



## 2023-2031 Housing Element Update

Addendum Evaluation  
State Clearinghouse #2020070348

*prepared by*

**City of Milpitas**

Department of Planning and Neighborhood Services  
455 East Calaveras Boulevard  
Milpitas, California 95035  
Contact: Hanson Hom, Senior Special Projects Associate

*prepared with the assistance of*

**Rincon Consultants, Inc.**  
449 15th Street, Suite 303  
Oakland, California 94612

**December 2022**

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**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

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# Acronyms and Abbreviations

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AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADU	accessory dwelling unit
AMI	Area Median Income
CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
FHSZ	Fire Hazard Severity Zone
GHG	greenhouse gas
HCD	California Department of Housing and Community Development
MXD2	high-density mixed use
NCMU	Neighborhood Commercial Mixed-Use
RHNA	Regional Housing Needs Assessment
SB	Senate Bill
SOI	Sphere of Influence
SR	State Route
VMT	vehicle miles travelled

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# 1 Introduction and Project Summary

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## 1.1 Project Title

City of Milpitas 2023-2031 Housing Element

## 1.2 Lead Agency/Project Sponsor Name and Address

City of Milpitas  
455 East Calaveras Boulevard  
Milpitas, California 95035

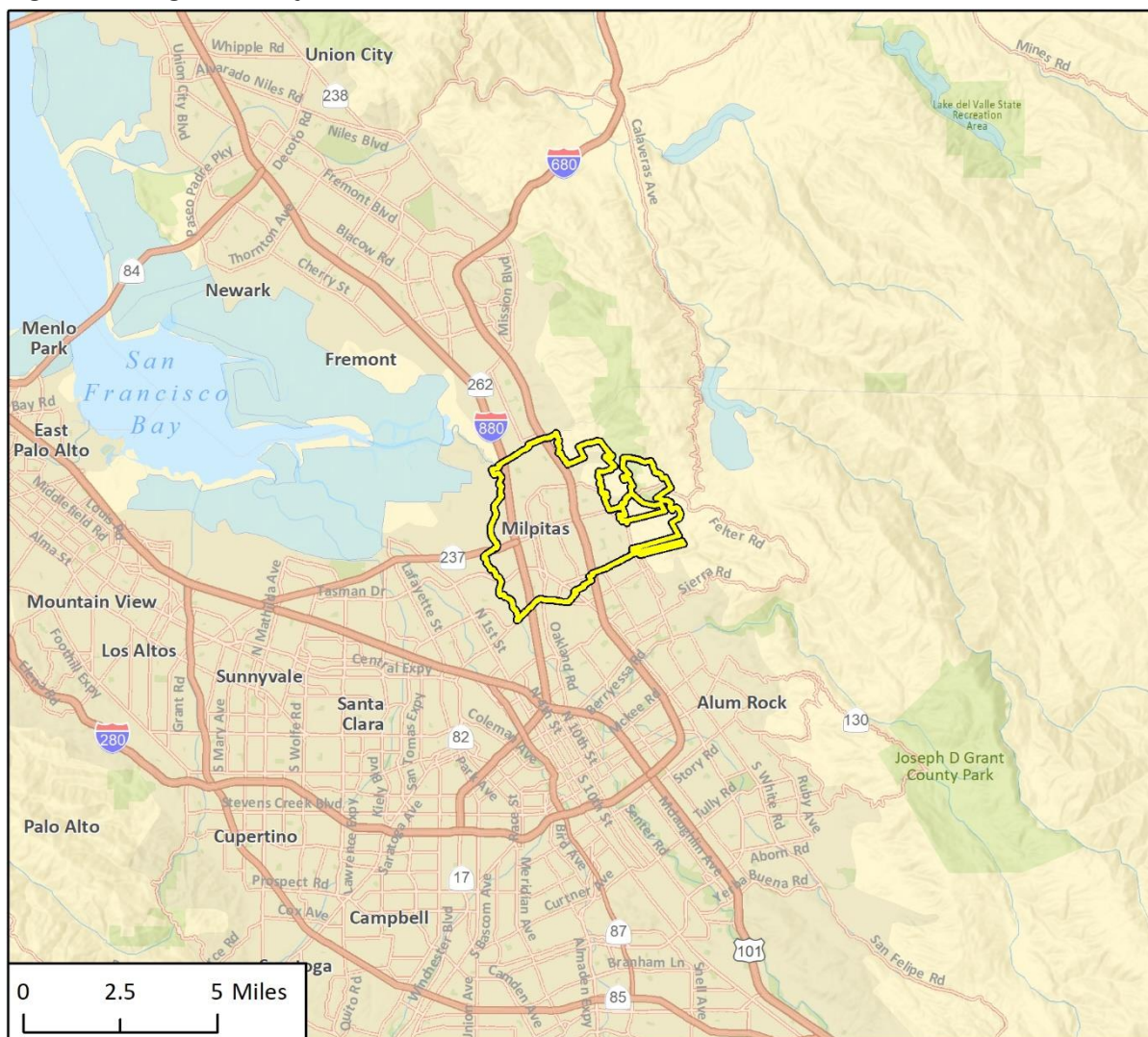
## 1.3 Contact Person and Phone Number

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Senior Special Projects Associate  
City of Milpitas  
[hhom@milpitas.gov](mailto:hhom@milpitas.gov)  
(408) 586-3279

## 1.4 Project Location

The City of Milpitas (City) is located in Santa Clara County, approximately 28 miles east of the Pacific Ocean and 38 miles southeast of San Francisco. The city is located north of the city of San Jose, east of the city of Mountain View, and south of the city of Fremont. Much of the city is situated between two major freeways (Interstate I-880 and I-680), State Route 237, and a County expressway. The Housing Element update's planning boundaries coincide with Milpitas's city limits, which are depicted in Figure 2 and Figure 1, respectively. The City of Milpitas Sphere of Influence (SOI) is not included in the Housing Element update project boundaries.

### Figure 1 Regional Project Location



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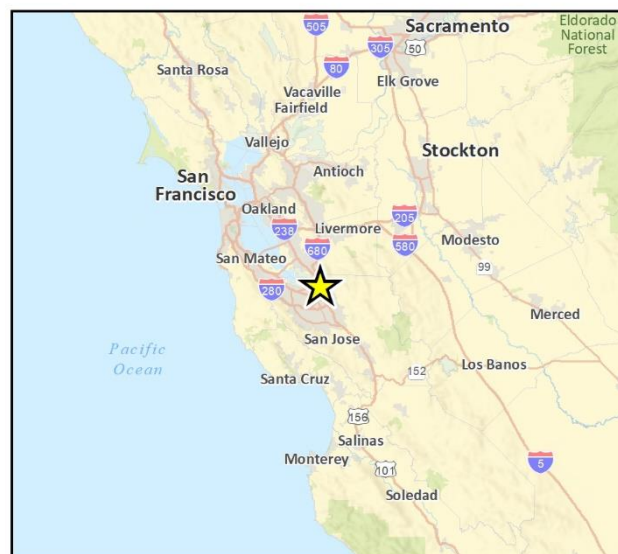
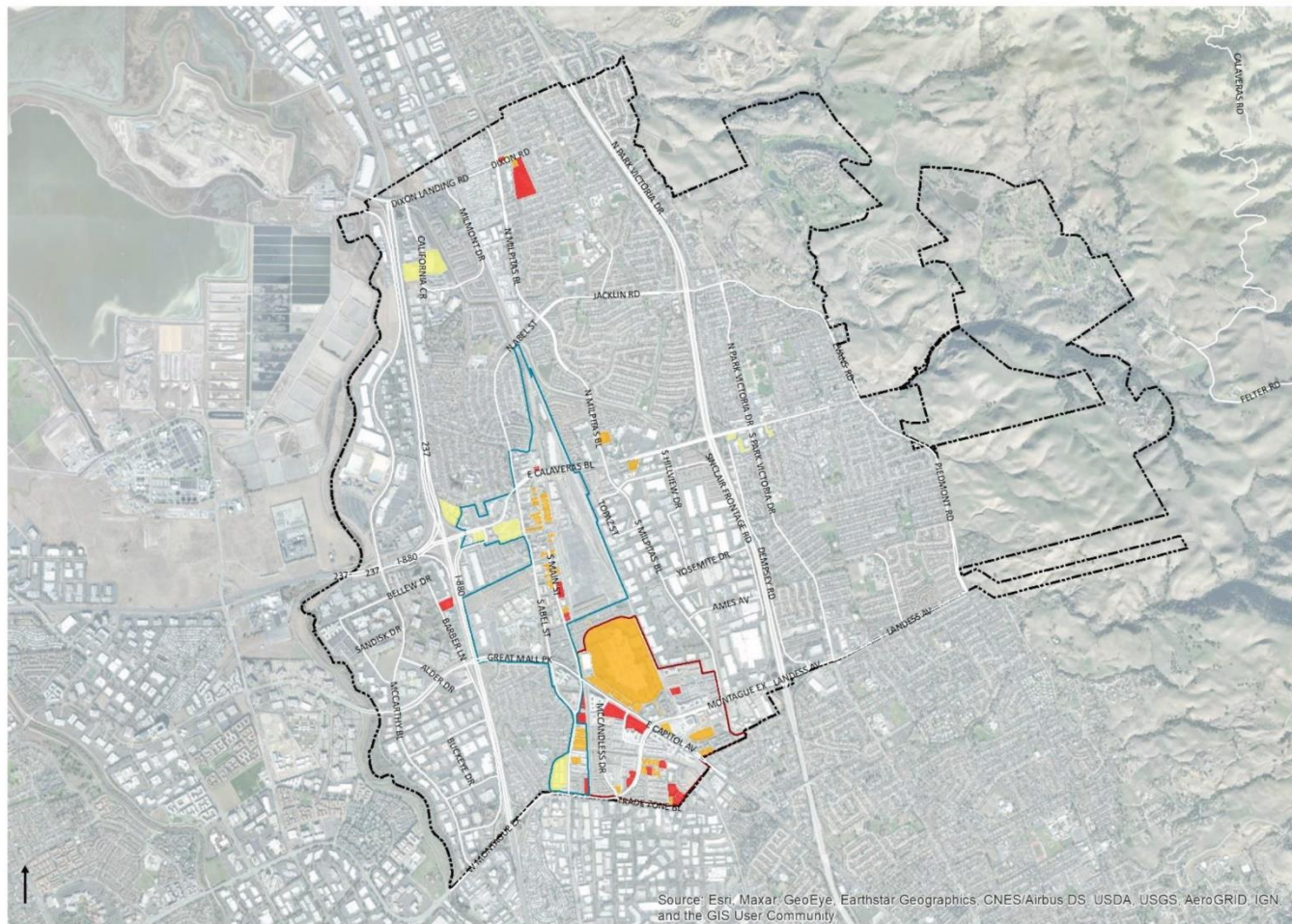




