

# Planning Department

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Dear Petitioners and Milpitas Community Members,

We wish to address the concerns raised in the petition to reject the proposed Neighborhood Commercial Mixed-Use (NCMU) project on Landess Avenue in Milpitas. The project introduces comprehensive amendments to the General Plan and new zoning regulations in the Neighborhood Commercial Mixed-Use (NCMU) and Town Center (TC) areas.

First and foremost, we want to acknowledge the concerns regarding the impact of the NCMU project on traffic congestion, environmental sustainability, and the character of our neighborhoods. These are valid points that warrant thorough consideration and transparent dialogue between the City's planning department, developers, and residents.

## **Traffic and Infrastructure**

One of the primary concerns is the potential increase in traffic congestion. The City of Milpitas implemented its own VMT (Vehicle Miles Traveled) policy to comply with State law and provide established and consistent criteria for analyzing transportation impacts of development projects and long-range plans. To assess and mitigate any potential adverse effects of the proposed NCMU project on Landess Avenue, the City will specifically explore improvements to public transportation, pedestrian pathways, and cycling infrastructure to promote alternative modes of transportation to alleviate traffic concerns. Read more about VMT here:

<https://www.milpitas.gov/498/Vehicle-Miles-Traveled-VMT>

The City is committed to minimizing not only immediate local traffic congestion, but also the demand and need for driving, which will have the greatest long-term impact on local traffic congestion. The Housing Opportunity Districts (HODs) promotes walkable, mixed-use development, which along with multimodal transportation improvements, will encourage a balanced and sustainable transportation system.

## **Environmental Sustainability**

Sustainability is at the forefront of any urban development in Milpitas. As such, the HOD project is programmed to adhere to stringent environmental standards, incorporating green building practices, energy-efficient designs, and ample green spaces. Our goal is to create a development that not only meets the current needs of our community but also preserves and enhances the environment for future generations.

## **Smart growth**

The HOD project also promotes “smart growth” by prioritizing growth and development in amenity-rich areas, or areas already served by neighborhood commercial businesses and community facilities. Smart growth seeks to create compact, walkable neighborhoods, which is a much more environmentally sustainable form of development than suburban sprawl. Smart growth allows for development while minimizing impacts to transportation and utilities infrastructure and associated costs.

### **Community Character and Housing Needs**

The character of our neighborhoods is integral to our community identity. The HOD project aims to strike a balance between preserving the unique character of Milpitas and addressing the pressing need for housing. With careful architectural design and community input, we can ensure that new developments complement the existing aesthetic while providing much-needed housing options.

### **Economic and Social Benefits**

Mixed-use developments like the HOD project can bring significant economic and social benefits, including job creation, increased local business activity, and a more vibrant community atmosphere. By strategically integrating commercial and residential spaces, we can create a more dynamic and resilient local economy.

### **Fiscal impact analysis**

The City prepared a fiscal impact analysis to estimate how the HOD project will impact the City's revenue and costs. The HOD project is expected to have a positive fiscal impact on the City, which will allow the City to provide better services and more amenities to the Milpitas community.

### **Community Engagement**

I want to assure you that community engagement is a cornerstone of this project. We have held several public meetings and community workshops and provided online forums to gather feedback and address concerns. We highly value your input in shaping a project that truly serves the needs and aspirations of our community.

### **Moving Forward Together**

Rejecting the project outright without exploring potential solutions may not be in the best interest of our community's long-term development goals. Instead, we want to reassure you that we welcome a collaborative approach so that we can work together to address concerns and refine the project to better align with our shared vision for Milpitas.

In conclusion, we urge all stakeholders to participate proactively in the planning process. Let us use this opportunity to create a development that reflects our values, meets our needs, and enhances the quality of life for all Milpitas residents.

Thank you for your engagement and dedication to our community.

Enclosed:

1. Frequently Asked Questions (FAQ) about the Proposed Housing Opportunity Districts.
2. Response to the change.org petition
3. Consolidation of comments received

# Proposed Housing Opportunity Districts

## Frequently Asked Questions (FAQ)

### **What is an NCMU?**

NCMU is short for Neighborhood Commercial Mixed Use. The NCMU is both a General Plan designation and a zoning district designated by the City. The NCMU on Landess Avenue is one of many ongoing projects of the City of Milpitas.

### **How are NCMUs designated?**

NCMUs, together with Town Center areas, are designated through a collaborative community outreach process and public workshops spearheaded by the City under the Milpitas General Plan. This designation provides opportunities for vertical or horizontal mixed-use residential development to provide for area vibrancy and to encourage the redevelopment of aging commercial centers by allowing Multifamily dwelling units for new or rehabilitated neighborhood-serving retail and commercial services. Projects with a residential component are subject to additional policy direction (General Plan Policy LU 6-1) to ensure that NCMU areas continue to primarily serve surrounding neighborhoods with commercial services.

### **What is the NCMU project on Landess Ave?**

The NCMU project on Landess is part of the larger HOD project, which also includes two other areas of the City (Calaveras and Dixon). The HOD project introduces comprehensive General Plan amendment and zoning updates within the NCMU and TC (Town Center) areas of the City to allow for horizontal and vertical mixed of uses. No physical development is proposed with this project, rather the project consists of adding sections to the City's zoning ordinance to regulate future redevelopment of NCMU areas, including Landess Avenue. Overall, the project will help the City implement General Plan and Housing Element policies, meet current and future regional housing needs (RHNA), incentivize affordable housing, and revitalize aging shopping center. The City held stakeholder meetings, City Council study sessions, and pop-up events leading up to the Planning Commission hearing. The Planning Commission recommended approval of the project on April 24, 2024.

### **Why is this project happening now?**

This project is a direct result of the City's adoption of its [Housing Element](#), a State-mandated plan to meet the housing needs of everyone in the community. It maps out how the City of Milpitas facilitates a variety of housing types for all income groups, assists in the development of lower and moderate-income housing, removes constraints to housing, improves existing housing, and promotes fair housing. California law requires that each county and city in the state develop

and adopt a revised Housing Element every eight years and report progress on program accomplishment each year.

### **How will the Landess Avenue NCMU impact the community?**

Like any public housing projects, the HOD project, which is comprised of the Landess Avenue, Calaveras, and Dixon NCMU rezoning effort, will have a direct impact on local traffic, economic activity, education, and healthcare. However, the HOD project would facilitate infill growth, promoting housing in proximity to employment opportunities, and support regional planning efforts. While no physical development is proposed with this project, any future development facilitated by HOD would be required to comply with applicable regulations and plans related to roadway design standards, emergency access, school district monetary obligations, and General Plan policies and actions.

### **How does the City plan to handle this?**

The HOD project, in and of itself, does not proposed any specific development project, but makes updates to the General Plan and zoning code, which regulate various aspects of new development in Milpitas. Therefore, the HOD project would not result impacts to land use. However, policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. While no physical development is proposed with this project, any future development facilitated by HOD would be required to comply with applicable regulations and plans related to roadway design standards, emergency access, school district monetary obligations, and General Plan policies and actions. Moreover, the City has a mandate to mitigate any adverse impacts the developments will bring through thorough studies and communications, including public meetings with the community.

