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memorandum

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cc Eric Anderson, Advanced Planning Manager, City of Mountain View

from Jill Feyk-Miney, Managing Environmental Planner, ESA

subject *CEQA Memo – Mountain View Housing Element Update Revisions*

Introduction

On January 24, 2023, the City of Mountain View City Council adopted Resolution No. 18755 certifying the 2023-2031 Housing Element Update Environmental Impact Report (EIR) and adopting Findings relating to Environmental Impacts, Mitigation Measures, and Alternatives, and adopting a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act (CEQA).

This memorandum discusses new or updated information that the City has determined relates to the City of Mountain View Housing Element Update (HEU or Project), related approvals or requirements, or other information mentioned in the EIR. Although none of the updates discussed here are changes to the HEU that could result in changes to the environmental analysis in the EIR under CEQA, the City has decided that these changes warrant disclosure in this memorandum for informational purposes.

HEU Project Analyzed in the EIR

The proposed Project includes actions by the City of Mountain View to update the City's Housing Element in conformance with State law and make necessary adjustments to other elements of the City's General Plan, zoning, and Precise Plans to maintain consistency within and between these documents. State law requires the City to update its current housing element by January 31, 2023. The Project analyzed in the EIR would include adoption of a General Plan amendment to add or modify goals, objectives, policies, and implementation programs related to housing in the Housing Element of the City's General Plan. The Housing Element itself would contain: an updated housing needs assessment; updated goals, policies, and programs that address the maintenance, preservation, improvement, and development of housing and that affirmatively further fair housing; and a housing inventory that meets the City's Regional Housing Needs Assessment (RHNA) allocation and provides a buffer of additional housing development capacity. The Project would also include modifications to provisions in the City's General Plan Land Use Map, zoning ordinance, zoning map, and adopted Precise Plans, as needed, to reflect the housing

sites inventory. Based on the City’s RHNA allocation, the HEU plans for an additional 11,135 dwelling units plus a sizeable “buffer.” The EIR evaluated the potential for approximately 18,000 multi-family housing units (including approximately 96 accessory dwelling units) during the HEU planning period (2023-2031) as a maximum scenario for purposes of the CEQA evaluation, understanding that the buffer size and the final sites selected for inclusion in the Housing Element will be determined by the City Council upon adoption of the HEU. Of this, approximately 16,530 units are already allowed under the City’s adopted General Plan, zoning, and Precise Plans and the remaining 1,250 units would be created through rezonings and General Plan amendments. In addition, the EIR also analyzed a possible increase in housing production from rezonings and General Plan Amendments of approximately 2,850 units beyond 2031.

Updates to the HEU

Based on comments received on the Draft Housing Element Update from the California Department of Housing and Community Development (HCD), changes have been made to the HEU. The changes are mainly related to the provision of programs or recategorization of information presented in the Draft HEU that was analyzed in the EIR. None of these changes materially affect or alter the analysis or conclusions of the EIR. Detailed information on updated goals, policies, and programs within the Draft HEU in the EIR was provided by reference to the Draft HEU and a link to that document was provided in the EIR’s Project Description (<https://www.mvhousingelement.org/>). The link to the updated document remains valid and no revisions to the EIR Project Description would be required.

Several programs, some with potential for increased density, have been identified, which do not have a meaningful effect on the environmental impacts of the growth:

- New rezoning programs (including “back-pocket” areas, allowing emergency shelters by right consistent with Assembly Bill 2339, and reviewing R2 zones to increase densities)
- HEU Program 1.2, Eliminate Parking Standards for Affordable Housing Developments, in Transit-Oriented Precise Plans, and Other Cases
- HEU Program 1.4, Religious and Community Assembly Sites for Housing (including near-term religious/institutional sites south of El Camino Real)
- HEU Program 4.5, Partnerships with Affordable Housing Developers (including near-term affordable housing development Downtown)

Conditions for Subsequent EIR

Section 15162 of the CEQA Guidelines outlines conditions requiring a subsequent or supplemental EIR be prepared when an EIR has been certified for a project:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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

Project Consistency with Section 15162 of the CEQA Guidelines

Since certification of the EIR, no changes have occurred in the circumstances under which the Project would be implemented that would change the severity of the Project's physical impacts (condition 2 above). Additionally, no new information has emerged that would substantially change the analyses or conclusions set forth in the EIR (condition 3 above).

