

## CITY OF MOUNTAIN VIEW

ENVIRONMENTAL PLANNING COMMISSION  
STAFF REPORT  
AUGUST 3, 2022

### 5. STUDY SESSION

#### 5.1 Draft Environmental Impact Report—Housing Element 2023-2031

##### PURPOSE

The purpose of this Study Session is for the Environmental Planning Commission to review and provide comments on the Housing Element Update's Draft Environmental Impact Report and to provide the public with the opportunity to comment on the Draft Environmental Impact Report.

##### PUBLIC NOTIFICATION

The Environmental Planning Commission (EPC) agenda is advertised on Channel 26, and the agenda and this report appear on the City's website. A Notice of Availability (NOA) for the Draft Environmental Impact Report (EIR) was posted with the Santa Clara County Clerk-Recorder and the State Clearinghouse and mailed to responsible agencies and eight tribes identified by the Native American Heritage Commission. A newspaper ad was posted and a reminder was emailed to all persons subscribed to the Housing Element mailing list (approximately 460 people) regarding the 45-day public review of the Draft EIR and this meeting.

##### BACKGROUND AND ANALYSIS

The Housing Element is a chapter of the General Plan that the State's Department of Housing and Community Development (HCD) mandates be updated by local jurisdictions every eight years. As part of the update process, the State issues an allocation of housing units that must be built by a region through the Regional Housing Needs Assessment (RHNA). For the nine-county San Francisco Bay region, the Association of Bay Area Governments (ABAG) is responsible for assigning the State's RHNA to each local jurisdiction. The City's sixth-cycle RHNA is 11,135 units, which is a significant increase from the City's previous RHNA allocation of 2,926 units. The purpose of the Housing Element is to analyze the housing needs of a community's current and future residents across all income groups; create, update, and guide housing policy; and identify locations to accommodate the City's RHNA allocation. Since January 2021, the City has conducted outreach and held Study Sessions with the Environmental Planning Commission and City Council in order to develop the Draft Housing Element, which was published and submitted to HCD for review on July 1,

2022. Concurrent to that process, the City also evaluated the Housing Element Update (HEU) project's impacts on the environment. The Draft EIR (Exhibit 1) was released on July 22, 2022 and is available for public review and comment until September 5, 2022.

Due to the high RHNA numbers in the Bay Area, many cities have elected to prepare an EIR to evaluate potential environmental impacts that might reasonably be anticipated if the maximum scenario in the HEU is built out and to identify and recommend mitigation measures to lessen or eliminate significant adverse impacts. This EIR is a program EIR, which means the City can review broad housing policy decisions, broadly consider proposed Housing Element site inventory site locations, and evaluate the potential impacts that could result from housing development in the identified areas. As a program EIR, this does not provide detailed analyses that would typically be presented in a project EIR where site-specific development projects are proposed. Each project will require project-specific analyses to determine the level of California Environmental Quality Act (CEQA) analysis necessary.

The HEU plans for the RHNA allocation of 11,135 units, plus a buffer. The EIR evaluated 15,000 multi-family housing units, including 96 accessory dwelling units to be built within the eight-year planning period (2023 to 2031). Of the 15,000 units, approximately 13,600 are permitted under current zoning, and 1,400 would result from proposed rezonings. The adoption of the Housing Element would result in a total of approximately 4,100 more dwelling units beyond what is allowed under current zoning, where the additional 2,700 units would likely be built beyond 2031.

### **Draft Environmental Impact Report**

CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378(a)).

An EIR must disclose the expected direct and indirect environmental impacts associated with a project, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, and must identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires agencies to consider, and, where feasible, minimize environmental impacts of proposed development and has an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

The Draft EIR was prepared in accordance with CEQA requirements to evaluate the potential environmental impacts associated with the implementation of the Housing

Element. EIR impacts typically fall into three categories: (1) impacts which are less than significant or of no impact when compared to environmental impact thresholds; (2) significant impacts that can be mitigated to less-than-significant levels; and (3) significant and unavoidable impacts even after mitigations have been implemented. Based on the analysis, the Draft EIR identified impacts related to all three categories; the topics with less-than-significant impacts are noted below, and the impacts in the latter two categories are discussed further below.