### **What are the potential traffic impacts of the HOD/NCMU project?**

The likely build out scenario under the HOD rezoning effort would result in a net increase of 266 residential units and a new reduction of approximately 2,840,000 square feet of non-residential space overall compared to the overall city buildout analyzed in the General Plan EIR. This increase of residential units would result in an incremental increase in vehicle miles traveled (VMT) from people traveling to and from their homes and employment centers. However, since the proposed project would result in a net reduction of approximately 2,8540,000 square feet of non-residential commercial space compared to the General Plan EIR, this would largely under offset the potential increase in residential VMT. At its core, the HOD focuses on encouraging residential development near places of work and commercial services which reduces a reduction in VMT by making active transportation and cycling more accessible to residents. The HOD would support implementation of the General Plan and Housing Element by accommodating non-vehicular travel, thereby reducing VMT. Future development under NCMU zones would be required to comply with applicable regulations and plans related to roadway design standards and emergency access including the City's municipal code, the City's VMT policy, and General Plan policies and actions. Moreover, each redevelopment proposal will undergo a thorough review process, including detailed studies to evaluate and mitigate potential impacts on infrastructure. This may be mitigated by paying an impact fee or by upgrading the necessary services that are affected. This ensures that any increase in population density is matched by corresponding enhancements in infrastructure capacity and safety measures.

### **What is rezoning and what parts of the city will be impacted by it?**

Zoning regulates what type of development is allowed on a parcel of land and the process to realize the project. Rezoning refers to when the zone of a parcel is changed, thus allowing different activities, uses, or densities of development. In this case, a parcel may be rezoned to allow residential uses or to allow a different residential type with a higher density to accommodate multi-family developments on specific sites. The areas being considered were identified in the City's General Plan and Housing Element as opportunity sites for multifamily housing.

### **Is rezoning really necessary?**

The City of Milpitas must rezone areas identified for higher density in the Housing Element (i.e., HODs) or risk having our Housing Element de-certified by the California Department of Housing & Community Development (HCD). HCD has been very aggressive in monitoring and enforcing all cities throughout the state of California to comply with its approved Housing Element.

### **Will the inclusion of affordable housing bring about increased security risks? Will this affect the devaluation of property value?**

There have been multiple studies that state that affordable housing, as a tool of economic development, often helps to reduce crime rates.

- <https://socialecology.uci.edu/news/affordable-housing-decreases-crime-increases-property-values>
- <https://www.affordablehousingpipeline.com/blogs/california-affordable-housing/new-affordable-housing-lower-crime-connection>

### **Do the residents of Milpitas have the ability to vote on the project?**

The City must complete this project to comply with State regulations. That said, it is a public process, with many opportunities for the public to provide input in the process as well as to voice support or opposition to the actions being taken. The project [webpage](#) is regularly updated to reflect upcoming meeting dates and opportunities for the public to participate. For additional information regarding the State's AFFH mandate, please see this [study](#) by the Turner Center for Housing Innovation at the University of California, Berkeley.

### **How can I communicate my concerns with the project?**

The City of Milpitas is always open to public comment and feedback via the development review process. The City conducted stakeholder meetings, pop up events, two City Council progress reports, a Planning Commission public hearing, and a community meeting in May 2024. For the duration of the project, we continually engage the public for feedback through any of the following: the [project website](#), phone, and email.

## **Additional FAQs**

### **What is the Milpitas General Plan?**

In 2016, the City of Milpitas embarked on a multi-year process to update the City's General Plan, which was adopted on March 9, 2021. The General Plan identifies the community's vision for the future and provides a framework that will guide decisions on growth, development, and conservation of open space and resources in a manner that is consistent with the quality of life desired by the city's residents and businesses. It was developed with extensive opportunities for public participation, which included input and participation from residents, businesses, local agencies, and other stakeholders. After three public visioning workshops, the General Plan Advisory Committee (GPAC), consisting of residents, homeowners association representatives, business leaders, and representatives from the local school district, among others, collaborated with City staff and the General Plan Update team throughout the development of the General Plan.

The feedback provided by the community through the outreach process, including public meetings, workshops, and input from the GPAC, provided the City with broad overarching objectives and a vision for the development of the General Plan and identified key community values and priorities that shaped the Neighborhood Commercial Mixed-Use (NCMU) and updates to the Town Center (TWC).

The Housing Element identifies several housing inventory sites within the HODs, which must be rezoned within 3 years. If the City's Housing Element is de-certified, one of the major consequences is that the City will be subject to Builder's Remedy.

### **What is the Builder's Remedy?**

Builder's Remedy is a provision in California housing law that allows developers to bypass local zoning rules and gain automatic approval for residential projects if the local jurisdiction fails to comply with state-mandated housing planning requirements. Specifically, it comes into play when a city or county does not have a state-approved Housing Element, which is a key part of the General Plan that outlines how the locality will meet its share of the regional housing need.

Automatic Approval: Under the Builder's Remedy, developers can propose residential projects that provide a certain percentage of affordable housing (typically at least 20% of units affordable to lower-income households) and gain automatic approval, even if the projects do not conform to the local zoning or planning rules.

Impact on Local Control: The Builder's Remedy can significantly impact local control over land use and zoning, as it allows state law to override local regulations in certain circumstances, pushing localities to take their housing obligations seriously.

### **Should the City focus more on building higher density housing near transit-oriented locations?**

The City has been and continues to be focused on transit-oriented development (TOD). While

TOD development remains a priority, the City must also create opportunities for high-density housing not only near transit but also in other higher resource areas of the City, to remain in compliance with State mandates, which is the purpose of this project. Focusing future higher-density residential development in amenity-rich areas, or areas served by neighborhood commercial businesses and community facilities, is also known as “smart growth”. Smart growth seeks to create compact, walkable neighborhoods, which is a more environmentally sustainable form of development. Additionally, smart growth can minimize development pressure on nearby low-density residential areas, thereby preserving these stable neighborhoods.

### What are the Regional Housing Needs (RHNA) for other cities in Santa Clara County?

Since 1969, California requires all local governments to adequately plan to meet the housing needs of their communities. The California Department of Housing and Community Development (HCD) determines how much housing at a variety of affordability levels is needed for each region in the state. Then regional governments develop a method to allocate that housing need to each city.

The Association of Bay Area Governments (ABAG) prepares the Regional Housing Needs Allocation (RHNA) Plan for the San Francisco Bay Area. The process, methodology, and RHNA shares for each community is described [here](#). The table with RHNA goals for each City within Santa Clara County is pasted below.

Jurisdiction	VERY LOW INCOME (<50% of Area Median Income)	LOW INCOME (50-80% of Area Median Income)	MODERATE INCOME (80-120% of Area Median Income)	ABOVE MODERATE INCOME (>120% of Area Median Income)	TOTAL
<b>SANTA CLARA COUNTY</b>					
Campbell	752	434	499	1,292	2,977
Cupertino	1,193	687	755	1,953	4,588
Gilroy	669	385	200	519	1,773
Los Altos	501	288	326	843	1,958
Los Altos Hills	125	72	82	210	489
Los Gatos	537	310	320	826	1,993
Milpitas	1,685	970	1,131	2,927	6,713
Monte Sereno	53	30	31	79	193
Morgan Hill	262	151	174	450	1,037
Mountain View	2,773	1,597	1,885	4,880	11,135
Palo Alto	1,556	896	1,013	2,621	6,086
San Jose	15,088	8,687	10,711	27,714	62,200
Santa Clara	2,872	1,653	1,981	5,126	11,632
Saratoga	454	261	278	719	1,712
Sunnyvale	2,968	1,709	2,032	5,257	11,966
Unincorporated Santa Clara	828	477	508	1,312	3,125

Once these RHNA goals are established, each city must demonstrate how it will plan and allow for the number of housing units at each affordability level as required by its RHNA. HCD then monitors cities to ensure that they are meeting their RHNA goals as housing development occurs within the next 8-year Housing Element cycle.

Relative to its size and population, Milpitas' RHNA obligations are fairly aggressive since it is well served by transit and amenities.