Figure 2 Housing Sites Inventory Map



  Gateway-Main St Specific Plan
   Pipeline Sites
   Opportunity Sites
   Rezone Sites
   Metro Specific Plan

0 0.5 1  
Miles N

Source: City of Milpitas, 10/2021.

Not To Scale

## 1.5 Project Description

The project consists of a comprehensive update to the City of Milpitas Housing Element (herein referred to as “Housing Element update” or “project”). The City’s General Plan underwent extensive environmental review in the form of an Environmental Impact Report (EIR), which was certified in 2021. The Milpitas General Plan EIR is a comprehensive document and includes discussion of alternatives and growth-inducing impacts associated with urban development in the city at the time it was developed.

State law requires that housing elements be updated every eight years (California Government Code Sections 65580 to 65589.8). The Housing Element update identifies residential sites adequate to accommodate a variety of housing types for all income levels and needs of special population groups, defined under State law (California Government Code Section 65583). It analyzes governmental constraints to housing maintenance, improvement, and development; addresses conservation and improvement of the condition of existing affordable housing stock; and outlines policies that promote housing opportunities for all persons. The City’s Housing Element is being updated as part of the State’s 6<sup>th</sup> cycle Regional Housing Needs Allocation (RHNA). For Milpitas, the planning period runs from 2023 through 2031.

The project would bring the City’s Housing Element into compliance with State legislation passed since the publication of the previous (5<sup>th</sup> Cycle) Housing Element (adopted in 2015). The Housing Element update includes a housing sites inventory (Appendix E of the Housing Element) that demonstrates how the City plans to meet its 6<sup>th</sup> cycle RHNA. However, no physical development is proposed at the time of adoption of the Housing Element.

