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# memorandum

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subject City of Milpitas Utility Master Plans – Addendum to the Environmental Impact Report for the Milpitas General Plan Update (SCH# 2020070348)

## 1.0 Introduction

This memorandum serves as the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) Addendum (Addendum) to the Milpitas General Plan Update EIR (Milpitas GP EIR; State Clearinghouse No. 2020070348). The City of Milpitas (City) adopted the Milpitas GP EIR for the on March 9, 2021.

The CEQA Guidelines (Sections 15162 and 15164) require that a lead agency prepare an addendum to a previously certified EIR if some changes or additions to the environmental evaluation of a project are necessary, but none of the following occurs:

1. Substantial changes are proposed in the project which will require major revisions of the previous Environmental Impact Report 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 Environmental Impact Report due to 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 Environmental Impact Report was adopted, shows any of the following:
  1. The project will have one or more significant effects not discussed in the previous Environmental Impact Report;
  2. Significant effects previously examined will be substantially more severe than shown in the previous Environmental Impact Report;

3. 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
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Environmental Impact Report would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum summarizes the Milpitas Utility Master Plans (the Plans) as considered in the Certified Milpitas General Plan EIR (GP EIR), describes additional changes to the Plans made since the certification of the GP EIR, and analyzes any change in environmental effects associated with those changes. As discussed further in section 4.0 Conclusions and Recommendations', the Plans would not result in any new significant impacts not previously disclosed in the circulated EIR; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified. For these reasons, an addendum to the certified EIR is sufficient to meet the requirements of CEQA Guidelines Section 15164. An addendum need not be circulated for public review under CEQA Guidelines Section 15164, but can be included in or attached to the final certified EIR. The City must consider the addendum with the certified EIR prior to making a decision on the Plans. This Addendum also serves as documentation that the Plans' changes do not trigger any of the conditions in CEQA Guidelines Section 15162; therefore, a subsequent EIR is not required.

## 2.0 Project Description

### 2.1 Project Location

Milpitas is located near San Francisco Bay in what is colloquially referred to as Silicon Valley (refer to **Figure 1**). Downtown San José is eight miles to the south of Milpitas; San Francisco is about 45 miles to the northwest. The boundary that separates Santa Clara County from Alameda County also forms the northern border between Milpitas and neighboring Fremont. Incorporated Milpitas encompasses 13.5 square miles, all within the 315 square mile Coyote Creek watershed.

### 2.2 Milpitas General Plan Update and EIR

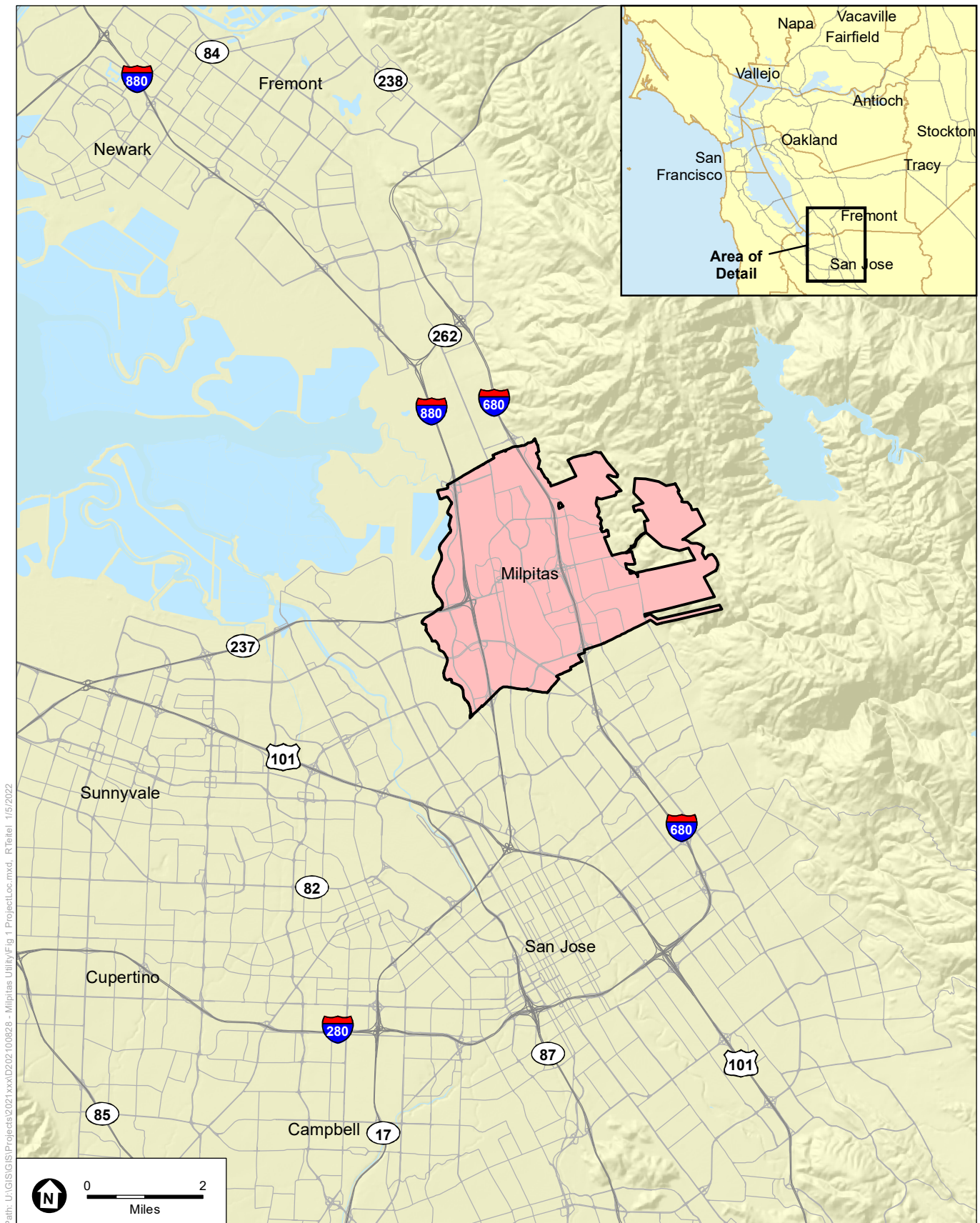
In March of 2021, the City adopted the Milpitas General Plan Update (hereon as the Milpitas GP) (City of Milpitas, 2021). The City prepared the Milpitas GP to identify the community's vision for the future and provide a framework that guides decisions on growth and resources that are consistent with the quality of life desired by the city's residents and businesses. The Milpitas GP carries forward some of the major goals of the 1994 General Plan, but has been substantially updated and reorganized to address current local conditions and the city's goals.