### **What is the dollar range of “affordable” housing?**

HCD annually publishes tables of federal and State income limits. State statutory income limits are based on federal limits set and periodically updated by the U.S. Department of Housing and Urban Development (HUD) for its Section 8 Housing Choice Voucher Program. HCD's State Income Limits reflect changes in median family income levels for different-sized households and income limits for extremely low-, very low-, and low-income households. The May 9, 2024 State income limits can be found [here](#).

### **Are there any studies on before/after crime rates for these types of projects, specifically on rezoning and its effects on the median home prices over 5, 7 & 10 years?**

The City of Milpitas has not performed studies related to AFFH projects; however, various scholarly articles are available online, including the following:

- [UCLA Lewis Center for Regional Policy Studies](#)
- [Massachusetts Institute of Technology](#)
- [Policies for Action](#)

### **What is AFFH?**

AFFH stands for Affirmatively Furthering Fair Housing. It is a provision of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, and a piece of federal legislation that prohibits discrimination in the sale, rental, and financing of housing and ensures equal opportunity in housing for all. While federal law prohibited overt forms of housing discrimination, residential segregation has remained and persists in California today.

California Assembly Bill 686 created new requirements for cities to affirmatively further fair housing as a part of a jurisdiction's planning process, and to take meaningful actions that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity.

### **What are higher-resource neighborhoods?**

The California Tax Credit Allocation Committee (TCAC) identifies neighborhoods of the state that have been shown to have positive educational, economic, and health outcomes for low-income families. The TCAC/HCD [Opportunity Areas Map](#) identifies the higher resource areas of the City. The characteristics of these areas have been shown by research to be associated with positive economic, educational, and health outcomes for low-income families—particularly long-term outcomes for children. The map was developed to inform efforts to advance the AFFH objective of increasing access to opportunity.

# Response to the change.org petition

## 1. Misrepresentation of Need:

- The city's justification for the NCMU proposal, citing the closure of businesses in the area, is undermined by the outdated representation of the retail landscape on Landess Ave.

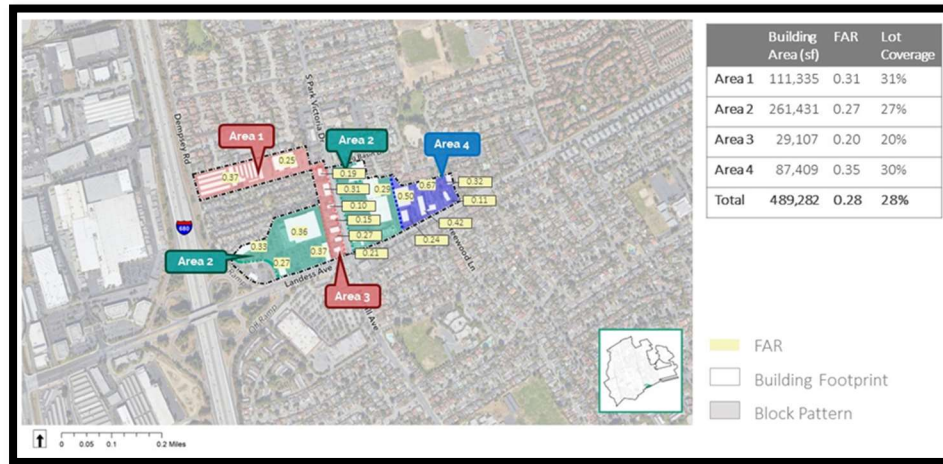
- Contrary to the depiction in the proposal, the area is currently home to thriving businesses, notably the "Apni Mandi" grocery store, which operates 24/7, catering to a steady stream of customers.

- Additional establishments such as Dunkin Coffee Shop, Dollar Tree, and Pekoe Tea Shop further attest to the commercial vibrancy of the area, with robust patronage contributing significantly to the local economy.

## City Response:

- **Retail Landscape Changes:** Over the last decade, the nature of businesses within all NCMU areas has evolved significantly, especially for those not situated in shopping centers with anchor tenants. The closure of the Lucky store serves as a notable example of the uncertain future viability of these commercial areas.
- **Zoning Districts and Anchor Tenants:** The proposal to divide the NCMU into three distinct zoning districts recognizes the critical role that main shopping centers play as community anchors. NCMU1 (where Apni Mandi is located) requires a substantial amount of retail space (minimum 0.25 FAR) to maintain essential neighborhood services. This zoning strategy ensures that key commercial hubs continue to thrive and serve the community effectively.
- **Existing FAR:** The proposed changes are intended to reflect current conditions and trends. It's important to note that the existing Floor Area Ratio (FAR) on that portion of Landess is 0.29, along with other NCMU areas that have a much lower existing FAR.

**Figure 1. Existing FAR at Landess Ave**



- **Challenges of Redevelopment:** Due to the high retail requirements in these shopping centers and the substantial costs associated with structured parking for redevelopment, it is unlikely that these shopping centers will undergo significant changes in the near future. This strategic decision helps to preserve the commercial vibrancy of these areas.
- **Residential Opportunities in High-Resource Areas:** There is a pressing need across the city and region to increase residential opportunities in high-resource areas. Each NCMU area is identified as a high-resource area, which is essential for supporting equitable development and enhancing community resilience. (The term “high-resource” refers to areas shown on the California Tax Credit Allocation Committee (TCAC) and HCD’s Opportunity Maps, a tool used to evaluate access to various opportunities linked to critical life outcomes, e.g. education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, recreation, food and a healthy environment. These maps designate the majority of U.S. Census tracts in California with a resource level ranging from “Low” to “Highest.”)

## **2. Lack of Transparency on Housing Units:**

- The proposed plan lacks specificity regarding the number of housing units to be constructed as part of the NCMU project.
- Given the scale of the project and its potential to significantly increase population density, it is imperative that residents have access to accurate information regarding the number of residential units planned.
- The absence of such information hampers residents' ability to assess the potential impacts on local schools, infrastructure, and community resources.

## **City Response:**

- **Environmental Impact Report (EIR) and General Plan:** The Environmental Impact Report (EIR) includes detailed projections regarding the number of housing units. These projections were comprehensively studied and integrated into the General Plan, ensuring that the potential impacts on local infrastructure and community resources have been carefully considered.
- **Nature of the Rezoning Project:** It is important to note that this rezoning project does not mandate the redevelopment of any property. Instead, redevelopment will be driven by market conditions and property owners' decisions to redevelop their properties.
- **Housing Unit Projections:** To address concerns about specificity, the Consultant team and the City studied and analyzed a range of likely and maximum redevelopment numbers for the housing units. The likely projections are within the range studied under the General Plan for NCMU since it already allows some residential density.