The Housing Element update establishes a Housing Plan designed to guide future development as the City works to achieve State-mandated housing goals. Future development will require project-specific developmental review as potential impacts are location-specific and cannot be assessed in a meaningful way until a project site and development proposal are identified. When a specific development proposal is considered for approval, that project would be subject to adopted development guidelines/standards and it must incorporate applicable mitigation measures and alternatives developed in the General Plan EIR (in accordance with *CEQA Guidelines* Section 15168[c][3]). If a subsequent activity (in this case a specific development proposal) would have effects not identified in the program EIR (the General Plan EIR and this Addendum), the City must prepare additional environmental documentation to comply with CEQA.

This Addendum, therefore, analyzes the changes and potential impacts related to the adoption of Housing Element update. This Addendum is intended to demonstrate consistency of the Housing Element update with the existing General Plan EIR to comply with CEQA. In particular, and in line with Public Resources Code Section 21083.3, this Addendum assesses whether the Housing Element update, as a policy and programs document, includes impacts not addressed or previously analyzed in the General Plan EIR.

The Housing Element update addresses potential sites that can be rezoned to allow residential uses or greater residential densities. The Specific Plan updates, which will be completed in 2023, will determine ‘C2 General Commercial’ sites in the Gateway-Main Street Specific Plan and Milpitas Metro Specific Plan planning areas. These sites include:

- **Sobrato Sites (R-1).** Anticipated to convert to High-Density Mixed Use (MXD2) in the ongoing Gateway-Main Street Specific Plan update. The assumed maximum density on these sites is 40 dwelling units per acre du/ac.

- **Serra Center Sites (R-2).** Anticipated to convert to MXD2 in the ongoing Gateway-Main Street Specific Plan update. The assumed maximum density on these sites is 40 du/ac.
- **South Bay Tech Center Site (R-3).** Anticipated to convert to MXD in the ongoing Gateway-Main Street Specific Plan update. The assumed maximum density on these sites is 30 du/ac.
- **Great Mall Site (O-50).** Approximately three-quarters of this 99-acre site will be rezoned to Residential Retail High Density Mixed Use (RRMU), with the remaining quarter rezoned to Boulevard Very High Density Mixed Use (BVMU) in the Milpitas Metro Specific Plan. The allowed density of RRMU is between 40 and 85 dwelling units per acre, and the allowed density of BVMU is between 85 and 120 dwelling units per acre.
- **Northwoods Shopping Center Site (O-39).** This site, located at 777 East Capitol Avenue, will be rezoned to RRMU in the Milpitas Metro Specific Plan. The allowed density of RRMU is between 40 and 85 dwelling units per acre.

Through the 2021 General Plan Update, the City established a new Neighborhood Commercial Mixed-Use (NCMU) designation. The designation allows 1 dwelling unit per 1,500 square feet of commercial. With the provision of the maximum allowed non-residential floor-area-ratio (FAR) of 0.75, the residential portion of the project would be limited to the maximum residential density of 21 dwelling units per acre. The General Plan EIR studied 1,578 new housing units at plan buildout in the NCMU designation.

Through the constraints analysis and ongoing Housing Element Program 15, the Housing Element also identifies the need to increase the residential density of the NCMU designation in the General Plan to from 21 du/ac to 30 du/ac, consistent with the proposed Housing Opportunity Zone (HOZ) Project. This change would reduce constraints to housing on NCMU sites and accommodate affordable housing units in the sites inventory. The NCMU rezoning sites are shown on Figure 2.

Consistent with its focus on preparing a conservative sites inventory that identifies adequate capacity for feasible future housing development, the Housing Element Site Inventory calculates site capacity as 70 percent of maximum allowed density in the NCMU. Therefore, the assumed density in the NCMU is 21 du/ac, consistent with the maximum allowed density in the 2021 General Plan Update and EIR<sup>1</sup>. Any future development proposals that would result in a density greater than 21 du/ac in the NCMU would require separate subsequent environmental evaluation.

Projects addressed in the Specific Plan updates can tier off of the program-level Specific Plan EIRs.

## 1.6 Discretionary Action

Implementation of the Housing Element would require the following discretionary actions by the City of Milpitas Planning Commission/City Council:

- Approval of an Addendum to the General Plan EIR
- Approval of a General Plan Amendment to incorporate the 2023-2031 Housing Element update

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<sup>1</sup> The Housing Element update includes a program to review and amend the Zoning Ordinance to address constraints to residential development for the Town Center (TC) and Neighborhood Commercial Mixed Use (NCMU) Zoning Districts. The City will undertake a comprehensive Zoning Ordinance update starting in 2023 which is expected to be completed and adopted by 2024.

