dwelling, which is designed for and occupied by not more than one family and is surrounded by open space or yards.

Elderly Household: Elderly households are (family or non-family) households in which the head is age 65 or older. Elderly households may also be referred to as senior households.

Emergency Shelter: An emergency shelter is a facility that provides shelter to homeless families and/or homeless individuals on a limited short-term basis.

Fair Market Rent (FMR): Fair Market Rents (FMRs) are freely set rental rates defined by HUD as the median gross rents charged for available standard units in a county or Standard Metropolitan Statistical Area (SMSA). Fair Market Rents are used for the Section 8 Rental Program and other HUD programs.

First-Time Home Buyer: Defined by HUD as an individual or family who has not owned a home during the three-year period preceding the purchase of a home. Jurisdictions may adopt local definitions for first-time home buyer programs which differ from non-federally funded programs.

General Plan: The General Plan is a legal document, adopted by the legislative body of a City or County, setting forth policies regarding long-term development. California law requires the preparation of seven elements or chapters in the General Plan: Land Use, Housing, Circulation, Conservation, Open Space, Noise, and Safety.

Group Quarters: A facility which houses groups of unrelated persons not living in households (U.S. Census definition). Examples of group quarters include institutions, dormitories, shelters, military quarters, assisted living facilities and other quarters, including single-room occupancy

HOME Program: The HOME Investment Partnership Act, Title II of the National Affordable Housing Act of 1990 is a Federal program administered by HUD which provides formula grants to States and localities to fund activities that build, buy, and/or rehabilitate affordable housing for rent or home ownership or provide direct rental assistance to low-income people.

Homeless: Unsheltered homeless are families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., the street, sidewalks, cars, vacant and abandoned buildings). Sheltered homeless are families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter (e.g., emergency, transitional, battered women, and homeless youth shelters; and commercial

hotels or motels used to house the homeless).

Household: The US Census Bureau defines a household as all persons living in a housing unit whether or not they are related. A single person living in an apartment as well as a family living in a house is considered a household. Households do not include individuals living in dormitories, prisons, convalescent homes, or other group quarters.

Household Income: The total income of all the persons living in a household. Household income is commonly grouped into income categories based upon household size, and income, relative to the regional median family income. The following categories are used in the Housing Element:

Extremely Low-:	Households earning less than 30% of County median family income
Very Low-:	Households earning less than 50% of County median family income
Low-:	Households earning 51% to 80% of the County median family income
Moderate-:	Households earning 81% to 120% of County median family income
Above Moderate-:	Households earning above 120% of County median family income

Housing Subsidy: Housing subsidies refer to government assistance aimed at reducing housing sales or rent prices to more affordable levels.

Housing Unit: A room or group of rooms used by one or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate toilet and kitchen facilities.

Large Household: A household with 5 or more members.

Manufactured Housing: Housing that is constructed of manufactured components, assembled partly at the site rather than totally at the site. Also referred to as modular housing.

Market-Rate Housing: Housing which is available on the open market without any subsidy. The price for housing is determined by the market forces of supply and demand and varies by location.

Median Income: The annual income for each household size within a region which is defined annually by HUD. Half of the households in the region have incomes above the median and half have incomes below the median.

Mobile Home: A structure, transportable in one or more sections, which is at least 8 feet in width and 32 feet in length, is built on a permanent chassis and designed to be used as a dwelling unit when connected to the required utilities, either with or without a permanent foundation.

Overcrowding: As defined by the U.S. Census, a household with greater than 1.01 persons per room, excluding bathrooms, kitchens, hallways, and porches. Severe overcrowding is defined as households with greater than 1.51 persons per room.

Overpayment or Cost Burden: The extent to which gross housing costs, including utility costs, exceed

30 percent of gross household income, based on data published by the U.S. Census Bureau. Severe overpayment, or cost burden, exists if gross housing costs exceed 50 percent of gross income.

Parcel: The basic unit of land entitlement. A designated area of land established by plat, subdivision, or otherwise legally defined and permitted to be used, or built upon.

Redevelopment Agency: California Community Redevelopment Law provides authority to establish a Redevelopment Agency with the scope and financing mechanisms necessary to remedy blight and provide stimulus to eliminate deteriorated conditions. The law provides for the planning, development, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, and the provision of public and private improvements as may be appropriate or necessary in the interest of the general welfare by the Agency. Redevelopment law requires an Agency to set aside 20 percent of all tax increment dollars generated from each redevelopment project area for the purpose of increasing and improving the community's supply of housing for low- and moderate-income households.

Regional Housing Needs Assessment Plan (RHNA): The Regional Housing Needs Assessment is based on the share of the region's future housing need that is assigned to each jurisdiction within the ABAG area. These housing needs numbers serve as the basis for the update of the Housing Element.

Rehabilitation: The upgrading of a building previously in a dilapidated or substandard condition for human habitation or use.

Second Unit: A dwelling unit accessory to a main single-family dwelling on a parcel of land and which meets the requirements of XI-10-13.08 of the Zoning Ordinance.

Section 8 Rental Voucher/Certificate Program: A tenant-based rental assistance program that subsidizes a family's rent in a privately owned house or apartment. The program is administered by Santa Clara County Housing Authority for Milpitas residents. Assistance payments are based on 30 percent of household annual income. Households with incomes of 50 percent or below the area median income are eligible to participate in the program.

Service Needs: The particular services required by special populations, typically including needs such as transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services preventing premature institutionalization and assisting individuals to continue living independently.

Single Room Occupancy (SRO): A SRO is a cluster of residential units of a smaller size than normally found in multiple dwellings within a residential hotel, motel, or facility providing sleeping or living facilities in which sanitary facilities may be provided within the unit and/or shared, and kitchen or cooking facilities may be provided within the unit or shared within the housing project.

Special Needs Groups: Those segments of the population which have a more difficult time finding decent affordable housing due to special circumstances. Under California Housing Element statutes, these special needs groups consist of the elderly, people with disabilities, large families with five or more members, female-headed households with children, farmworkers and the homeless.