**Figure 2. NCMU Planning Area Buildout**

**TABLE 2.0-3: PLANNING AREA BUILDOUT (EXISTING ASSESSED CONDITIONS PLUS NEW DEVELOPMENT ALLOWED UNDER THE PROPOSED LAND USE MAP)**

LAND USE DESIGNATION	TOTAL ACRES	HOUSING UNITS AT BUILDOUT*	POPULATION GROWTH AT BUILDOUT**	NON-RESIDENTIAL BUILDING SQUARE FOOTAGE AT BUILDOUT*
<b>Residential Land Uses</b>				
HVL - Hillside Very Low Density	4,297.81	229	767.15	72,858.00
HLD - Hillside Low Density	391.04	180	603	80,557.00
HMD - Hillside Medium Density	239.00	183	613.05	27,150.00
LDR - Low Density Residential	1,491.96	9,778	32,756.3	17,272.00
MDR - Medium Density Residential	305.14	3,187	10,676.45	301,019.00
HDR - High Density Residential	229.74	4,171	14,206.85	--
VHDL - Very High Density Residential	21.79	723	2,656.05	--
MHP - Mobile Home Park	53.11	180	603	--
<b>Subtotal</b>	<b>7,029.59</b>	<b>18,631</b>	<b>62,882</b>	<b>498,856</b>
<b>Mixed-Use Land Uses</b>				
NCMU - Neighborhood Commercial Mixed Use	140.34	1,578	5,520.3	3,207,387.98
TWC - Town Center	133.58	1,064	3,798.4	1,681,833.63
VHDMU - Very High Density Mixed Use	3.00	269	1,135.15	--
<b>Subtotal</b>	<b>276.92</b>	<b>2,911</b>	<b>10,454</b>	<b>4,889,222</b>
<b>Commercial Uses</b>				
GNC - General Commercial	155.35	--	--	4,518,763.25
NC - Neighborhood Commercial	27.28	--	--	338,544.29
<b>Subtotal</b>	<b>182.63</b>	<b>--</b>	<b>--</b>	<b>4,857,308</b>
<b>Manufacturing and Industrial Business Park Uses</b>				
INP - Industrial Park	224.82	--	--	5,689,027.67
MFG - Manufacturing	505.74	--	--	9,216,459.99
BPRD - Business Park/Research & Development	630.88	--	--	14,590,810.75
<b>Subtotal</b>	<b>1,361.44</b>	<b>--</b>	<b>--</b>	<b>29,496,298</b>

POPULATION ASSUMED A HH SIZE OF 3.35 ACROSS ALL UNIT TYPES AND MOST NEW UNITS ARE MF AND MIXED-USE UNITS WHICH MAY REDUCE HH SIZE OVER TIME.

**Figure 3. Likely Redevelopment Scenario**



**Figure 4. Full Buildout Scenario**



### **3. Impact on Infrastructure:**

- The proposed influx of residents resulting from the construction of additional housing units raises concerns about the capacity of existing infrastructure to accommodate heightened demand.
- Of particular concern are the narrow roads prevalent in the Landess Ave area, which are ill-equipped to handle increased vehicular traffic.
- Insufficient information has been provided regarding the potential impact on traffic congestion, road safety, and overall infrastructure resilience, leaving residents uncertain about the project's implications for their daily lives.

**City Response:**

- **General Plan Analysis:** The General Plan (GP) has thoroughly analyzed the capacity of existing infrastructure to support projected growth, including in the NCMU and TC areas. This analysis takes into account the likely redevelopment scenarios in the near term, ensuring that infrastructure planning aligns with anticipated demands.
- **Project-Specific Impact Assessments:** Each redevelopment proposal will undergo a thorough review process, including detailed studies to evaluate and mitigate potential impacts on infrastructure. This may be mitigated by paying an impact fee or by upgrading the necessary services that are affected. This ensures that any increase in population density is matched by corresponding enhancements in infrastructure capacity and safety measures.

**4. Privacy Concerns:**

- The proposed construction of a six-story NCMU building threatens the privacy and quality of life of neighboring communities.
- With the proposed structure towering over adjacent properties, residents face the distressing prospect of intrusive surveillance into their personal spaces.
- The loss of privacy constitutes a fundamental violation of residents' rights and undermines the sanctity of our homes, leading to significant apprehension and discomfort among affected residents.

**City Response:**

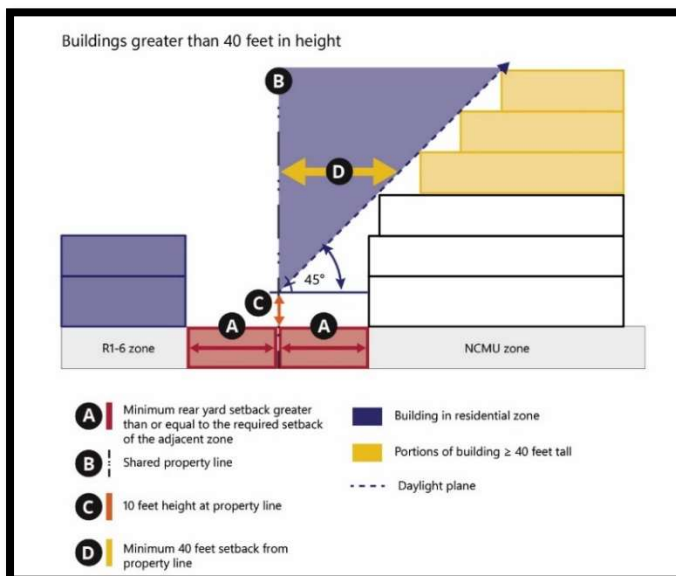
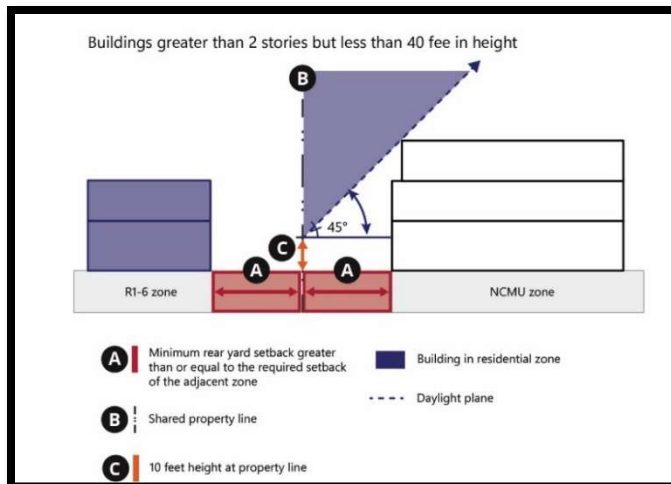
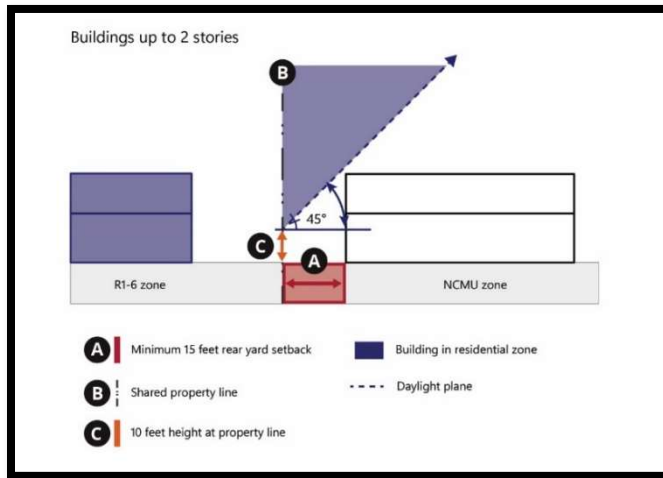
- **Current Zoning and Building Heights:** The existing zoning in the Landess area predominantly includes C2 and a small section of CO. The C2 zoning already allows a Floor Area Ratio (FAR) of 0.5 with 75' height with a CUP, while the CO zoning allows a 0.35 FAR with a 35-foot height maximum. The NCMU zoning maintains the height limit, with maximum building heights of six stories or 75 feet.

**Figure 5. Zoning Map of Landess Area**



- **Objective Design Standards:** To address privacy concerns and ensure a smooth transition to lower-density neighborhoods, all new residential and mixed-use developments next to R-1 single-family zoned parcels will adhere to strict Objective Design Standards. These standards are designed to protect the privacy and quality of life for neighboring residents. Key standards include-
  - o Buildings greater than 2 stories in height shall have an interior and rear yard setback greater than or equal to the required setback of the adjacent zone along the shared property line(s).
  - o Portions of the building with a height greater than 40 feet shall be set back a minimum of 40 feet from the shared rear property line and a minimum of 30 feet from a shared interior property line.
  - o No portion of a building shall be within a 45-degree daylight plane measured perpendicularly from the shared rear property line from a height of 10 feet for the full length of the property line.