The City was the lead agency for the Milpitas GP EIR. The EIR evaluated potential environmental impacts that could occur as a result of implementing the Milpitas GP. The EIR included a program-level analysis, which considers broad environmental effects. The impact analysis is intended to programmatically cover the construction and operation of actions to be taken under the Milpitas GP, such as new utilities and other elements of utilities master plans. However, the Milpitas GP EIR also acknowledges that individual projects that fulfil implementation of the Milpitas GP may require separate CEQA analysis at the time they are proposed.

The Milpitas GP includes policies and actions designed to minimize potential adverse effects, including those associated with new utilities (i.e., stormwater conveyance) and updates to the City utilities master plans. The Milpitas GP EIR incorporated these policies and actions to reduce impacts, including the following:

- Action UCS 3a: periodically review and update the Sewer Master Plan and the Sewer System Management Plan.
- Action UCS 2a: Periodically review and update the City's Water Master Plan and Urban Water Management Plan in order to meet regulatory requirements and to ensure the documents address existing and projected demand.
- Action UCS 4a: Regularly review and update the Storm Drainage Master Plan.
- Action UCS 4c: Identify which stormwater drainage facilities are in need of repair and address these needs through the City's Capital Improvement Program.

Since completion of the Milpitas GP and the EIR, the City has prepared updated utility master plans for sewer, water and storm drainage as required in the Milpitas GP.



SOURCE: ESRI

City of Milpitas Utility Master Plan Addendum



**Figure 1**  
Planning Area

## 2.3 Utility Master Plans

### Storm Drain Master Plan

The City of Milpitas completed its first storm drain master plan in 2001, which was last updated in 2013. The 2013 updated plan comprehensively evaluated storm drain system performance in addition to flood hazard mapping. This effort utilized work completed with Santa Clara Valley Water District as part of the Cooperating Technical Partner program sponsored by the Federal Emergency Management Agency (FEMA). The 2021 draft master plan focuses on storm drainage infrastructure. The 2021 draft master plan is intended to serve as a guide for the City to implement a prioritized capital improvement program (CIP) and secure sufficient funds for annual operation and maintenance, and long-term system replacement. The 2021 draft master plan includes a list of potential projects, but does not propose or approve their implementation. If they are carried forward, they may require individual CEQA coverage.

### Sewer Master Plan

The City's wastewater system infrastructure was first constructed in the 1950s when the City was established, and it was expanded with the growth of the City. The most recent sewer master plan was completed in 2002 with a revision completed in 2004 and an update completed in 2009. The 2021 master plan develops a CIP to address physical and hydraulic deficiencies. The purpose of the 2021 master plan is to perform a condition assessment on the collection system and evaluate the hydraulic performance of the system under current and projected future conditions. The 2021 master plan identifies hydraulic capacity deficiencies and pipes in poor condition. The 2021 draft master plan includes a list of potential projects to improve the City's sewer system, but does not propose or approve their implementation. If they are carried forward, they may require individual CEQA coverage.

### Water Master Plan

The City's last Water Master Plan was completed in 2002 and was then updated in 2009 to incorporate an analysis of the impacts of the City's Milpitas Metro Specific Plan (then known as the Transit Area Specific Plan). The City is currently in the process of updating its General Plan and two key specific plans, Milpitas Gateway-Main Street Specific Plan (formerly known as the Midtown Specific Plan) and Milpitas Metro Specific Plan. The purpose of the 2021 Water Master Plan is to evaluate the existing system infrastructure and incorporate impacts of short-term and long-term planned growth under the Milpitas GP to develop a comprehensive plan for implementation of the City's Water System CIP. The 2021 Water Master Plan includes a list of potential projects to improve the City's water system, but does not propose or approve their implementation. If they are carried forward, they may require individual CEQA coverage.

## 2.4 References

De Novo Planning Group, 2021. *City of Milpitas General Plan 2040*. March 2021.

De Novo Planning Group, 2020. *City of Milpitas Draft Environmental Impact Report*. November 2020.

HydroScience, 2021. *City of Milpitas Sewer Master Plan 2021*. January, 2021.

Schaaf & Wheeler, 2021. *City of Milpitas Storm Drain Master Plan 2021*. August 20, 2021

West Yost, 2021. *City of Milpitas Water Master Plan 2021*. March 2, 2021.

## **3.0 Environmental Setting, Impacts, and Mitigation Measures**

This chapter describes any relevant changes that have occurred in the existing environmental conditions within and near the Planning area as well as environmental impacts associated with the Plans, compared to the evaluations presented in the Milpitas GP EIR. Impacts are addressed below to all resource areas in accordance to Appendix G of the CEQA Checklist, and as organized in the Milpitas GP EIR.

### **3.1 Aesthetics**

The Plans are located within the Milpitas GP planning area. The setting of the Milpitas GP area was described in the Milpitas GP EIR, and for the purposes of aesthetics analysis the setting has not changed. While the Milpitas Planning Area contains numerous areas and viewsheds with relatively high scenic value, there are no officially designated scenic vista points in the planning area. There are no officially designated scenic highways located in the vicinity of Milpitas. Significant visual resources include Mission Hills, Monument Peak, and Mount Diablo. The primary sources of daytime glare are generally sunlight reflecting from structures and other reflective surfaces and windows. The primary sources of nighttime lighting are generally from exterior building lights, street lights, and vehicle headlights.