Specific Plan: A specific plan covers a defined portion of a jurisdiction and is incorporated into the City's General Plan. Detailed information regarding design guidelines and implementation steps may be included in a Specific Plan. The City of Milpitas has adopted two Specific Plans – one for the Midtown Area and a second for the Transit Area.

Substandard Housing: Housing which does not meet the minimum standards in State Housing Code. Jurisdictions may adopt more stringent local definitions of substandard housing. Substandard units which are structurally sound and for which the cost of rehabilitation is economically warranted are considered suitable for rehabilitation. Substandard units which are structurally unsound and for which the cost of rehabilitation is considered infeasible are considered in need of replacement.

Supportive Housing: Housing with a supporting environment, such as group homes or single room occupancy (SRO) housing and other housing that includes a supportive service component such as those defined below.

Supportive Services: Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, child care, transportation, and job training.

Transitional Housing: Transitional housing is temporary (often six months to two years) housing for a homeless individual or family who is transitioning to permanent housing. Transitional housing often includes a supportive services component (e.g. job skills training, rehabilitation counseling, etc.) to allow individuals to gain necessary life skills in support of independent living.

U.S. Department of Housing and Urban Development (HUD): The cabinet level department of the federal government responsible for housing, housing assistance, and urban development at the national level. Housing programs administered through HUD include Community Development Block Grant (CDBG), HOME and Section 8, among others.

Zoning: A land use regulatory measure enacted by local government. Zoning district regulations governing lot size, building bulk, placement, and other development standards vary from district to district, but must be uniform within the same district. Each city and county adopts a zoning ordinance specifying these regulations.

Appendix A

PM Peak Traffic Volume and LOS Maps.

The following figures show 2010 2035 PM peak-hour traffic volumes and levels of service using land use information depicted on the General Plan Diagram. Assumptions for the 2010 2035 model run are:

- The Calaveras Boulevard/Hwy 237 Widening.between Milpitas Boulevard and Abel Street. SR 237/I-880 interchange improvement.

- The I-880/Tasman interchange in full operation. It assumed that the Tasman Drive would be extended over the Coyote Creek and continues westward into Santa Clara. Other improvements include the widening of Capitol Avenue from the existing four lanes to six lanes and extending Tasman Drive from McCarthy Boulevard west of I-880 to Capitol Avenue east of I-880.Midtown and Transit Area Specific Plan build out

- Improvements at the proposed Dixon Landing Road Interchange was also assumed. Dixon Landing Road was assumed to be improved to six lanes between the I-880 overcrossing and North Milpitas Boulevard.

- It was also assumed that McCarthy Boulevard would be connected between SR237 to Dixon Landing Road.

The forecasts suggest that the majoritythe majority of local arterials would be operating at LOS D or better. Within the City limits, most of the segments of Calaveras Boulevard would operate at high LOS D. However, the segment at the overcrossing between Abel Street and North Milpitas Boulevard would operate at LOS F.

It is projected that all the major freeway segments (including SR 237, I-880 and I-680) north of Calaveras Boulevard would operate at LOS E F during the PM peak hour. South of Calaveras Boulevard, I-880 and I-680 would operate at high LOS D.

Almost all segments of Montague Expressway are projected to operate at LOS F, especially between Capitoal Avenue and I-680. Segments of Capital Avenue near the Great Mall are projected to operate at LOS E.

~~Figure A-1~~

~~Figure A-2~~

Appendix B

Table B-1

Milpitas Transit Service Frequency (minutes)

Routes	Final Destination	Rush Hour	Midday	After 6pm	Saturday	Sunday/ Holiday
Local						
20	Mountain View	15	30	30-60	30-60	60
56	Sunnyvale	30				
59	Great America	30				
66	Southeast San Jose	15	30	30-60	30-60	30-60
70	Southeast San Jose	15	15	30	20-60	30-60
71	East San Jose	15	30	30-60	30-60	30-60
74	East San Jose	35	30	30-60	45	60
77	Evergreen College	30	30		60	60
Limited						
321	East San Jose	30-60				
Express						
104	East San Jose/Los Altos	20-30				
140	Fremont BART/Mountain View	65				
141	Fremont BART/Great America				75-40	75-40
180	Fremont BART/San Jose Amtrak	15	30	30-60	30-60	30-60
520	Fremont BART/Moffett Field	30-60				
AC Transit						
22	Fremont BART					
28	Fremont BART					

Source: Santa Clara Transportation Agency, 1994

Appendix C

The existing noise environment in Milpitas was characterized by a noise monitoring and measurement program conducted between Tuesday, November 30 and Wednesday, December 1, 1993. All measurements and monitoring employed Larson Davis Model 700 digital programmable noise monitors. These devices were housed in weatherproof containers, and programmed to digitally record the noise environment at each location, at half - second intervals, throughout the noise monitoring period. Two control sites were selected: Site 1 was along I-880, 180 feet east of the roadway centerline, north of Route 237; Site 2 was located along I-680, 160 feet east of the roadway centerline, west of Shirley Drive. Each of these monitoring systems operated concurrently during an identical time period between November 30 and December 1, 1993. The detailed monitoring data results are attached and summarized in Table C1

Four additional 1-minute duration noise measurements were at the other four measurement locations (sites 3, 4, 5 and 6 on November 30; see Table C-1). The description of each measurement location is given in the table along with summary noise measurement results.

Table C-1 is followed by background information on noise and physiological responses to noise.

Fundamental Concepts of Community Noise

Background

Three aspects of community noise are important in determining subjective response:

- Level (i.e., magnitude or loudness) of the sound.
- The frequency composition or spectrum of the sound.
- The variation in sound level with time.

Airborne sound is a rapid fluctuation of air pressure and local air velocity. Sound levels are measured and expressed in decibels (dB) with 0 dB roughly equal to the threshold of hearing.