The following topics have been studied consistent with the requirements of CEQA:

- Aesthetics (less than significant)
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy (less than significant)
- Geology, Soils, and Paleontological and Mineral Resources (less than significant)
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality (less than significant)
- Land Use and Planning (less than significant)
- Noise and Vibration (less than significant)
- Population and Housing (less than significant)
- Public Services and Recreation (less than significant)
- Transportation and Circulation
- Utilities and Service Systems

#### **Impacts that Can Be Mitigated to a Less-than-Significant Level**

The following section provides brief descriptions of the identified impacts and mitigation measures that would help **reduce impacts to less-than-significant levels**. These are discussed in the Draft EIR in Chapter 4 starting on Page 4.0-1.

- **Air Quality—3:** Construction activity could result in exposing sensitive populations to pollutants.

**Mitigation:** Large projects will prepare a construction Health Risk Assessment, which could require special construction equipment to be used.

- **Biological Resources—1:** Removal of trees or structures could result in adverse impacts to special-status bat species.

**Mitigation:** Projects may need to conduct preconstruction surveys for special-status bats and may need to follow specific measures regarding the timing of the removals.

- **Cultural Resources—1:** Development projects may demolish/impact historical resources.

**Mitigation:** Older buildings that were not previously evaluated will undergo a Historic Resource Evaluation to determine whether they qualify as a historic resource. If so, the project should be redesigned to protect the resource or mitigated with other design strategies.

Additionally, the Sites Inventory does not include any known or likely historic resources; therefore, the impact of and the necessity of the mitigation measure are unlikely to occur for Housing Element sites.

- **Cultural Resources—2, and Tribal Cultural Resources—1:** Development projects may demolish/impact archaeological resources.

**Mitigation:**

- During project construction, if precontact or historic-era archaeological resources are encountered, construction will stop and would require preservation in place or other mitigation measures.
- Projects that require ground disturbance will conduct a site-specific cultural resources study and may be required to do additional research or treatment to protect them.

- **Greenhouse Gas Emissions—1 and 2:** Development projects would generate greenhouse gas emissions.

**Mitigation:** Projects will be required to provide additional electric vehicle charging infrastructure and implement vehicle miles traveled (VMT) reduction measures.

- **Hazards and Hazardous Materials—3:** Development projects could occur on or near hazardous materials sites.

**Mitigation:** Projects on listed active hazardous materials clean-up sites will be required to complete a Phase 1 Environmental Site Assessment (and any follow-up sampling for Phase II and site clean-up activities, if warranted).

- **Transportation—2:** Development projects could be in areas where the VMT per resident is higher than 85% and not screen out from VMT impact analysis.

**Mitigation:** Projects that do not screen-out shall provide a VMT analysis and will be required to implement VMT reduction measures, including project redesign, network improvements for alternative modes of transportation, parking strategies, and travel demand management strategies.

- **Utilities and Service Systems—1:** Development projects could result in the need for improvements to the City's water, sanitary sewer, and stormwater drainage systems.

**Mitigation:** Projects will contribute a fair-share amount to fund capital utility improvements.

### **Significant and Unavoidable Impact**

Based on the analysis contained in the Draft EIR, a significant and unavoidable impact would occur related to air quality. The impact (which is discussed in Chapter 4.2, Air Quality, starting on Page 4.2-31 of the Draft EIR) is summarized below.

Since the HEU project is a Citywide planning document that anticipates potential development over a long-term period, there will be a variety of projects that will have different levels of impact based on their size, length of construction time, and location. A number of projects will likely be below the significance thresholds for the screening criteria or may fall below the thresholds with the implementation of mitigations and would, therefore, have impacts that are less-than-significant or less-than-significant with mitigation.

However, it is anticipated that there may be projects that could exceed screening thresholds for construction emissions for a number of reasons, including size, length of construction, and location. In anticipation of this, the following identified significant and unavoidable impacts to air quality are included to reflect the chance that impacts to air quality could occur within the eight-year period of the HEU.

CEQA requires that all feasible mitigations be considered, even though application of the mitigations may still result in an unavoidable impact. The mitigation measure below is included to reduce the cases and severity of the potential impact.

- **Air Quality—2:** Large development projects could result in criteria air pollutant emissions above established thresholds of significance.