#### **Findings of Certified EIR**

The Milpitas GP EIR identified the following impacts related to aesthetic and visual resources:

- Less-than-significant impacts related to the scenic vista and scenic resources.
- Less-than-significant impacts to non-urbanized areas.
- Less-than-significant impacts related to the creation of new sources of nighttime lighting and daytime glare

#### **Discussion**

The Milpitas GP EIR concluded that with implementation of the policies and actions contained in the Milpitas GP, new non-residential development located in and around existing urbanized areas would be developed to be visually compatible with nearby open space resources, and these policies and actions would further ensure that new development is designed in a way that enhances the visual quality of the community, compliments the visual character of the city, and that adverse effects on public views are minimized. No new designated scenic vistas or scenic resources have been identified in the Plans vicinity since adoption of the Milpitas GP EIR. The Plans would be implemented consistent with the policies and actions contained in the Milpitas GP. The Milpitas GP EIR consulted that no adopted State scenic highways are located within the Milpitas GP area, and no scenic highways provide views of the area. No new adopted scenic highways have been identified in the Plans' vicinity since adoption of the Milpitas GP EIR. The Plans do not include development beyond that described in the Milpitas GP, and as noted, no new scenic vistas and resources have been identified since the approval of the Milpitas GP. Therefore, potential impacts on scenic vistas and scenic resources that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

The Milpitas GP EIR determined that the City is mapped and designated as an urbanized area. Policies in the Milpitas GP are intended to complement and further the intent of the City's provisions regulating scenic quality

and resources.<sup>1</sup> Any development occurring under the Milpitas GP would be subject to compliance with these guidelines. The Milpitas GP EIR concluded that with compliance of the guidelines, as well as implementation of policies and actions contained in the Milpitas GP, the Milpitas GP would not substantially degrade the existing visual character or quality of public views of the Milpitas GP area. The Plans do not propose actions that are beyond that described in the Milpitas GP or that could require non-compliance with the policies and guidelines in the Milpitas GP. Therefore, potential impacts related to conflicts with applicable zoning and other regulations governing scenic quality that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

The Milpitas GP EIR concluded that the Milpitas GP would increase the amount of daytime glare in existing urbanized areas, and increased nighttime lighting could reduce visibility of the night sky; generally detracting from the quality of life in Milpitas. Future development under the Milpitas GP would be required to be consistent with the Milpitas GP policies, as well as lighting and design requirements in the Milpitas Municipal Code, which would ensure that new development projects utilize appropriate building materials that do not result in significant increases in unusual glare. The Plans do not include structures or activities that would require lighting or glare beyond that described in the Milpitas GP or that could require non-compliance with the policies in the Milpitas GP and design requirements in the Milpitas Municipal Code. Therefore, potential impacts related to new sources of nighttime lighting and daytime glare that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to scenic and visual resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.2 Agricultural and Forestry Resources

There are no lands within the Plans' area that are designated for agricultural use on the existing or proposed Milpitas GP Land Use Map. There are no agricultural lands identified by the California Department of Conservation's Farmland Mapping and Monitoring Program within the Milpitas GP area. There are no lands within the Milpitas GP area that are currently under a Williamson Act contract, or forest lands or timber lands.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to agricultural and forestry resources:

- Less-than-significant impacts to existing zoning for agricultural use, Williamson Act contracts, loss of forest land, and conversion of farmlands.

## Discussion

The state and local land use and zoning designations with respect to agricultural and forest resources have not changed for the Plans' site and surroundings, and agricultural or forest use of the site has not commenced since

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<sup>1</sup> Zoning and other regulations governing scenic quality applicable to the City of Milpitas include the Design Guidelines and Plan Review Checklist and the City of Milpitas Master Streetscape Master Plan, and Measures I, J, and K.

adoption of the Milpitas GP EIR. Thus, there has not been a substantial change in the circumstances involving agricultural and forest resources at the site or surrounding areas. The Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts on agricultural and forestry resources that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to agricultural and forestry resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.3 Air Quality

The Planning Area is located within the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Air Quality Management District (BAAQMD) attains and maintains air quality conditions in the SFBAAB through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The air quality setting relevant to the Plans' site, including applicable regulations and air quality conditions, has not appreciably changed since the certification of the Milpitas GP EIR.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to air quality:

- Less-than-significant impacts for the potential to conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable net increase of criteria pollutant;
- Less-than-significant impacts for the potential to expose sensitive receptors to substantial pollutant concentrations, and
- Less-than-significant impacts for the potential to result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

## Discussion

The Milpitas GP EIR concluded that the Milpitas GP would be consistent with the 2017 Clean Air Plan and all future development projects would be subject to the Milpitas GP's policies, goals, and actions. The Milpitas GP would further the fundamental goals of BAAQMD in reducing emissions of criteria air pollutant and would increase opportunities for transit ridership. Exposure to toxic air contaminants (TAC) and PM<sub>2.5</sub><sup>2</sup> concentrations within the City would be minimized with the implementation of policies and actions to under the Milpitas GP. Individual projects subject to the Milpitas GP are required to have environmental assessments to determine health impacts from construction and operation and implement mitigation measures to reduce exposure. The Milpitas GP does not propose any land use that could be a potential source of objectionable odors. Future sewer, water and storm drainage improvements under the Plans would have to comply with the air quality management plans (AQMP), state implementation plan (SIP), California Air Resources Board (CARB), and BAAQMD regulations, as well as, Title 24 energy efficiency regulations, and the Milpitas GP policies and actions to minimize impacts.

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<sup>2</sup> PM<sub>2.5</sub> is particulate matter 2.5 micrometers or less in diameter (known as fine particulate matter).



Because the Plans do not include utility development beyond the general types and scope that are described in the Milpitas GP, the Plans would not result in new or increased impacts from that disclosed in the Milpitas GP EIR. Therefore, potential impacts to air quality resources that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to air quality with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.4 Biological Resources

The biological resources setting relevant to the Plans' site has not appreciably changed since the adoption of the Milpitas GP EIR. This includes applicable regulations and the existing condition of sensitive biological resources, such as wetlands, natural communities, and habitats that support special-status plant and wildlife species.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts on biological resources:

- Less-than-significant impacts related to sensitive natural communities, protected wetlands, species identified by California Fish and Wildlife and U.S. Fish Wildlife Service, local policies, and provisions approved by local, regional, or state habitat conservation plans, and wildlife movement corridors.

## Discussion

The Milpitas GP concluded that while subsequent development under the Milpitas GP could result in direct loss of habitat areas associated with special status animal species, the Milpitas GP includes numerous policies and actions intended to avoid and reduce impacts to special status species. In addition to policies detailed in the Milpitas GP, special status species also receive protection from federal endangered species act (FESA), California endangered species act (CESA), and various other biological resource protection laws.

The Milpitas GP EIR itself does not approve physical changes to the environment. However, subsequent approved projects that are consistent with the buildout of the Milpitas GP could have indirect changes on the physical environment. The Milpitas GP outlines minimization measures future projects will be required to comply with to protect riparian habitat, other sensitive natural communities and the numerous federally and state protected wetlands and other jurisdictional waters found at the Plans' site. Additionally, subsequent approved projects would be required to comply with relevant Federal, State, and local regulations. Section 404 of the Clean Water Act (CWA), for example, requires any project to obtain a permit that authorizes the disturbance to a wetland or water of the U.S. The regulatory process through section 404 of the CWA ensures no "net loss" of wetlands or jurisdictional waters.