**Figures 6-8. ODS Diagrams**



## 5. Restricted Public Participation:

- Despite assurances of inclusive participation during the public hearing, the city unilaterally disabled online comments, effectively disenfranchising a significant segment of residents.
- This decision deprived many individuals of the opportunity to voice their concerns and provide feedback on the proposed project, undermining the democratic principles of transparency and accountability.

### City Response:

- **Public Engagement Efforts:** The City has made extensive efforts to ensure inclusive public participation throughout the planning process. These efforts included a series of public meetings, stakeholder meetings, meetings with property owners, and community pop-ups. Additionally, informational videos were posted on the City's YouTube channel, accompanied by a link to a feedback form to gather residents' input. The activities include:
  - **Best Practices Memo:** The memo provides an overview of example HODs from other cities, especially as they relate to the creation of affordable housing units and housing for special needs populations. Three of the examples focus on affordable housing and one on senior housing. Each precedent study identifies strengths and weaknesses that can inform the consideration and development of new HODs in Milpitas.
  - **Planning Documents and Process Assessment:** The assessment memo reviews and summarizes existing planning documents and ordinances that impact the development of housing across the City and identifies strengths that can be enhanced and weaknesses that can be overcome through HODs.
  - **Existing Conditions Analysis:** The analysis of existing conditions examines each potential HOD area and estimates the feasible development capacity based on Milpitas' current land use and zoning policies and regulations. Topics covered include the existing land use pattern, parcel size, pipeline projects, access to multimodal transportation options, site constraints, and opportunity sites. Staff will present the analysis in greater detail at a future study session with the City Council.
  - **Stakeholder Meetings:** Raimi and Associates and City staff presented an overview of HODs at the May 2022 Community Development Roundtable and subsequently conducted stakeholder interviews with non-profit and for-profit housing developers to better understand the constraints to building both mixed-income and 100 percent affordable housing projects.
  - **1<sup>st</sup> City Council Progress Report:** On August 9, 2022, the Milpitas City Council received a progress report on the work completed and existing conditions analysis from Raimi and Associates and staff on the housing opportunity districts, discussed project objectives and priorities, and provided direction on key planning concepts and land use strategies.
  - **Video presentation and survey:** Recognizing the technical nature and limited geographic scope of the project, the team produced a series of informative videos outlining the project's intricacies and presenting draft recommendations. The videos

were published on the city website and were followed by an open-ended survey asking the viewers to give feedback on the draft recommended standards for the NCMU and TC areas.

- **Pop-up Stations:** The City hosted four dedicated pop-up events, one at each location, which allowed City staff an opportunity to explain the project in person. Visitors, business owners, and property owners were directed to watch the informative videos and take part in the survey to provide feedback.
- **2<sup>nd</sup> City Council Progress Report:** On October 17, 2023, the Milpitas City Council received a progress report on the HODs from Raimi and Associates and staff provided feedback on the preferred alternative.
- **Draft HOD Project and CEQA:** The consultant prepared an internal Administrative Draft of the HODs for staff review and initiated the environmental review process per the California Environmental Quality Act (CEQA). The environmental review conducted by Rincon Consultants, Inc., established an Addendum to the Milpitas General Plan 2040 EIR State Clearinghouse #2020070348.
- **HOD Open House:** The City hosted an Open house on May 30, 2024. Which invited the community and, specifically, anyone who resides or owns property within 1,000 feet of any site subject to the project area, totaling 3,000 plus flyers, and conducted a social media campaign to invite anyone interested to attend, using Facebook, next door, cities website, twitter, and Sofa signs around the city. Which allowed City staff an opportunity to explain the project in person and take questions
- **HOD Office Hours:** The City hosted office hours on May 31, 2024, following the Open House, to answer any additional questions from the community via zoom to offer an alternative meeting time and platform.

## 6. Safety and Crime Rates:

- The introduction of a substantial number of residents through affordable housing units raises legitimate concerns about public safety and crime rates.

- The city has failed to adequately address how it intends to mitigate potential increases in criminal activity and ensure the safety and security of existing residents, leading to heightened anxiety and uncertainty among residents.

### City Response:

- **Affordable Housing and Crime Rates:** There have been multiple studies that state that in fact, affordable housing, as a tool of economic development, often helps to reduce crime rates.
  - <https://socialecology.uci.edu/news/affordable-housing-decreases-crime-increases-property-values>
  - <https://www.affordablehousingpipeline.com/blogs/california-affordable-housing/new-affordable-housing-lower-crime-connection>

## 7. Lack of Clarity on Affordable Housing Criteria:

- Concerns persist regarding the eligibility criteria and income limits for residents of the proposed affordable housing units.
- The city has provided no information or assurances regarding the transparency of the selection process or the criteria used to determine eligibility.
- The lack of clarity on this issue raises doubts about the fairness and equity of the proposed housing initiative and undermines residents' confidence in the project's integrity.

### City Response:

- All new residential development projects of ten units or more designed and intended for permanent occupancy shall construct 15 percent of the total number of dwelling units within the development as affordable units.
- In December 2021, ABAG approved the Final RHNA Plan. Milpitas must plan for a RHNA of 6,713 units, a substantial increase from the last cycle, accommodating not only future needs but also factoring in the unmet demand of the previous cycles. Milpitas's RHNA is categorized by household income level (i.e., very low, low, moderate, and above moderate) as shown in Table 9. Fifty-six percent of the total RHNA is allocated to the very low-, low-, or moderate-income category in the 6th cycle.

**Figure 9. RHNA Obligation**

	Units by Income Group				Total
	Extremely Low <sup>1</sup> / Very Low	Low	Moderate	Above-Mod	
City RHNA	1,685	970	1,131	2,927	6,713
	25%	14%	17%	44%	100%

- The income limits for affordable housing is based on area median income (AMI) and is set on an annual basis by the State of California's Housing and Community Development (HCD). See income limits for Santa Clara County here: <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/income-limits-2024.pdf>
- Federal Fair Housing Act (FHA) The Federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, national origin, religion, sex, familial status, and disability. This act covers various aspects of housing, including:
  - The sale, rental, and financing of dwellings
  - Prohibitions against discriminatory advertising
  - Reasonable accommodations and modifications for persons with disabilities

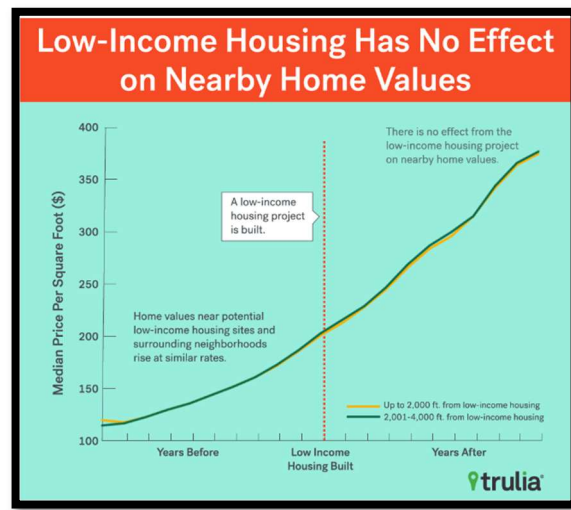
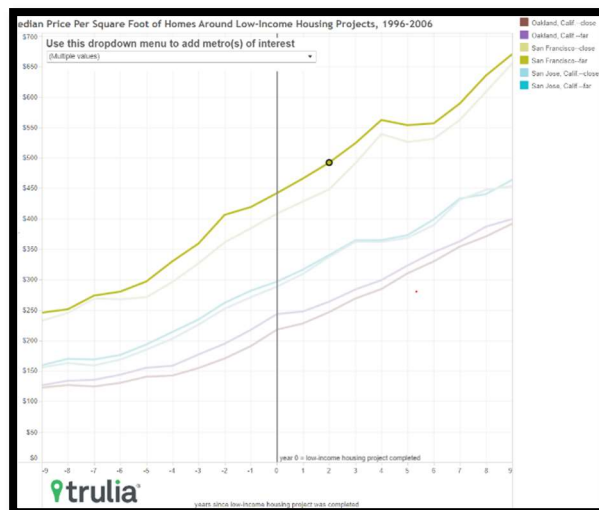
### 8. Negative Economic Impact:

- The introduction of affordable housing units has the potential to depress property prices in the surrounding neighborhood, leading to financial losses for existing homeowners.