**Mitigation:** Large projects that exceed screening levels will prepare a project-specific criteria air pollutant assessment of construction and operational emissions. If the analysis finds that criteria air pollutant emissions would exceed significance thresholds, the project will need to use specialized construction equipment and include construction of “all-electric” buildings, additional electric vehicle charging infrastructure, and VMT reduction measures (for projects that do not screen out from VMT impact analysis) during operation to reduce emissions.

Mitigation is expected to be effective at reducing criteria pollutant emissions from construction and operation of individual projects developed as part of the HEU to below thresholds; however, the specific emissions associated with future projects are not currently known and, therefore, the effectiveness of emission reduction measures cannot be definitively determined. For example, a proposed 250-unit midrise apartment development project would be above screening levels for construction. This project would need to prepare an assessment of the criteria air pollutant emissions specific to the project. The mitigation requiring specialized construction equipment to reduce emissions is expected to be effective at reducing criteria pollutant emissions from the project; however, in the rare case that substantial ground disturbance, specialty construction equipment, or compressed and highly intensive construction schedules are proposed for the project, there is a chance that significance thresholds could be exceeded even after mitigation is applied due to the volume and/or duration of emissions. For these reasons, the EIR identifies criteria air pollutants from construction and operation of subsequent projects developed under the HEU as significant and unavoidable with mitigation.

### **Mitigation Monitoring and Reporting Program**

CEQA requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an EIR to ensure that the mitigation measures are implemented. The MMRP specifies the mitigation, the entity responsible for monitoring the program, and when in the process it should be accomplished. In accordance with CEQA, the Draft EIR provides an MMRP which includes the mitigation measures identified in the EIR required to address the significant impacts associated with the project. The MMRP will be prepared and presented to the City Council for adoption at the same time Council considers the EIR. Once the Housing Element is adopted, the MMRP would be incorporated as conditions of approval for projects developed under the Housing Element.

## **Alternatives**

The EIR also evaluated potential outcomes of two alternatives to the Draft Housing Element. The purpose of this section of the EIR is to determine whether reasonable modifications could be made on the project scope to reduce or eliminate identified environmental impacts while still achieving the goals of the project. As discussed in the earlier parts of the report, the HEU as proposed would result in one potentially significant and unavoidable impact. The following “No Project” alternative (which is required by CEQA regulations) and the “Reduced Sites” alternative are covered in Chapter 5 starting on Page 5-5.

- **No Project:** In this alternative, the HEU is assumed to not be adopted. Development would still occur but would only reflect existing development trends.

**Determination:** This alternative was determined to not meet the objectives of the HEU and would leave the City with a noncompliant, outdated Housing Element and would introduce a new significant and unavoidable land use and planning impact.

- **Reduced Sites:** For this alternative, opportunity sites and rezoned areas outside of existing Precise Plan areas would be eliminated from the sites inventory, resulting in approximately 530 units less than identified in the Draft Housing Element.

**Determination:** This alternative was determined to be the environmentally superior alternative as it could potentially reduce the significant and unavoidable air quality impact while fulfilling the requirements of State law. However, this alternative could impact the City’s RHNA obligation as it proposes to reduce the buffer in the sites inventory and would not eliminate the significant and unavoidable impact.

Neither of the alternatives would eliminate the significant and unavoidable air quality impact, though the impact would likely be lessened in both cases. However, in both cases, the development capacity would either remain the same or less than the proposed HEU. Refer to Table 5-1 in the Draft EIR (Page 5-16) for a summary and comparison of impacts for the proposed project and two analyzed alternatives.

***EPC Question: Does the EPC have any comments on the Draft EIR? Does the EPC have any comments on the draft Housing Element as analyzed in the Draft EIR?***

## CONCLUSION

The Draft EIR is available to the public and all interested persons, agencies, and organizations for a formal 45-day review and comment period that ends September 5, 2022. The Housing Element team will review and respond to each substantive written comment and include as part of the Final EIR and make edits to the EIR.

Once the Final EIR is complete, staff will return to the EPC and City Council in November and December for final adoption hearings for the Housing Element document and the Housing Element EIR.

Prepared by:

Ellen Yau  
Senior Planner

Approved by:

Eric Anderson  
Principal Planner

Aarti Shrivastava  
Assistant City Manager/  
Community Development Director

EY/6/CDD  
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Exhibit: 1. Draft Environmental Impact Report