The frequency of a sound is a measure of the pressure fluctuations per second measured in units of hertz (Hz). Most sounds do not consist of a single frequency, but are comprised of a broad band of frequencies differing in level. The characterization of sound level magnitude with respect to frequency is the sound spectrum. A sound spectrum is often described in octave bands which divide the audible human frequency range (i.e., from 20 to 20,000 Hz) into ten segments. Figure D-1 shows a range of sound spectra for various types of sound over the audible hearing range.

Table C-1
Summary of Noise Measurements for the City of Milpitas
Tuesday, 30 November 1993 – Wednesday, 1 December 1993

Site	Location	Date/Time	L_{eq}	L_{10}	L_{50}	L_{90}	DNL
1	I-880, 180 ft east of roadway centerline, north of Route 237	30 November – 1 December 1993 Noon	73	75	72	62	77
2	I-680, 160 ft. east of roadway centerline, west of Shirley Drive	30 November – 1 December 1993 Noon	75	77	74	65	79
3	Landess Ave., 50 feet north of roadway centerline, across from Paris Way	30 November 1993 1:40-1:55PM	66	70	62	52	70*
4	Dixon Landing Rd., 65 ft. south of roadway centerline, west of Milmont Dr.	30 November 1993 Noon – 12:15PM	68	72	65	60	72*
5	Piedmont Rd., 40 ft. west of turning lane centerline, 2271 Mesa Verde Dr.	30 November 1993 1:30 -1:45PM	64	69	57	44	68*

Site	Location	Date/Time	L_{eq}	L_{10}	L_{50}	L_{90}	DNL
6	N. Milpitas Blvd., 65 ft. east of turning lane centerline north of Arbor Ln.	30 November 1993 12:30-12:45PM	69	72	66	61	73*

* These DNL values are extrapolated from shorter-duration measurements.

Frequency Weighting

Many rating methods exist to analyze sound of different spectra. The simplest method is generally used so that measurements may be made and noise impacts readily assessed using basic acoustical instrumentation. This method evaluates all frequencies by using a single weighting filter that progressively de-emphasizes frequency components below 1000 Hz and above 5000 Hz. This frequency weighting, shown in Figure D-2, reflects the relative decreased human sensitivity to low frequencies and to extreme high frequencies. This weighting is called A-weighting and is applied by an electrical filter in all U.S. and international standard sound level meters. Some typical A-weighted sound levels are presented in Figure D-3.

Noise Exposure

Noise exposure is a measure of noise over a period of time, whereas noise level is a single value at an instant in time. Although a single sound level may adequately describe community noise at any instant in time, community noise levels vary continuously. Most community noise is produced by many distant noise sources, which produce a relatively steady background noise having no identifiable source. These distant sources change gradually throughout the day and include traffic, wind in trees, and distant industrial activities. Superimposed on this slowly varying background is a succession of identifiable noise events of brief duration. These include nearby activities such as single vehicle passbys or aircraft flyovers which cause the community noise level to vary from instant to instant.

A single number called the equivalent sound level or L_{eq} is used to describe noise varying over a period of time. The L_{eq} is the average noise exposure level over a period of time (i.e., the total sound energy divided by the duration). It is the constant sound level which would contain the same acoustic energy as the varying sound level, during the same time period. The L_{eq} is useful in describing noise over a period of time with a single numerical value.

Discrete short duration transient noise events, such as aircraft flyovers, may be described by their maximum A-weighted noise level or by their sound exposure level (i.e., SEL). The SEL value is the preferred descriptor because measured results may be more reliably repeated and because the duration of the transient event is incorporated into the measure (thereby better relating to subjective response). Maximum levels of transient events vary with instantaneous propagation conditions while a total energy measure, like SEL, is more stable. The SEL of a transient event is a measure of the acoustic energy normalized to a constant duration of one second. Figure D-4 shows this relationship. The SEL differs from the L_{eq} in that it is the constant sound level containing the same acoustic energy as a one-second event, whereas the L_{eq} is the constant sound level containing the same acoustic energy over the entire measurement period. The SEL may be considered identical to the California standard Single Event Noise Exposure Level (i.e., SENEL).

SEL values may be summed on an energy basis to compute L_{eq} values over any period of time. This is useful in modeling noise in areas exposed to numerous transient noise events, such

as communities around airports. Hourly L_{eq} values are called Hourly Noise Levels (i.e., HNL values).

In determining the daily measure of community noise, it is important to account for the difference in human response to daytime and nighttime noise. During the nighttime, exterior background noise levels are generally lower than in the daytime. Most household noise also decreases at night, and exterior noise intrusions become more noticeable. People are more sensitive to noise at night than during other periods of the day.

To account for human sensitivity to nighttime noise, the DNL (or L_{dn}) descriptor was adopted by the Environmental Protection Agency to describe community noise exposure from all sources. The DNL is called the day-night sound level and represents the 24-hour A-weighted equivalent sound level with a 10-dB penalty added for the nighttime noise between 10:00 pm to 7:00 am.

In California, the Community Noise Equivalent Level (CNEL) is the adopted standard. DNL and CNEL are typically computed by energy summation of HNL values, with the proper adjustment applied for the period of evening or night. The CNEL is computed identically to the DNL but with the addition of a 5-dB penalty for evening (i.e., 7:00 pm to 10:00 pm) noise. The CNEL value is typically less than 1 dB above the DNL value. Figure D-5 shows the adjustments applied for the DNL and CNEL measures. Noise exposure measures such as L_{eq}, SEL, HNL, DNL, and CNEL are all A-weighted, with units expressed in decibels (dB).

Subjective Response to Noise

The effects of noise on people can be classified into three general categories:

- Subjective effects of annoyance, nuisance, dissatisfaction.
- Interference with activities such as speech, sleep, and learning.
- Physiological effects such as anxiety or hearing loss.

The sound levels associated with community noise usually produce effects only in the first two categories. No universal measure for the subjective effects of noise has been developed, nor does a measure exist for the corresponding human reactions from noise annoyance. This is primarily due to the wide variation in individual attitude regarding the noise source(s).