The Milpitas GP EIR concluded that because the Milpitas GP will not result in any physical changes to the environment, adoption of the Milpitas GP will not result in direct impacts to the environment. Subsequent individual projects could impact movement corridors; however, each project would require a detailed and site-specific review of the site to determine the presence or absence of movement corridors on the project site. Federal and State laws implemented through the project approval and permit process require measures to reduce, avoid, or compensate

for impacts to these resources. Future projects will be required to comply with the Santa Clara Valley Habitat Conservation Plan as not to conflict with existing provisions of adopted local, regional, or state conservation plans.

The Plans would not exacerbate or result in new impacts to the Plans' site. Because the Plans do not include development beyond that described in the Milpitas GP, the Plans would not result in new or increased impacts from that disclosed in the GP EIR. Therefore, potential impacts to biological resources that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

## **Conclusion**

The impacts to biological resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## **3.5 Cultural Resources and Tribal Cultural Resources**

The cultural resources and tribal cultural resources setting relevant to the Plans' site has not appreciably changed since the adoption of the Milpitas GP EIR. Thirty-three cultural resources are listed in the Northwest Information Center (NWIC) database as previously recorded within the Milpitas GP area. These resources consist of historic buildings and railroads, prehistoric villages, prehistoric artifacts, and refuse deposits. In addition, twenty-five buildings are listed on the Santa Clara County Historic Property Data File Directory. Twenty-three of these buildings are also included on the list of resources on file with the NWIC.

## **Findings of Certified EIR**

The Milpitas GP EIR identified the following impacts related to cultural resources and tribal cultural resources:

- Less-than-significant impacts related to a substantial adverse change in the significance of a historical and archaeological resource.
- Less-than-significant impact related to the disturbance of and human remains.
- Less-than-significant impacts related to substantial adverse changes in the significance of a tribal cultural resource.

## **Discussion**

The Milpitas GP EIR does not propose any action that would result in adverse changes to cultural resources, however future development could affect historical resources and archaeological resources under the Milpitas GP. As future development and infrastructure projects are considered, each project will be evaluated for compliance with the Milpitas GP and applicable local and state regulations. The General Plan includes policies and actions that would reduce impacts to cultural, historical, and archaeological resources, as well as policies and actions for the conservation of cultural, historical, and archaeological resources. In addition, in the event of a resource discovery, the Milpitas GP requires all ground disturbing activity and construction to halt until a qualified expert is able to analyze the project site and determine appropriate mitigation. The Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts on historical and archaeological resources that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

The Milpitas GP requires that discovered human remains are treated in compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98. The Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts to human remains that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

The Milpitas GP also requires tribal consultation with tribes that may be impacted by development. The Plans would be required to follow development requirements, including compliance with local policies, ordinances, and applicable permitting procedures related to protection of tribal cultural resources. The Plans do not propose actions that could require non-compliance with the regulations. Therefore, potential impacts to tribal cultural resources that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to cultural resources and tribal cultural resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.6 Geology

The geology and soils setting relevant to the Plans' site, including applicable regulations and geologic conditions, has not appreciably changed since the certification of the Milpitas GP EIR. Seismic hazard zones are currently mapped in Milpitas and include areas mapped for liquefaction and earthquake induced landslide hazards. The most prominent areas of the City susceptible to liquefaction are located along Coyote Creek. Soils and geologic conditions in the Plans' area have the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse. The National Resource Conservation Service (NRCS) collected erosion data for the City and concluded that the susceptibility of soil to sheet fill and erosion by water was moderately low, with a moderate potential for soil erosion.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to geology:

- Less-than-significant impacts related to the potential to expose people or structures to potential adverse effects from earthquake faults, seismic shaking, seismic-induced ground failures, unstable geologic units, soils or expansive soils, or the potential to destroy paleontological resources.

## Discussion

The nature, scale, and timing of the Plans have not changed in a manner that would exacerbate existing geologic and seismic hazards at the Plans' site. Ground disturbance associated with the Plans would be limited to shallow surface fill and soils in areas that are already developed.

There are faults within the Plans' area which could cause considerable seismic shaking. The Plans are required to comply with provisions of the California Building Standards Commission (CBSC), policies in the Milpitas GP associated with seismic events, and State and City codes where applicable, as well as complete a design level

geotechnical investigation. With the implementation of these provisions, policies and codes, potential impacts associated with ground instability, expansive soils, and exposing people and structures to adverse effects would be reduced. The Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts associated with geologic conditions that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

Because the majority of the city limits contains existing urban uses, the erosion potential is considered to be low. Limited development could occur within the Milpitas hillside areas. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, Milpitas GP, Zoning Ordinance, and other regulations. The Plans do not include development beyond that described in the Milpitas GP, and does not propose actions that could require non-compliance with the regulations. Therefore, potential impacts on geologic resources that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

The Milpitas GP EIR determined that construction within the city limits allowed by the Milpitas GP would not require the use of septic tanks or alternative wastewater disposal systems; limited use of septic tanks may be required within hillside areas outside the City limits. Implementation of the Sewer System Management Plan and the potential CIP under the Milpitas GP ensure adequate system capacity.

Ground disturbance associated with the Plans would be limited to shallow surface fill and soils in areas that are already developed. Although there could be fossils of potential scientific significance and other unique geologic features that remain undiscovered or are not recorded, implementation of the Milpitas GP policies and actions would ensure steps would be taken to minimize impacts to paleontological resources in the event that they are discovered. The Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts to paleontological resources that would be associated with the modified Plans would be the same as those identified in the certified EIR for the approved Milpitas GP.

Implementation of the Plans would not result in new or increased impacts from that disclosed in the GP EIR because the Plans does not include development beyond that described in the Milpitas GP. Therefore, potential impacts associated with septic tanks or alternative wastewater disposal systems that would be associated with the modified Plans would be the same as the those identified in the certified EIR for the approved Milpitas GP.