Updates to the HEU would represent minor changes to the Project, and such changes are anticipated in the EIR due to the nature of the Project. The updates to the HEU outlined above fall within the growth envelope analyzed in the EIR. The EIR focused on changes in development potential in the City based on amendments to the General Plan, rezonings, and programs anticipated to be adopted with the proposed HEU. The analysis considers the growth potential as a whole, so the updates to the HEU would not materially affect or alter the analysis or conclusions of the EIR.

While State law requires the Housing Element to include an inventory of housing sites and requires the City to appropriately zone sites for multifamily housing, the City is not required to actually develop/construct housing on these sites. Future development on identified sites would be at the discretion of individual property owners and would be largely dependent on market forces and -- in the case of affordable housing -- available funding and/or other incentives. Nonetheless, the EIR conservatively considers potential impacts of development that may result from adoption of the HEU, focusing on proposed actions to encourage housing production such as changes in allowable densities, changes in development standards, and adoption of incentives.

Because the HEU establishes policies, programs, goals and guidelines, and describes potential housing development that may or may not be built on any particular site, environmental review of the HEU is necessarily general in the EIR. Future development proposals as a result of the HEU will be reviewed to determine whether their impacts fall within the scope of the analysis in this EIR or if additional site-specific environmental review

will be required if new significant impacts would result. As provided for in CEQA Guidelines Sections 15152 and 15385, any subsequent environmental document that might be required could “tier” from the EIR and focus its analysis on the new significant impacts.

Each change is outlined below:

- The new rezoning programs include “back-pocket” areas, allowing emergency shelters by right consistent with Assembly Bill 2339, and reviewing R2 zones to increase densities. New rezoning programs pertaining to “back-pocket” areas were envisioned and analyzed as part of the EIR, and fall within the growth envelope analyzed in the EIR. Updates to allow emergency shelters by right would not result in an increase in residential density. Reviewing the City’s R2 zones to increase densities would potentially increase density beyond what was anticipated in the EIR; however, the amount of growth due to this program is speculative at this time due to the need to study the appropriate capacities. When a proposal for zoning changes or development on a specific site is proposed, it will be reviewed to determine whether the impacts fall within the scope of the analysis in the EIR or if additional environmental review will be required if new significant impacts could result. As such, these changes would not result in a new significant environmental effect or a substantial increase in the severity of previously identified significant effects in the EIR.
- Changes to HEU Program 1.2 regarding parking standards would not result in a new significant environmental effect or a substantial increase in the severity of previously identified significant effects in the EIR. Rather, these changes would enhance existing greenhouse gas reduction goals and vehicle miles traveled reduction strategies.
- Updates to HEU Program 1.4 regarding religious and community assembly sites for housing were envisioned and analyzed as part of the EIR, although densities could potentially increase density beyond what was anticipated in the EIR; however, the amount of growth due to this program is speculative at this time due to the need to study the appropriate densities at these sites. When a proposal for housing on a site is proposed, it will be reviewed to determine whether the impacts fall within the scope of the analysis in the EIR or if additional site-specific environmental review will be required if new significant impacts could result. As such, these updates would not result in a new significant environmental effect or a substantial increase in the severity of previously identified significant effects in the EIR.
- Changes to HEU Program 4.5 including near-term affordable housing development Downtown fall within the growth envelope analyzed in the EIR. When a proposal for housing on a site is proposed, it will be reviewed to determine whether the impacts fall within the scope of the analysis in the EIR or if additional site-specific environmental review will be required if new significant impacts could result. As such, these changes would not result in a new significant environmental effect or a substantial increase in the severity of previously identified significant effects in the EIR.

A change would be substantial and require a subsequent EIR if major revisions of the previous EIR were required due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. None of the updates to the HEU would involve a new significant environmental effect or a substantial increase in the severity of previously identified significant effects in the EIR (condition 1 above).

Conclusion

Pursuant to Section 21166 of the Public Resources Code and Section 15162 of the CEQA Guidelines, since the Final Environmental Impact Report was certified on January 24, 2023, none of the circumstances requiring a subsequent or supplemental EIR have occurred and accordingly no further CEQA review is required.