An important factor in assessing a person's subjective reaction is to compare the new noise environment to the existing noise environment. In general, the more a new noise exceeds the existing, the less acceptable it is. Therefore, a new noise source will be judged more annoying in a quiet area than it would be in a noisier location.

Knowledge of the following relationships is helpful in understanding how changes in noise and noise exposure are perceived.

- Except under special conditions, a change in sound level of 1 dB cannot be perceived.

- Outside of the laboratory, a 3-dB change is considered a just-noticeable difference.
- A change in level of at least 5 dB is required before any noticeable change in community response would be expected.
- A 10-dB change is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response.

Combination of Sound Levels

Because we perceive both the level and frequency of sound in a non-linear way, the decibel scale is used to describe sound levels. The frequency scale is also measured in logarithmic increments. Decibels, measuring sound energy, combine logarithmically. A doubling of sound energy (for instance, from two identical automobiles passing simultaneously) creates a 3-dB increase (i.e., the resultant sound level is the sound level from a single passing automobile plus 3 dB). The rules for decibel addition used in community noise prediction are:

- If two sound levels are within 1 dB of each other, their sum is the highest value plus 3 dB.
- If two sound levels are within 2 to 4 dB of each other, their sum is the highest value plus 2 dB.
- If two sound levels are within 5 to 9 dB of each other, their sum is the highest value plus 1 dB.
- If two sound levels are greater than 9 dB apart, the contribution of the lower value is negligible and the sum is simply the higher value.