## **Conclusion**

The impacts to geologic resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## **3.7 Greenhouse Gases, Climate Change, and Energy**

The greenhouse gases (GHG), climate change, and energy setting relevant to the Plans' site, including applicable regulations, has not appreciably changed since the certification of the Milpitas GP EIR.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to greenhouse gases and energy:

- Less-than-significant impacts related to the potential to generate GHG emissions that could have a significant impact on the environment;
- Less-than-significant impacts related to the potential to conflict with adopted plans, policies, or regulations adopted for the purpose of reducing GHG emissions; and,
- Less-than-significant impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, or conflicting with or obstruct state to local plans for renewable energy or energy efficiency.

## Discussion

The Milpitas GP EIR concluded that implementation of the Milpitas GP would result in an increase in overall GHG emissions but they would be minimized through implementation of the City's Climate Action Plan (CAP). Short term and long term emissions would result from future development projects. Implementation of the Milpitas GP is expected to increase the population of Milpitas, thus increase emissions from vehicles, indirect use of electricity for water usage, and solid waste. Land use modifications and policies identified in the Milpitas GP minimize per capital vehicle miles traveled and per service vehicle miles traveled. The City's CAP would minimize emissions community-wide and streamline review of future development projects. The CAP requires the City to achieve GHG reduction target for 2030 and 2050. The Milpitas GP is consistent with the City's CAP, which has been established to satisfy GHG reduction requirements. The Milpitas GP would not conflict with adopted plans, policies, or applicable regulations related to GHG reductions, because the Milpitas GP includes comprehensive policy approaches. In addition, the Milpitas GP would not conflict with the implementation of regional transportation related GHG targets outlined in Association of Bay Area Governments (ABAG's) Plan Bay Area 2040 because the land use modifications contained in the Milpitas GP, and the corresponding reduction in vehicle miles traveled result in lower emissions than those forecasted in the Plan Bay Area 2040. Implementation of the Plans would result in the same impacts as the approved Milpitas GP EIR because the Plans does not include development beyond that described in the Milpitas GP, and does not propose any actions that would conflict with the CAP. Therefore, potential impacts associated with greenhouse gases, climate change, and energy that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

Buildout of the Milpitas GP would use energy resources for the operation of buildings, for on-road vehicle trips, and from off-road construction activities. Each of these activities would require the use of energy resources. Developers of individual projects within the Milpitas GP area would be responsible for conserving energy, to the extent feasible, and would rely heavily on reducing per capita energy consumption to achieve this goal, including through Statewide and local measures. Additionally, energy-saving regulations, including the latest State Title 24 building energy efficiency standards ("part 6"), would be applicable to the projects developed under the Milpitas GP. Buildout of the Milpitas GP would be consistent with applicable federal, state, and regional regulations regulating energy usage. Buildout of the Milpitas GP would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources nor conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Implementation of the Plans would result in the same impacts as the approved Milpitas GP EIR because the Plans do not include development beyond that described in the Milpitas GP, or proposed actions that would obstruct plans for renewable energy or energy efficiency. Therefore, potential

impacts related to energy resources that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

## Conclusion

The impacts associated with greenhouse gases, climate change and energy with implementation of the Plans would be the same as those analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.8 Hazards and Hazardous Materials

The hazards and hazardous materials setting relevant to the Plans' site, including applicable regulations, has not appreciably changed since the certification of the Milpitas GP EIR. The state and local land use plans, policies, and regulations applicable have not materially changed since adoption of the Milpitas GP EIR. Hazardous materials are monitored by BAAQMD, Regional Water Quality Control Board (RWQCB), Department of Toxic Substances (DTSC) and Certified Unified Program Agencies (CUPA). The Milpitas GP area does not contain airports and therefore does not include actions that would impact air hazards or safety.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to hazards and hazardous materials:

- Less-than-significant impact for the potential to create a significant hazard to the public or the environment through the routine use or accidently release of hazardous materials, emit hazardous emissions, have projects located on a site included on a list of hazardous materials compiled by Government Code, be located within an airport land use plan, or have the potential to interfere with an adopted emergency response or evacuation plan.

## Discussion

Individual projects approved under the Milpitas GP would be required to comply with federal and state Regulations, the Municipal Code, and policies and actions in the Milpitas GP that ensure potential hazards and hazardous materials are identified and projects that are in areas where exposure to hazards or hazardous materials could occur can be mitigated. Future projects that establish business that would emit, or handle hazardous materials would be handled in accordance to federal, state and county requirements. Compliance with federal and state regulations would reduce hazardous conditions on future project sites. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans do not include development beyond that described in the Milpitas GP, or proposed actions that would obstruct plans and regulations for handling hazardous materials. Therefore, potential impacts related to hazardous materials and resources that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

The Milpitas GP may result in increased population in Milpitas. Milpitas is a partner of the Santa Clara County Operation Areas and the Santa Clara County Emergency Management Organization, which provide mutual aid to Milpitas. The City's emergency operation plan (EOP) addresses its emergency planning and response. The Milpitas GP includes goals to enhance safety and ensure emergency procedures are regularly reviewed and up to date. Implementation of the Plans would not result in new or increased impacts from that disclosed in the GP EIR because the Plans do not include development beyond that described in the Milpitas GP, nor would it conflict

with the provisions in the City’s EOP. Therefore, potential impacts to emergency access that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to hazardous resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.9 Hydrology and Water Quality

The hydrology and water quality setting relevant to the Plans’ site, including applicable regulations, has not appreciably changed since the certification of the Milpitas GP EIR. The City is not at significant risk from a dam failure and Santa Clara Water Valley District (Valley Water) Dam Safety Program ensures operation of its 10 major dams in the county. The Milpitas GP area contains manmade lakes with shallow surface areas that would not create devastating seiches. The City is also not a tsunami hazard areas and would not be subject to substantial impacts from seiches.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to hydrology and water quality:

- Less-than-significant impacts related to violation water quality standards or degrading water quality, depletion of groundwater supplies, altering existing drainage, and releasing pollutants.