- This downward pressure on property values may compel current residents to relocate, further exacerbating the economic repercussions for the community at large.

## City Response:

- Continuous research studies have shown no negative correlation between the price and frequency of sales in neighboring homes to affordable housing, especially when those homes are well integrated into the neighborhood.
- This study from the Journal of Economics found that LIHTC (Low-Income Housing Tax Credit) developments have “mostly positive spillover effects on surrounding property values.



- In *The Center of Housing Policy's* aggregation of studies done both by civic groups and peer-reviewed academic journals, they conclude that the “vast majority of studies have found that affordable housing does not depress neighboring property values, and may even raise them in some cases.”
- The City retained Seifel Consulting to perform a fiscal analysis regarding the proposed land use changes that would allow additional residential development to occur within the TC and NCMU zones. The fiscal analysis found:
  - If no zoning changes are made, no redevelopment is likely as the current General Plan commercial to residential ratios are infeasible.
  - Even with the implementation of a place-based strategy, which maintains a robust minimum commercial floor area requirement for much of the HODs, only small portions of the HODs are likely to redevelop in the near future.
  - Projected total General Fund revenues from new development is anticipated to exceed the total fiscal costs of providing services to future residents and

employees for each of the development scenarios. This analysis indicates that new infill mixed-use and residential development is likely to have a positive fiscal impact on the City of Milpitas.

## **9. Overflow in Schools:**

- The proposed project fails to address the significant impact on local schools resulting from the influx of new residents.

- With limited schools in the neighborhood, there is a pressing need for clarity on how the overflow in schools will be handled.

- The proposal does not mention any plans for building new schools to accommodate the anticipated increase in student population, raising concerns about overcrowding and diminished educational resources.

### **City Response:**

- The City meets with the School District Demographer every year to assess the current pipeline of development to best understand the demand on the school system
- Housing Element noted a decrease in school enrollment.
- The Milpitas General Plan 2040 EIR found that the implementation of the General Plan could result in less than significant physical impacts on the environment associated with the need for new governmental facilities. While development and growth facilitated by the General Plan would result in increased demand for public services, including fire protection, law enforcement, schools, parks, libraries, and other public and government services, the General Plan includes policies and actions to ensure that public services are provided at acceptable levels. The Utilities and Community Services (UCS) element outlines goals, policies, and action items to help mitigate this impact. One of the goals of that element (Goal UCS-8) says to “enhance the quality of life for all city residents through the provision of cultural and social resources including quality schools, libraries, medical and other community services and facilities.” While the HOD project is not a physical development project, any future project within the NCMU and TC areas that includes residential will be subject to pay a school impact fee to the Milpitas Unified School District under the Leroy F. Green School Facilities Act of 1998 (SB 50). Under the California Code of Regulations, Chapter 4.9, Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project, any fee imposed pursuant to Section 17620 of the Education Code is deemed to be in full and complete mitigation of the impacts of any development of property on the provision of adequate school facilities. Moreover, the California Department of Education prepares its own specific recommendations on school site selection and size.

## **10. Lack of Healthcare Infrastructure:**

- Milpitas currently lacks adequate healthcare infrastructure, with only small local medical clinics available to residents.

- Access to comprehensive medical services often requires residents to travel to nearby cities with larger hospitals, posing challenges for those in need of specialized care.

- The proposed project prioritizes the construction of new residential units over the development of essential healthcare facilities, neglecting the immediate healthcare needs of current residents and failing to address the growing demand for comprehensive medical services within the city.

**City Response:**

- The Milpitas General Plan 2040 includes a Community Health and Wellness element (CHW). One of its goals (CHW-3) is to strive for a community with exceptional social services and healthcare programs. Additionally, the Utilities and Community Services (UCS) element outlines goals, policies, and action items to help mitigate this impact. One of the goals of that element (Goal UCS-8) says to “enhance the quality of life for all city residents through the provision of cultural and social resources including quality schools, libraries, medical and other community services and facilities.” Specifically, Policy UCS 8-12 says that the City will work with health care providers to provide a range of health-related facilities in Milpitas to meet the needs of the growing population. While the City does not typically develop or build institutional beyond police and fire stations and other various city facilities, the City utilizes the General Plan through zoning to allow for medical offices and hospital within certain areas. Through the development review process, the City is able to evaluate and recommend approval of projects, including healthcare and hospitals, that are in conformance with the General Plan policies and goals.

**11. Violation of Public Rights:**

- The rights of residents to oppose proposed plans and participate in the decision-making process have not been adequately respected or upheld throughout the approval process.

- The city has failed to provide clear avenues for public input and has disregarded the concerns raised by community members, undermining the principles of democracy and civic engagement.

**City Response:**

- See response to #5 above

**12. Questionable Approval Process:**

- The rushed approval process and lack of meaningful public engagement starkly contradict the city's stated commitment to creating a vibrant, sustainable, and inclusive community.

- Despite the city's professed aspirations, the reality of the approval process has been characterized by haste, opacity, and a disregard for community input, calling into question the sincerity of the city's intentions and undermining public trust in the decision-making process.

**City Response:**

- See response to #5 above

**13. Limited Notice and Low Participation:**

- The notice distributed by the city regarding the proposed NCMU project was limited to a radius of only 1000 feet around the project site. This restricted distribution resulted in a lack of awareness among a significant portion of the community.

- As a consequence of this limited notice, attendance at the initial appeal hearing was remarkably low. Many residents were unaware of the project until notified by concerned neighbors, depriving them of the opportunity to participate in discussions and decision-making processes.

**City Response:**

- The Notice of Public hearing was completed as required by Table XI-10-64.04-1 Public Hearing Requirements of Section 64 - Development Review Process in the Milpitas Municipal Code. The notice was published in a newspaper of general circulation within the City. The mailing of notices was sent to all property owners and residential renters within a 1000-foot radius of all property's subject to change. The notice instructs the public to contact the project planner if they have questions and to review the post materials on the city's website by scanning the QR code or following the web address provided.

**14. Inadequate Notice Format:**

- The notice sent by the city was smaller than a standard postcard and featured font sizes that were excessively small, making it difficult for residents, particularly seniors, to read and comprehend.

- Crucial details regarding the proposed plan, including project scope, timeline, and potential impacts, were conspicuously absent from the notice. This lack of information left residents ill-prepared to engage meaningfully in discussions and provide informed feedback.

**City Response:**

- The Notice of Public hearing was completed as required by Table XI-10-64.04-1 Public Hearing Requirements of Section 64 - Development Review Process in the Milpitas Municipal Code. The notice was published in a newspaper of general circulation within the City. The mailing of notices was sent to all property owners and residential renters within a 1000-foot radius of all property's subject to change. The notice instructs the

public to contact the project planner if they have questions and to review the post materials on the city's website by scanning the QR code or following the web address provided.