- Noise/Figures C-1/C-2 go here

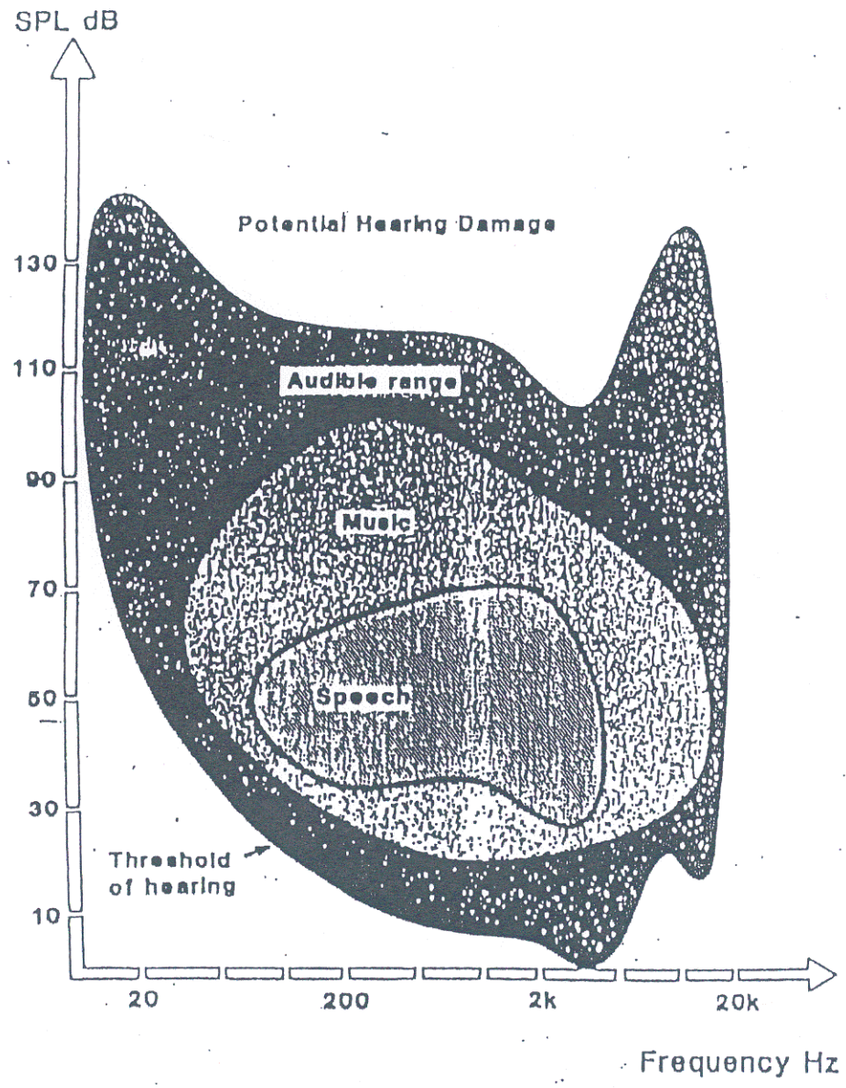

Figure C-1 RANGE OF SOUND SPECTRA

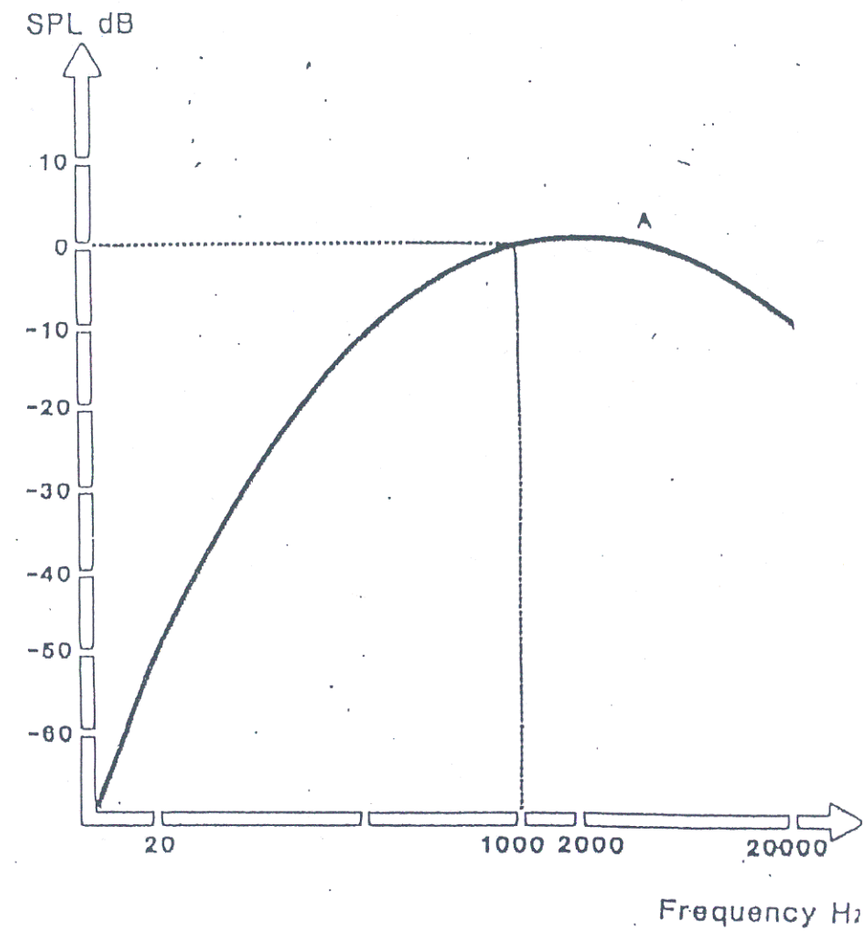

Figure C-2 A-WEIGHTING NETWORK

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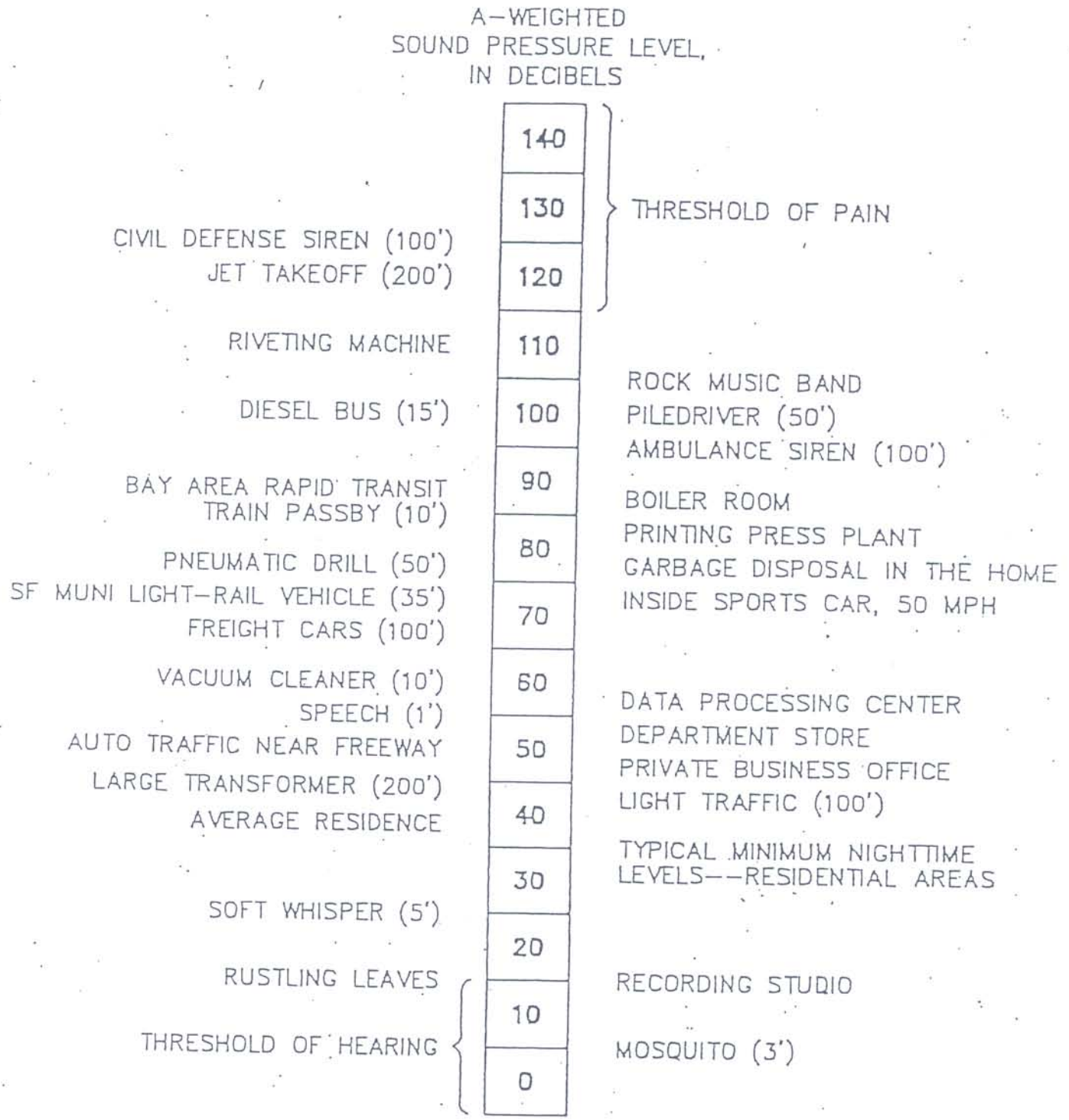