## Discussion

The Milpitas GP EIR concluded that compliance with Federal, State, and local codes would reduce potential impacts to hydrology and water quality. Existing regulatory requirements that manage water quality include requirements to obtain approval from the RWQCB, obtain National Pollutant Discharge Elimination System (NPDES) permits, develop stormwater pollution prevention plans (SWPPP) and water quality management plans (WQMPs), and implementing best management practices. The Milpitas GP includes policies and actions to enhance stormwater quality, infiltration, and review development projects to identify potential impacts to hydrology and water quality, including stormwater quality and infiltration. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans do not propose actions that would be in non-compliance with existing regulatory requirements. Therefore, potential impacts related to water quality and stormwater infiltration that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

Buildout and implementation of the Milpitas GP would not significantly add to the volume of impervious surfaces in the Milpitas GP area when compared to the overall size of the regional basin recharge area. Though no mitigation is required, the Milpitas GP includes policies to support the use of permeable surfaces with recycled water for non-potable use and coordination with local water districts. The Milpitas GP is consistent with the Groundwater Management Plan. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans does not include development beyond that described in the Milpitas GP. Therefore, potential impacts related to stormwater runoff and groundwater recharge that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

The Valley Water is responsible for regional flood control planning within the County. The Milpitas GP includes policies to reduce flooding and stormwater pollution from new development and enhance natural storm drain features. Implementation of the Plans would not result in new or increased impacts from that disclosed in the GP EIR because the Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts on hydrology and water quality resources that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to hydrology and water quality resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.10 Land Use Planning and Population/Housing

The state and local land use plans, policies, and regulations applicable at land use and planning, and population and housing have not materially changed since adoption of the Milpitas GP EIR.

### Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to land use planning and population/housing:

- Less-than-significant impacts related to physically dividing an established community, inducing substantial unplanned population growth in the area, and displacing substantial number of existing people or housing.

### Discussion

The Milpitas GP EIR determined that the land uses allowed under the proposed Milpitas GP provide opportunities for cohesive new growth at in-fill locations within existing urbanized areas of the city, and would not create physical division within the community. New development and redevelopment projects would be designed to complement the character of the existing community and neighborhoods and provide connectivity between existing development and new development. The Milpitas GP includes policies to ensure that future development is compatible with adjacent communities and land issues. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans do not include development beyond that described in the Milpitas GP, or propose actions that would conflict with land use policies. Therefore, potential impacts related to physically dividing an established community that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

The Milpitas GP EIR determined that the Milpitas GP would not conflict with continued application of State land use plans, policies, and regulations adopted to avoid or mitigate environmental effects. Subsequent development and infrastructure projects would be required to be consistent with all applicable policies, standards, and regulations, including those land use plans, policies, and regulations adopted to mitigate environmental effects by the City as well as those adopted by agencies with jurisdiction over components of future development projects. The Milpitas GP includes policies to ensure that the Milpitas GP does not conflict with any and use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans do not include development beyond that described in the Milpitas GP, or propose actions that would conflict with policies for avoiding or mitigating an environmental effect. Therefore, potential impacts related to conflicting with any land use plan, policy, or



regulation adopted for the purpose of avoiding or mitigating an environmental effect that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

The Milpitas GP EIR concluded that with implementation of Milpitas GP policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the proposed General Plan, the infrastructure anticipated to accommodate proposed land uses, and the goal and policy framework would not induce growth that would exceed adopted thresholds, beyond those disclosed and analyzed throughout the Milpitas GP EIR. The majority of developed land in the Milpitas GP area is comprised of residential uses, which are not anticipated to undergo significant land use changes under the proposed Milpitas GP. The Milpitas GP Land Use Map was developed to preserve existing neighborhoods throughout the City. Additionally, the Land Use Element includes policies and actions aimed at preserving housing options, and providing attainable housing opportunities for all residents. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans does not include development beyond that described in the Milpitas GP. Therefore, potential impacts related to growth that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to land use planning/population/ housing with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.11 Mineral Resources

The mineral resources setting relevant to the Plans site, including applicable regulations, has not appreciably changed since the certification of the Milpitas GP EIR. The Milpitas GP area contains four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. These areas, located in the foothills outside City limits, are part of the South San Francisco Bay Production-Consumption Region and contain sandstone deposits. All of the areas are being currently quarried.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to mineral resources:

- Less-than-significant impacts related to loss of availability mineral or locally- important mineral resources.

## Discussion

The Milpitas GP EIR determined that proposed new urban uses available for development are within the City limits and would not be developed within an identified regional mineral resource area or mining operation and therefore would not preclude mineral extraction within existing mineral resources area. Access to mineral resource areas would be considered on a project specific basis. Implementation of the proposed Milpitas GP would not result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, as the proposed Milpitas GP don't not re-designate any new lands for urban development within the hillside areas. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts related to mineral resources that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to mineral resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.12 Noise

The noise setting relevant to the Plans' site, including applicable regulations, has not appreciably changed since the certification of the Milpitas GP EIR. Noise exposure in the City is associated with traffic and railroad operation, as well as stationary sources (i.e., parking lots, loading docks, parks, schools, and other commercial/retail use noise sources). One notable fixed noise source in Milpitas is the Milpitas Materials Company concrete plant.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to noise:

- Significant-and-unavoidable impact related to exposure to significant traffic noise sources.
- Less-than-significant impact due to excessive railroad noise sources.
- Less-than-significant impact due to excessive stationary noise sources.
- Less-than-significant impact due to increased construction noise sources.
- Less-than-significant impact due to construction vibration or exposure to ground borne vibration.

## Discussion

Buildout of the Milpitas GP may result in an exceedance of the City's transportation noise standards. Policies are included in the Milpitas GP to minimize exposure to excessive noise, including noise associated with traffic; however, even with implementation of the Milpitas GP policies, increased traffic noise under full buildout would exceed applicable noise exposure criteria. The Milpitas GP EIR concluded that this impact is significant and unavoidable. Implementation of the Plans would essentially be the same as under the approved Milpitas GP because the Plans would not include development beyond that described in the Milpitas GP. Therefore, potential impacts related to traffic noise that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

Development under the Milpitas GP would not be expected to exceed noise levels associated with railroad operations that would be in excess of the City's standards. The Milpitas GP does allow for extension of railroad noise contours for railroad lines. Future development along these lines could be exposed to elevated railroad noise levels. The Milpitas GP includes policies to minimize exposure to excessive noise and support noise-compatible land uses in the vicinity of railroad noise sources. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans do not include development beyond that described in the Milpitas GP, or propose actions that would conflict with the applicable Milpitas GP policies. Therefore, potential impacts related to railroad noise that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