# Comments summarized from petition

<ul style="list-style-type: none"><li>• This will negatively affect property value, quality of life, and increase traffic and congestion throughout the city.</li></ul>
<ul style="list-style-type: none"><li>• The demographic of people in low to very low-income housing bring additional problems and behaviors that would make this area unsafe. Crime, drugs, gangs, property damage etc.</li></ul>
<ul style="list-style-type: none"><li>• Is there school infrastructure to handle the future growth of the City of Milpitas and what are the impacts on the school system? We need another high school.</li></ul>
<ul style="list-style-type: none"><li>• The businesses in the area thrive and would do so even more if Landlords were forced to maintain properties and amenities on the existing properties.</li></ul>
<ul style="list-style-type: none"><li>• We don't have the infrastructure to support those who live here now.</li></ul>
<ul style="list-style-type: none"><li>• Just say no to politicians and their developer cronies.</li></ul>
<ul style="list-style-type: none"><li>• Milpitas is getting so crowded it is not a nice place to live anymore.</li></ul>
<ul style="list-style-type: none"><li>• The Environmental Impact Report was reviewed, and mitigation was outlined during COVID Year 2021 - additional public meetings should be held, including reviews of the EIR.</li></ul>
<ul style="list-style-type: none"><li>• The city council should respect the citizens enough to ask for opinions before imposing any one-sided decisions.</li></ul>
<ul style="list-style-type: none"><li>• Milpitas should focus on promoting and supporting small businesses, eateries, and health facilities that closed post-pandemic. With the growing population, there is a need for a variety of services and businesses, particularly more stores and good dining options. Residents often travel out of Milpitas to find quality dining, highlighting the need for better local eateries and a specialty coffee cafe.</li></ul>

# Comments summarized from email

- My comments apply specifically to the proposed changes to TC2 zone areas that are on South Milpitas Blvd and Calaveras Blvd.
- I wish to register my strong objection to the proposed zoning changes. My home is directly adjacent to the site currently occupied by the Wells Fargo and US Bank branches which is part of the TC2 zone, I believe the proposed changes will be detrimental to all homes next to this site. Furthermore, the site has limited road access and its location on the corner of two major roads would be a road safety concern.
- The current homes bordering the TC2 zone at the intersection of South Milpitas Blvd and Calaveras Blvd have either 2 floors (single family homes) or 3 floors (townhomes). The proposed changes to the zoning would permit up to 6 floors on each building. This would significantly dwarf all of the surrounding homes. It would almost certainly restrict sunlight from all of these homes which would have health impacts as well as significantly impact property prices.
- I also have serious concerns about site access and road safety. The site in question is right at the corner of two major roads (South Milpitas Blvd and Calaveras Blvd) and there is very limited access to the current site. The two banks that currently occupy the site share a single driveway entrance. Almost daily I observe a "near miss" with vehicles slowing to turn into the bank driveway so close to the major intersection. If this site became occupied by multiple homes or retail outlets, there would be a significant increase in vehicle access and the current site simply does not have that. I will note that there is a road next to the site (Hearst Drive). However, this is a PRIVATE road that belongs to the Prynt homeowners association, so it would not be available for accessing the TC2 site. So, the proposed changes to the zoning would lead to increases in traffic access which I believe could not be accomplished safely.
- As a resident and homeowner in Milpitas, I would like to voice my concerns about the proposed NCMU project in the land area.
- I am NOT in favor of this project to add more residents.
- The traffic situation is already bad, and the roads cannot handle the additional load.
- There is no mention of improvements to capacity. We expect the city to conduct the road analysis as well.

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| <ul style="list-style-type: none"> <li>• The proposal also calls for 7 story housing. This will block sunlight into our neighborhood and devalue our properties.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• The schools in the area are already stretched and the schools cannot handle the additional load.</li> <li>•</li> <li>• The proposal also calls for 6-7 story housing. This will block sunlight into our neighborhood and devalue our properties. Please acknowledge this formal concern regarding the project.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• I'm particularly interested in creating better ways to walk and ride to public transit from the Landess/Dempsey area of Milpitas.</li> <li>• We have lots of good public transit options in the area but walking or riding a bike to the main transit hub is not easy and often not safe. I can get to BART within about a 15-minute walk from my house, but the experience is a little like walking next to a highway. I cross over Landess at Dempsey and walk along Landess as it morphs into Montague. You have to be vigilant at each intersection; cars are entering and exiting 680, and beyond 680, the sidewalk is right next to cars traveling at more than 50 miles an hour. In front of the Edge apartment complex, they've planted trees between the road and sidewalk, creating a space that feels much more pedestrian friendly. Ideally we'd also have bike paths along Montague with protective barriers like they have on many Fremont roads. Currently I would be hesitant to ride a bike on Montague though I've seen a few brave souls try it out.</li> <li>• Beyond more pedestrian and bike friendly routes to BART, I'd also like to see changes to Dempsey between Landess and Yosemite. Dempsey is the main entrance and exit street for French Court and Stonegate housing complexes. It would also be a main street for new housing developed where the storage and bowling alley are today. For us, it's a neighborhood street. For people moving through Milpitas, it's a mini highway. I frequently see cars speeding down the road. Right before French Court, Dempsey bends and then curves again as it reaches Landess. Since I've lived here, I've seen the remnants of two car crashes that hit the electric pole at the French Court bend, knocking out power for the neighborhood. (I don't know about injuries and car damage; I only say the remnants of car parts but those remnants and the damage to the electric pole lead me to believe that both accidents were serious.)</li> <li>• Dempsey today affords speeding--it's a straight shot down most of the route from Yosemite to Landess. And its curve affords accidents. We want to use Dempsey as a neighborhood street. Many drivers want to use Dempsey as a fast through-way. I think a reduced speed limit (down to 25 miles an hours instead of 35) and speed bumps or multiple three-way stops between</li> </ul> |

Yosemite and Landess would radically reduce the speeding that happens on Dempsey.

- Finally, a thought about trash on the streets. The neighborhood is close to retail stores, cafes, and fast food; we have some foot traffic and lots of automobile traffic along Dempsey; we also have people experiencing homelessness setting up camp next to the freeway. Combine those together and our streets have a lot more trash than the typical suburban neighborhood. I've personally picked up hundreds of bags of trash over the years. Neighborhoods like ours require more attention to keep them clean; increasing the density of housing will expand the debris. How might the city help keep streets like Dempsey and Landess clean?
- Milpitas is severely affected by the heavy traffic congestion going in and out of the city. The daily commute is directly impacted by the current conditions which is the result of welcoming development like Milpitas Bart and associated condo developments, but not improvements to the roads that handle the influx and outflux. The plan for additional housing will worsen the current conditions even further.
- Adding more high density housing with a proposal of 6000 homes puts strain on the city resources and facilities which will take years to catch up and fix. This will have direct and negative consequences to the quality of life. I would kindly request the elected city officials to keep the current residents quality of life as top priority in the decision making process.
- With the current waitlist to enter the public school system, mainly in the John Sinnott elementary school, the new multi-family development unit will worsen the current situation and make it impossible to get a spot in the neighborhood schools causing additional stress to families forcing them to commute for school drop-off and pickup.
- The business study in these complexes are 2 years old which should be considered stale given the rapid development in this neighborhood. Considering performing another study with the voices of the residents will be much appreciated.
- The main reason we chose Milpitas 17 years ago was the growth potential, along with the greener parks accessible to every resident of this neighborhood. We are avid users of these parks like Murphy park, Ben Rodgers park and Ed Levin park. The additional housing plan will drastically impact the ratio of # of residents vs available green zone, which I humbly believe will make the parks unmaintainable and un-usable for current residents.
- Everytime I travel to cities like Livermore, Dublin and Pleasanton, I see Stanford and PAMF clinics and hospitals opened in the last 5 years.