TYPICAL SOUND LEVELS MEASURED IN THE ENVIRONMENT AND INDUSTRY

Figure C-3

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- Figures C-4/C-5 go here

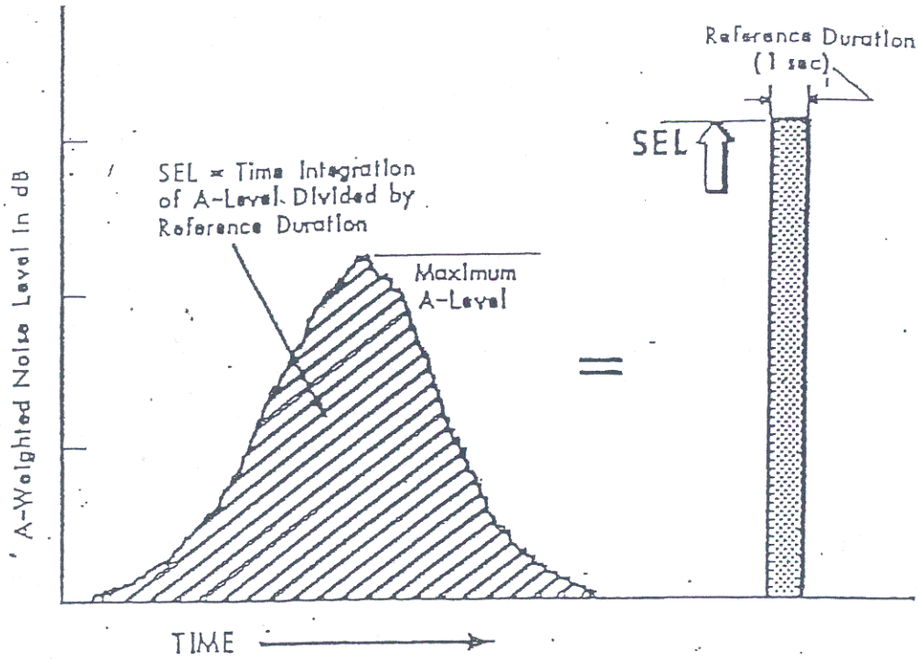

Figure C-4 SOUND EXPOSURE LEVEL

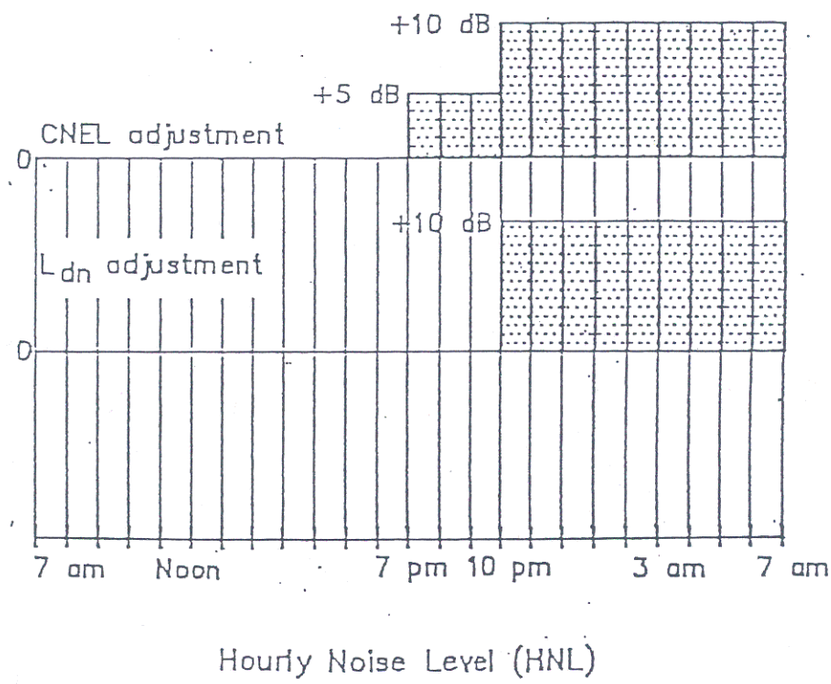

Figure C-5 HOURLY NOISE LEVELS AND ANNUAL METRICS

Glossary of Planning Terms

Acoustical Engineer. An engineer specializing in the measurement and physical properties of sound. In environmental review, the acoustical engineer measures noise impacts of proposed projects and designs measures to reduce those impacts.

Acoustics. The physical qualities of a room or other enclosure (such as size, shape, amount of noise) that determine the audibility and perception of speech and music.

Acre, Gross. The total area within the boundaries of a legal lot or parcel, including any area proposed to be dedicated or reserved for public right-of-way. Adjacent lands already dedicated for public right-of-way including public roadways, easements, or other areas shall not be included as part of the gross acreage.

Acre, Net. The portion of a site that can actually be built upon. Not included in the net acreage of a site are public or private road rights-of-way, public open space, and flood ways.

Ambient Conditions. Initial background concentration sensed/measured at a monitoring/sampling site, as in air quality or noise.

Aquifer. A natural underground formation that is saturated with water, and from which water can be withdrawn.

Arterial. A vehicular right-of-way whose primary function is to carry through traffic in a continuous route across an urban area while also providing some access to abutting land.

Attainment Area. An area considered to have air quality as good as or better than federal or state air quality standards as defined in the federal Clean Air Act or the California Clean Air Act. An area may be an attainment area for one pollutant and a non-attainment area for others.

Average Daily Traffic (ADT). The number of vehicles passing a given point on a road going in a direction during a 24-hour period.

Bike Lane. A corridor expressly reserved by markings for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles.

Bike Path. A paved route not on a street or roadway, expressly reserved for bicycles. Bike paths may parallel roads but typically are separated from them by landscaping.

Buildout. That level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan; the maximum probable level of development envisioned by the General Plan under specified assumptions about densities and intensities. Buildout does not assume that each parcel is developed to maximum permitted floor area or housing units.

Caltrans. California Department of Transportation.

Capital Improvement Program (CIP). The multi-year scheduling of public physical improvements based on studies of fiscal resources available and the choice of specific improvements to be constructed.

Carbon Monoxide (CO). A colorless, odorless gas, formed by the incomplete combustion of fuels, which is toxic because of its tendency to reduce the oxygen-carrying capacity of the blood.

CMP. Congestion Management Program, Santa Clara County

Community Noise Equivalent Level (CNEL). A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dB applied to the evening (7:00 to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods, respectively, to allow for the greater sensitivity to noise during those hours. An alternative measure is day-night average sound level (L_{dn}), the A-weighted average sound level for a given area (measured in decibels) during a 24-hour period with a 10 dB weighting applied to nighttime sound levels. The L_{dn} is approximately numerically equal to the CNEL for most environmental settings.