The Milpitas GP EIR found that the Milpitas GP could result in future non-transportation development of land use that would generate noise in excess of the City's noise standards. The Milpitas GP includes measures for

noise from stationary sources such as air conditioning/heating systems, car washes, daycare facilities, and recreational uses. These policies require commercial studies for commercial and industrial development and project-specific mitigation in noise attenuation. The policies comply with the City's noise standards and would reduce potential exposure to excessive noise from future development. Construction noises from development would also be subject to policies in the Milpitas GP that reduce construction noise. Noise from construction would be temporary and not ongoing. Demolition and excavation of project sites could cause excess noise; however, the Milpitas GP also has measures to ensure administrative controls and notify neighbors of scheduled construction activities. The Plans would have the same impacts related to noise as those identified in certified EIR for the approved Milpitas GP because the Plans do not include development beyond that described in the Milpitas GP, nor would it conflict with policies to address noise exceedances. Therefore, potential impacts associated with exposure to noise in excess of City's standards that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

The Milpitas GP EIR found that the construction activities facilitated by implementation of the Milpitas GP may result in vibrational noise. The Milpitas GP includes policies and actions for administrative controls during construction to ensure perceptual vibrational impact be kept to a minimum, such as notifying neighbors of scheduled construction activities and scheduling construction with the highest perceptible vibration during hours with the least potential to affect nearby business. The Milpitas GP EIR found that development of the Milpitas GP could expose persons to excessive ground borne vibration from railroad trains. The Milpitas GP requires development projects to undergo project-specific environmental review and address potential impacts associated with ground borne vibration and the railroad. Policies require development within 100 feet of rails to ensure vibration experienced by residents would not exceed Federal Transit Administration (FTA) guidelines. The Plans would have the same impacts related to vibration as those identified in certified EIR for the approved Milpitas GP because the Plans does not include development beyond that described in the Milpitas GP, nor would it conflict with policies to address ground borne vibration. Therefore, potential impacts associated with construction vibration and ground borne vibration that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

## Conclusion

The noise and vibration impacts with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.13 Public Services and Recreation

The public services and recreation setting relevant to the Plans' site, including applicable regulations, has not appreciably changed since the certification of the Milpitas GP EIR. The Milpitas Fire Department is responsible for fire suppression, emergency medical services, rescue services, coordination of City-wide disaster response efforts, enforcement of fire and life safety codes, enforcement of State and Federal hazardous materials regulations, and investigation of fire cause, arson and other emergency events for cause and origin. The Milpitas Police Department provides law enforcement services for the City. Parks, trails, and recreational facilities in the City are managed by the Recreation and Community Services Department and maintained by the Public Works Department. The City has 38 parks and a total of approximately 177.8 park acres. In addition, 183 acres of open space owned by the City are publicly accessible. The Milpitas Public Library is the only public library located in the City. The City also has a community center, a senior center and a sports center.

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to public services and recreation:

- Less-than-significant impacts related to adverse physical impacts on the environment associated with the need for new government facilities, and physical impacts associated with deterioration of parks and recreation facilities.

## Discussion

The Milpitas GP EIR concluded that new facilities will be needed to serve growth contemplated in the Milpitas GP. The Milpitas GP includes a range of policies and actions to ensure that public services adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services. Any new parks or recreational facilities that may be constructed in the future would be primarily provided on sites with land use designations that allow such uses and the environmental impacts of constructing and operating the parks and recreational facilities would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the Milpitas GP. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts related to public services and recreation that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to public services with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

## 3.14 Transportation

The transportation setting relevant to the Plans' site has not appreciably changed since the certification of the Milpitas GP EIR. The City adopted a vehicles miles traveled (VMT) policy in May 2021.<sup>3</sup>

## Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to transportation facilities:

- Less-than-significant impacts related to 1) potential to conflict with programs, plans, ordinances, or policies, addressing the circulation system; 2) potential to substantially increase hazards due to geometric design features; and 3) potential to result in inadequate emergency access.
- Potentially significant impact relating to conflicting with or being inconsistent with CEQA Guidelines section 15064.3.

## Discussion

The Milpitas GP contains a number of minimization measures that focus on multimodal transportation in Milpitas and support a variety of transportation plans and the Plans. Policies included minimize the negative impacts improvements on mode of transportation may have on another. Implementation of the Plans would be the same as

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<sup>3</sup> <https://www.ci.milpitas.ca.gov/wp-content/uploads/2021/06/Final-VMT-Policy-with-Reso-and-Heat-Maps-1.pdf>

the approved Milpitas GP EIR because the Plans do not propose any actions that would conflict with policies addressing the circulation system. Therefore, potential impacts related to multimodal transportation that would be associated with the Plans as modified in the Plans would be the same as the approved Milpitas GP. The Milpitas GP EIR determined that because the City has not adopted a standard of significance for evaluating VMT at the time the Milpitas GP EIR was prepared, guidance provided by the California Governors' Office of Planning and Research (OPR) in the *Technical Advisory on Evaluating Transportation Impacts* in CEQA, 2018, was used. Average residential VMT per capita was below the threshold of significance identified in the technical advisory. Average employee VMT per employee was found to be above the threshold of significance. The Milpitas GP includes a number of goals, policies, and actions to reduce VMT. Future projects would be required to complete their own VMT analyses based on VMT policies and thresholds. Because these impacts cannot be guaranteed to be less than significant, the Milpitas GP EIR concluded that this impact is significant and unavoidable. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the newly adopted City VMT guidance is generally consistent with OPR's guidance, and would not change the conclusions of the Milpitas GP EIR, and the Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts related to VMT that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

At such time as the facilities presented in the Milpitas GP are implemented, they would be required to meet applicable City, federal, and state design standards. The Milpitas GP also includes policies to emphasize consideration of the needs of all transportation users, including safety as well as comfort, which may exceed minimum design requirements. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts related to design hazards that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

The Milpitas GP would include modifications to the existing transportation network which would potentially affect emergency access response times. Future development under the Milpitas GP would be subject to the City's Design and Construction Standards, which includes requirements for emergency access, and would be reviewed by public safety officials as part of the City's project entitlement process. The Milpitas GP also includes policies to focus on the need to consider safety needs as part of planning and implementing transportation improvements. Implementation of the Plans would be the same as the approved Milpitas GP EIR because the Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts related to emergency access that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

## Conclusion

The impacts to transportation resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Significant and Unavoidable])**

### 3.15 Utilities and Services Systems

The utilities and services systems setting relevant to the Plans' site, including applicable regulations, has not appreciably changed since the certification of the Milpitas GP EIR.

#### Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to utilities and service systems:

- Less-than-significant impacts related to the potential to result in sufficient water supplies available to serve the City and reasonable foreseeable future development.
- Less-than-significant impacts relate to the construction of new water, wastewater, and storm drainage treatment facilities or expansion of existing facilities.
- Less-than-significant impacts for complying with federal, state, and local solid waste management regulations.

#### Discussion

Implementation of the Milpitas GP would allow population growth, which would increase the demand for additional water supplies. When comparing potable water demand to the supply available, the Milpitas GP EIR determined that the City would have ample water supply to serve buildout of the Milpitas GP. The Milpitas GP includes plans and policies to ensure adequate and cleans sources of potable water. The projected 2040 waters supplies are sufficient to support demand that would be generated from population increase in Milpitas. Wastewater generation associated with the Milpitas GP would not exceed projected wastewater generation volumes in the 2016 City Sewer System Management Plan and the 2020 urban water management plan (UWMP). Though the individual projects may result in increased areas of impervious surfaces throughout Milpitas, resulting in demand for stormwater drainage, conveyance, and retention infrastructure, the Milpitas GP includes policies and actions to ensure adequate infrastructure is available for stormwater conveyance, and to minimize potential adverse impacts. The Milpitas GP does not result in a need for new or and expansion of existing water, wastewater, or storm water drainage facilities, however future projects will have to be in conformance with the Milpitas GP, Municipal Code and applicable regulations. The City's buildout of the Milpitas GP is within the permitted capacity of the Newby Island landfill nearby, thus the Milpitas GP would not generate waste in excess of the capacity of local infrastructure. Future projects within the Milpitas GP area would be required to comply with applicable state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling. While there is adequate permitted landfill capacity to accommodate future growth, the proposed Milpitas GP includes actions to further reduce the project's impact on solid waste services. Implementation of the Plans would not result in new or increased impacts from that disclosed in the GP EIR because the Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts on utilities and service systems that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

#### Conclusion

The impacts to utilities and service system resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**

### 3.16 Wildfire

The wildfire setting relevant to the Plans' site, including applicable regulations, has not appreciably changed since the certification of the Milpitas GP EIR. The City or the general vicinity is not categorized as a Very High Fire Hazard Severity Zone by CalFire. Areas east of the City within the sphere of influence are designated as High Fire Hazard Severity Zone by Calfire.

#### Findings of Certified EIR

The Milpitas GP EIR identified the following impacts related to wildfire:

- Less-than-significant impact related to impairing adopted emergency response plans, exacerbating wildfire risks, requiring installation of associate infrastructure, and exposing people or structures to significant risks.

#### Discussion

The Milpitas GP includes policies to ensure that the City maintains adequate emergency access as well as staffing, training, station locations, emergency response. Important new critical facilities would also be located to ensure resiliency and functionality in the event of a natural disaster. Implementation of the Plans would not result in new or increased impacts from that disclosed in the GP EIR because the Plans do not include development beyond that described in the Milpitas GP, nor would it conflict with the provisions in the City's EOP. Therefore, potential impacts related to impairing an adopted emergency response plan or emergency evacuation plan that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

As indicated in the Milpitas GP EIR, the Plans' site is not within a Very High Fire Hazard Severity Zone. Nothing in the Milpitas GP will substantially alter the slope, prevailing winds, or other factors that would increase exposure to Milpitas residents, employees or visitors to increased pollutant concentrations from wildfire or result in the uncontrollable spread of a wildfire. Development of such infrastructure may increase wildfire risks in

the affected areas. The Milpitas GP includes policies and actions related to minimizing wildfire risk.

Development allowed under the Milpitas GP would be required to comply with the applicable provisions of the California Building Code (CBC), and CA Fire Code (CFC). Implementation of the Plans would not result in new or increased impacts from that disclosed in the GP EIR because the Plans do not include development beyond that described in the Milpitas GP. Therefore, potential impacts related to wildfire risk plan would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

The Milpitas GP would allow development and improvement projects that would involve some land clearing, grading, and other ground-disturbing activities that could temporarily increase soil erosion rates during and shortly after project construction. The topography in the urban portions of the Milpitas GP area is considered relatively flat and would generally not be subject to debris flows. portions of the sphere of influence may be exposed to potential risks associated with landslides, debris flows, and flooding in the weeks, months following the fire as a result in changes to the vegetative cover of the land and the rain absorption capacity of the soil. The Milpitas GP includes policies and actions related to minimizing exposure of people or structures to significant risks. Each subsequent development project or improvement project would be evaluated for conformance with the CBC, Zoning Ordinance, and other regulations, and will require an approved SWPPP that includes best management practices for grading and preservation of topsoil. Implementation of the Plans would not result in

new or increased impacts from that disclosed in the GP EIR because the Plans do not include development beyond that described in the Milpitas GP, nor would it conflict with regulations for managing risks. Therefore, potential impacts related to significant risks that would be associated with the modified Plans would be the same as those identified in certified EIR for the approved Milpitas GP.

## **Conclusion**

The impacts to wildfire resources with implementation of the Plans would be the same as that analyzed in the Milpitas GP EIR. No new or more significant impacts beyond those identified in the certified Milpitas GP EIR would result. **(Same Impact as Previously Approved Project [Less than Significant])**



## 4.0 Conclusions and Recommendations

As discussed in the Introduction section, the CEQA Guidelines (Sections 15162 and 15164) require that a lead agency prepare an addendum to a previously Certified EIR if some changes or additions to the environmental evaluation of a project are necessary, but none of the following occurs:

1. There are no substantial changes in the project which require major revisions to 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. There are no substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. No 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, which 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; The project will result in impacts substantially more adverse than those disclosed in the EIR; or
  - d. 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.

CEQA Guidelines section 15164 requires that an addendum include a brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162. CEQA Guidelines Section 15162 pertaining to subsequent EIRs indicates that:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration 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 or Negative Declaration 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 or the Negative Declaration was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (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
  - (D) 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.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.
- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Environmental review of the Plans, along with environmental review prepared for the Certified Milpitas GP EIR have led the City to conclude that the Plans would not result in any new impacts not previously disclosed in the Certified EIR; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified. For these reasons, an addendum to the Certified EIR would be sufficient to meet the requirements of CEQA Section 15164 and that an addendum need not be circulated for public review but can be included in or attached to the final EIR. This Addendum also serves as documentation that the proposed Plan changes do not trigger any of the conditions in CEQA Guidelines Section 15162; therefore, a subsequent EIR is not required.