Considering the rising population like Milpitas, I really wish we address the lack of hospitals with emergency services as top priority.

- As part of the HODs, and respective zoning changes proposed for the three NCMU and one TC sites, a hypothetical scenario has been provided for each of the sites that gives residents and city council members an idea of what future development could look like. Using this hypothetical scenario, kindly provide a transparent analysis of impact to infrastructure such as roads, water, gas, electric, and schools. The analysis should also clearly address impacts to traffic, health care workers to population ratio, crime rate, light impact to surrounding neighbors, pollution, and market values of surrounding properties. Also kindly include an analysis of the impact to the attractiveness of Milpitas as a long term destination for high quality residents and high quality of commercial investment. By this I mean, when a city grows High density Residential with a mix of commercial, what kind of impacts does it have to the quality of investment (anchors in society) and the quality of residents (mix of income earning potential, crime, unemployment rate, benefits consumed vs contributed). Lastly, assessment of impact to quality of life for current residents of Milpitas based on hypothetical development should also be outlined.
- One advantage we have as Milpitanians is that we have had similar projects that have been completed in the recent past (Gideon and Turing are two examples, as well as the High density Residential + commercial development close to the Transit center). Kindly provide an analysis of how these projects are performing with respect to all the aspects mentioned above.
- Thinking about Milpitas more broadly in comparison to other parts of the Bay Area, kindly provide an analysis of how Milpitas compares to other cities in the Bay. One example could be High Density Residential Housing Units as a percent of buildable land in Milpitas (20 years ago vs now) as it compares to other cities within the Bay Area such as Los Altos, Saratoga, Atherton, Palo Alto etc. Milpitas has already built quite a few projects like this in recent years. Are all the other cities also building at the same rate we have already built thus far?
- Echoing what one of the other residents had asked, what parameters and thresholds would constitute a sufficient amount of support vs concern from residents in order for the City Planning Committee and ultimately the City council to accept or reject the proposal? For example, the change.org petition had 500+ signatures in opposition of the Landess NCMU proposal. About 50 residents were present yesterday to voice their concerns in person with regards to all 4 proposals. Residents are going to be writing similar emails into the planning department, and/or providing their feedback through the jotform. How is all of this going to be assessed in order to determine sufficient amount of resident support vs concern? Will there be a

tally of how many respondents support vs oppose the proposals through the various channels being used?

- On a separate note, the lack of a Hospital in Milpitas was shared as a major concern by many residents. Instead of providing a proposal that does not seem to have been initiated by city residents, what options are available for the city to engage residents and identify what the residents needs/recommendations are, and use that as a foundation for future city planning?
- One resident had asked if all the questions and corresponding answers you are going to be receiving can be hosted online in a way that city residents can see what questions have already been asked (and can upvote to help better inform prioritization). This would be greatly beneficial. Can you kindly share a link if this is possible (hopefully this will avoid redundancy of having to respond to the same/similar questions from your end as well)
- Finally, a minimum of two additional education sessions should be held by the city planning team (such as the one held on May 30) - though the next sessions should also include at least city council members, public works representatives, and school board representatives. Hopefully, health care representatives can also be present. Sessions should be in person and online where the above requested information is presented to educate the city residents appropriately. the second session should be scheduled at least two weeks in advance of the Aug 20th City council meeting where these proposals are due for decision. This will allow residents a proper opportunity to be able to understand overall impact to our city and provide appropriate feedback to our city council members in time for them to incorporate our feedback in their decision making.
- Thanks in advance for taking the time to review this request and while I understand some of the data being requested is subjective, or may not be very easy/clean to get to, I appreciate that you will do your best to provide as well rounded an impact analysis as possible to help us make an informed decision on whether we support or reject the proposal.

- With the reduced limit on parking spaces for residents and businesses, does Milpitas have a plan to avoid parking nightmares, traffic congestion and gridlock that are bound to emerge citywide as population density increases in the Housing Opportunity Districts?
- How about working with Santa Clara County to build public transit systems that are practical enough to entice far more people out of their cars?

- The Milpitas Housing Overlay Zone, Precedent Studies & Incentives Memo (Memo, dated March 24, 2022) cites four example overlay zone frameworks:

- Cambridge, MA. Affordable Housing Overlay
- Berkeley, CA. Affordable Housing Overlay
- Menlo Park, CA. Affordable Housing Overlay, and
- Perris, CA. Senior Housing Overlay Zone.
- From the Memo, it is important to note that the first three examples already have public or other transportation options for residents. The last example stipulates projects provide 1.15 parking spaces per dwelling unit, presumably because no public transportation exists.
- The presentation made at the May 30th open house did not address public transportation needs and how those needs will be fulfilled. Having grown up in a neighborhood on the north side of Chicago, and having a daughter and her family living in Queens, New York, we are concerned that the proposed Milpitas Housing Opportunity Districts do provide adequate parking and account for the need for robust public transportation, such as exists in Chicago and Queens. While some public bus services exist near the Neighborhood Commercial Mixed Use (NCMU) Districts, the services are generally sparse in coverage to and from destinations outside of the major Milpitas Mall transit hub. How will residents of NCMU buildings get to work without a car or public transportation, especially in the initial stages of construction when there is not enough demand for robust public transportation? In addition, during initial stages of construction, residents of NCMU buildings alone likely will not sustain essential businesses (e.g., grocery and drug stores) that might occupy ground-floor spaces; nearby residents of adjacent neighborhoods also likely will be needed to sustain businesses. Where will nearby residents park, or what public transportation will be available, to get to those businesses? During initial stages of construction, what reason would there be for a business to move into one of the mixed use buildings if there are not enough residents in the NCMU District alone to sustain their business?
- During the question and answer session of the May 30th open house, Mr. Stark mentioned that there are vacant City-owned lands along Main Street that may never be developed. Why not? He also stated that there have been 15-story towers proposed at McCarthy Ranch but they have not been brought to fruition. Why not? If vacant lands are available upon which housing and businesses can be built, why not develop those lands first, before other properties are rezoned to construct NCMU buildings.
- Does the City have an inventory/map that can be made available to the public, showing vacant and/or underutilized properties? If the public can be convinced that an abundance of such properties does not exist within the City, maybe they would be more understanding of a need to rezone the properties within the proposed NCMU districts.

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| <ul style="list-style-type: none"><li>• Do we know, with all new developments in Milpitas, how many residents are occupying the residency? Can we check that with water bills or utility?</li><li>• I also feel that Milpitas is overcrowded as is. However, when we talk about low cost housing for low income, what income are we talking about? I agree, that in meeting there was nobody from people working on minimum wages.</li><li>• My suggestion in the meeting was that if possible, can we create a web page, where people can ask questions, upvote certain questions, and then you (city) can answer it there. Is that possible? Also, I was involved in discussion on Hall Memorial Park Pickle ball, and it might be that lot of people from outside the Milpitas, might have contributed on that Google vote. Is there a quick way to ascertain that the feedback you are getting is from legitimate Milpitas residents, like they can use log in using their water bill number and last name etc. to ask questions etc..</li></ul> |
| <ul style="list-style-type: none"><li>• Where can I see the plan to improve the current situation of traffic in that area? Can you point me to the actual plan with dates?</li><li>• Which public works/city department is doing what?</li><li>• When will the traffic situation be resolved?</li></ul>  |