Culvert. A drain, ditch or conduit not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk or public way. Culverts are often built to channelize streams and as part of flood control systems.

Curb Cut. The opening along the curb line at which point vehicles or other wheeled forms of transportation may enter or leave the roadway. Curb cuts are essential at street corners for wheelchair users.

Day-Night Average Sound Level (Ldn). The A-weighted average sound level in decibels during a 24-hour period with a 10 dB weighing applied to nighttime sound levels (10 p.m. to 7 a.m.). This exposure method is similar to the CNEL, but deletes the evening time period (7 p.m. to 10 p.m.) as a separate factor.

Decibel "A-Weighted" (dBA). The scale for measuring sound in decibels that weights or reduces the effects of low and high frequencies in order to simulate human hearing. See also Decibel.

Decibel (dB). A unit used to express the relative intensity of a sound as it is heard by the human ear. The decibel measuring scale is logarithmic. Zero (0 dB) on the scale is the lowest sound level that a normal ear can detect under very quiet ("laboratory") conditions and is referred to as the "threshold" of human hearing. On the logarithmic scale, 10 decibels are 10 times more intense, 20 decibels are 100 times more intense, and 30 decibels are 1,000 times more intense than 1 decibel. See also Decibel "A-Weighted."

Density, Gross. The number of dwelling units per gross acre of developable residential land designated on the General Plan Diagram.

Design Capacity. The capacity at which a street, water distribution pipe, pump or reservoir, or a wastewater pipe or treatment plant is intended to operate.

Development Fees. Direct charges or dedications collected on a one-time basis for a service provided or as a condition of approval being granted by the local government.

Endangered Species, California. A native species or sub-species of a bird, mammal, fish, amphibian, reptile, or plant, which is in serious danger of becoming extinct throughout all or a significant portion of its range, due to one or more factors, including loss in habitat, change in habitat, over-exploitation, predation, competition, or disease. The status is determined by the state Department of Fish and Game together with the state Fish and Game Commission.

Endangered Species, Federal. A species which is in danger of extinction throughout all or a significant portion of its range, other than the species of the Class Insecta determined to constitute a pest whose protection under the provisions of the 1973 Endangered Species Act, as amended, would present an overwhelming and overriding risk to humans. The status is determined by the U.S. Fish and Wildlife Service and the Department of the Interior.

Environment. The physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and man-made conditions.

EPA. Environmental Protection Agency.

Equivalent Noise Level (Leq). A single-number representation of the fluctuating sound level in decibels over a specified period of time. It is a sound-energy average of the fluctuating level.

Erosion. The process by which material is removed from the earth's surface (including weathering, dissolution, abrasion, and transportation), most commonly by wind or water.

Fault. A fracture in the earth's crust forming a boundary between rock masses that have shifted. An active fault is a fault that has moved recently and which is likely to again. An inactive fault is a fault which shows no evidence of movement in recent geologic time and no potential for movement in the relatively near future.

Federal Candidate Species, Category 1 (Candidate 1). Species for which the U.S. Fish and Wildlife Service has sufficient biological information to support a proposal to list as Endangered or Threatened.

Federal Candidate Species, Category 2 (Candidate 2). Species for which existing information indicates that these species may warrant listing, but for which substantial biological information to support a proposed rule is lacking.

Federal Flood Insurance. Affordable flood insurance offered by the federal government to property owners whose communities participate in the National Flood Insurance Program.

FEMA. Federal Emergency Management Agency.

Floor Area, Gross. The total horizontal area in square feet of all floors within the exterior walls of a building, but not including the area of unroofed inner courts or shaft enclosures.

FIRM. Flood Insurance Rate Map.

Floor Area Ratio (FAR). The ratio between gross floor area of structures on a site and gross site area. Thus, a two-story building covering 50 percent of its site would have a FAR of 1.0.

Groundwater. Water under the earth's surface, often confined to aquifers capable of supplying wells and springs.

Habitat. The natural environment of a plant or animal.

Hazardous Material. A material or form of energy that could cause injury or illness to persons, livestock, or the natural environment.

Hazardous Waste. Waste which requires special handling to avoid illness or injury to persons or damage to property. Includes, but is not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids such as phenol and cresols and their salts; and all radioactive materials.

Household. Person or persons living in one dwelling unit.

Housing Unit, Single-Family Detached. Single family units that are detached from any other house with open space on all four sides.

Housing Unit, Single-Family Attached. Single family units that are attached to other units with adjoining walls extending from ground to roof that separate it from other adjoining structures and form a property line. Each unit has its own heating system.

Housing Unit, Multi-family. Units with two or more housing units in one structure.

Indirect Source. Any structure or installation which attracts an activity which creates emissions of pollutants. For example, a major employment center, a shopping center, an airport, or a stadium can all be considered to be indirect sources.

Infill. The development of new housing or other buildings on scattered vacant lots in a built-up area or on new building parcels created by permitted lot splits.

Infrastructure. Permanent utility installations, including roads, water supply lines, sewage collection pipes, and power and communications lines.

Intersection Capacity. The maximum number of vehicles that has a reasonable expectation of passing through an intersection in one direction during a given time period under prevailing roadway and traffic conditions.

Jobs-Housing Balance. The jobs/housing ratio divides the number of jobs in an area by the number of employed residents. A ratio of 1.0 typically indicates a balance. A ratio greater than 1.0 indicates a net in-commute; less than 1.0 indicates a net out-commute.

Landslide. The downslope movement of soil and rock.

Land Use. The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

Level of Service (LOS). The different operating conditions which occur in a lane or roadway when accommodating various traffic volumes. A qualitative measure of the effect of traffic flow factors such as special travel time, interruptions, freedom to maneuver, driver comfort, and convenience, and indirectly, safety and operating cost. Levels of service are usually described by a letter rating system of A through F, with LOS A indicating stable traffic flow with little or no delays and LOS F indicating excessive delays and jammed traffic conditions.

Liquefaction. A sudden large decrease in the shearing resistance of a cohesionless soil, caused by a collapse of the structure by shock or strain, and associated with a sudden but temporary increase of the pore fluid pressure.

Maximum Credible Earthquake. The largest Richter magnitude (M) seismic event that appears to be reasonably capable of occurring under the conditions of the presently known geological framework.

Mitigation Measure. Action taken to reduce or eliminate environmental impacts. Mitigation includes: avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time by preservation and maintenance during the life of the action; and compensating for the impact by replacing or providing substitute resources or environments.

Mobile Home. A structure, transportable in one or more sections which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.

Mobile Sources. A source of air pollution that is related to transportation vehicles, such as automobiles or buses.

Noise Contour(s). Isolines (a line on a map or chart along which there is a constant value) representing noise, measured in decibels. See also Community Noise Equivalent Level.

Non-point Source. A pollutant source introduced from dispersed points and lacking a single, identifiable origin. Examples include automobile emissions or urban run-off.

NPDES. National Pollution Discharge Elimination System.

100-Year Flood. That flood event which has a one percent chance of occurrence in any one year.

Open Space. Any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in the General Plan or designated on a local, regional, or state open-space plan as one of the four types of open space defined by state planning law.

Ozone. A compound consisting of three oxygen atoms, that is the primary constituent of smog. It is formed through chemical reactions in the atmosphere involving volatile organic compounds, nitrogen oxides, and sunlight. Ozone can initiate damage to the lungs as well as damage to trees, crops, and materials. There is a natural layer of ozone in the upper atmosphere which shields the earth from harmful ultraviolet radiation.

PM-10. The current standard for measuring the amount of solid or liquid matter suspended in the atmosphere ("particulate matter including dust"). Refers to the amount of particulate matter over 10 micrometers in diameter. The smaller PM-10 particles penetrate to the deeper portions of the lung, affecting sensitive population groups such as children and people with respiratory diseases.

Peak Hour Traffic. The number of vehicles passing over a designated section of a street during the busiest one-hour period during a 24-hour period.

Percent Slope. A common way of expressing the steepness of the slope of terrain, which is derived by dividing the change in elevation by the horizontal distance traversed. An increase of 20 feet elevation over a 100 foot distance is a 20 percent slope.

Planning Area. The City and the land outside its boundaries that bear relation to its planning.

Point Source. A source of pollutants which may be traced to a discrete point of emission.

Precursor. A chemical compound that leads to the formation of a pollutant. Reactive organic gases and nitrogen oxides are precursors of photochemical oxidants.

Rare Species. A condition in which a species or subspecies, although not currently threatened with extinction, exists in such small numbers throughout its range that it may be endangered if the quality of its environment worsens.

Response Time. The amount of time for an emergency services response, measured from the time of the distress call until arrival on the scene.

Richter Scale. A logarithmic scale developed in 1935/36 by Dr. Charles F. Richter and Dr. Beno Gutenberg to measure earthquake magnitude by the amount of energy released, as opposed to earthquake intensity as determined by local effects on people, structures, and earth materials.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation, and intended to be occupied or actually occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Riparian. Pertaining to the bank of a natural course of water, whether seasonal or annual. Riparian habitat is defined by the surrounding vegetation or presence of known wildlife movement pathways; it borders or surrounds a waterway.

Sedimentation. Process by which material suspended in water is deposited in a body of water.

SMARA. California Surface Mining and Reclamation Act of 1975.

Solid Waste. Unwanted or discarded material, including garbage, with insufficient liquid content to be free flowing.

Source Separation. A process in which solid waste materials are produced as an autonomous waste product which are stored separately at the site of generation, or are physically separated from all other solid wastes into recyclable, compostable, or other fractions at the site of generation.

Sphere of Influence (SOI). The ultimate service area of the City of Milpitas as established by Santa Clara County LAFCO.

Stationary Source. A source of air pollution that is not mobile, such as a heating plant or an exhaust stack from a laboratory.

Subdivision. The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

Threatened Species, California. A species of animal or plant is endangered when its survival and reproduction in the wild are in immediate jeopardy form one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, disease, or other factors: or when although not presently threatened with extinction, the species exists in such small numbers that it may become endangered if its environment worsens. A species of animal or plant shall be presumed to be rare or endangered as it is listed in: Sections 670.2 or 670.5, Title 14, California Code of Regulations; or Title 50, Code of Federal Regulations Sections 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered.

Threatened Species, Federal. A species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Trip Generation. The number of vehicle trip ends associated with (i.e., produced by) a particular land use or traffic study site. A trip end is defined as a single vehicle movement. Roundtrips consist of two trip ends.

Transportation Systems Management (TSM). Measures designed to reduce peak-period auto traffic by making a more efficient use of existing resources, and emphasizing transit, ridesharing, and non-automobile alternatives.

Vehicle Miles Traveled (VMT). A measure of both the volume and extent of motor vehicle operation; the total number of vehicle miles travelled within a specified geographical area (whether the entire country or a smaller area) over a given period of time.

Volume-to-Capacity Ratio (V/C). In reference to public services or transportation, ratio of peak hour use to capacity.

Waste Stream. All solid, semi-solid and liquid wastes including garbage, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

Wetlands. An area at least periodically wet or flooded; where the water table stands at or above the land surface (bogs and marshes). Also those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wildlife Corridors. A natural corridor, such as an undeveloped ravine, that is frequently used by wildlife to travel from one area to another.

Xeric. Vegetation requiring only a small amount of moisture.

Zoning District. A specifically delineated area on a zoning map within which regulations and requirements uniformly govern the use, placement, spacing, and size of buildings, open spaces, and other facilities.

Zoning Ordinance. The City ordinance which divides Milpitas into districts and establishes regulations governing the use, placement, spacing, and size of buildings, open spaces, and other facilities.