The California Department of Housing and Community Development (HCD) reviews and determines whether the proposed Housing Element complies with State law. Aside from HCD, no other approvals by outside public agencies are required.

## 1.7 Prior Environmental Document(s)

City of Milpitas, General Plan Update Environmental Impact Report (General Plan Update EIR). State Clearinghouse Number 2020070348, certified March 2021.

## 1.8 Location of Prior Environmental Document(s)

City of Milpitas, Planning Department Website:

<https://www.milpitas.gov/milpitas/departments/environmentaldocuments/#1628098804620-bea5329a-9f62>

## 2 Project Context

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The California Legislature has identified the attainment of a decent home and suitable living environment for every resident as the State’s major housing goal. Recognizing the important role of local planning programs in pursuing this goal, the legislature mandated that all cities and counties prepare a housing element as part of their comprehensive general plans. Government Code Sections 65580 to 65589.8 set forth the specific components to be contained in a community’s housing element.

### 2.1 Purpose of the Housing Element

The Housing Element of the General Plan is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community. A priority of both State and local governments, Government Code Section 65580 states that “the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.”

Pursuant to State law, the Housing Element has two main purposes:

1. To provide an assessment of both current and future housing needs and constraints in meeting these needs
2. To provide a strategy that establishes housing goals, policies, and programs

The Housing Element is one of the eight General Plan elements the State mandates in Government Code Section 65302. The Housing Element serves as an integrated part of the General Plan but is updated more frequently to ensure its relevancy and accuracy. The Housing Element identifies strategies and programs that focus on:

1. Conserving and improving existing affordable housing
2. Maximizing housing opportunities throughout the community
3. Assisting in the provision of affordable housing
4. Removing governmental and other constraints to housing investment
5. Promoting fair and equal housing opportunities

The residential character of Milpitas is largely determined by the variety, location, and maintenance of its housing. The Housing Element is an official response to the need to provide housing for all economic segments of the population, establishing goals, policies, and programs that will guide City decision making and set forth an action plan to implement these housing programs through an established planning period.

### 2.2 Updates to the Housing Element

State law requires that housing elements be updated every eight years (California Government Code Section 65588). The Housing Element must identify residential sites adequate to accommodate a variety of housing types for all income levels and to meet the needs of special population groups as

defined under State law (California Government Code Section 65583). The Housing Element analyzes market and governmental constraints to housing maintenance, improvement, and development; addresses conservation and improvement of the condition of existing affordable housing stock; and outlines policies that promote housing opportunities for all persons.

The City of Milpitas Housing Element is now being updated as part of the 6<sup>th</sup> Cycle, and the period runs from January 31, 2023, to January 31, 2031.

## 2.3 Regional Housing Needs Allocation

The RHNA reflects the HCD's determination of the projected housing needs in a region by household income level as a percent of the Area Median Income (AMI). The Association of Bay Area Governments (ABAG) was tasked with allocating this regional housing need among the jurisdictions in the ABAG region, which includes Santa Clara County. Table 1 shows the breakdown of the RHNA for the City of Milpitas during the 2023-2031 planning period.

**Table 1 2023-2031 Regional Housing Need Allocation**

Income Group	Milpitas Unit Needs	Percent of Total Units	Regional Unit Needs (ABAG)	Percent of Regional Units
Very low ( $\leq$ 50% AMI)	1,685	25%	114,442	25.9%
Low ( $>$ 50-80% AMI)	970	14%	65,892	14.9%
Moderate ( $>$ 80-120% AMI)	1,131	17%	72,712	16.5%
Above Moderate ( $>$ 120% AMI)	2,927	44%	188,130	42.6%
<b>Total</b>	<b>6,713</b>	<b>100%</b>	<b>441,176</b>	<b>100%</b>

AMI = Area Median Income (established annually by the Department of Housing and Urban Development)

Source: ABAG 2022

The City had 78,567 households as of January 2022 (California Department of Finance [DOF] 2022). As of January 2022, 69.8 percent of housing units were single-family, including 52.8 percent single-family detached units and 17.1 percent single-family attached units; multi-family dwelling units comprised 28.3 percent of the city's housing stock; and the remaining 1.9 percent were mobile homes (DOF 2022).

## 2.4 Changes in State Law

The following items represent substantive changes to State housing law since the City's last Housing Element was adopted and certified in 2015. The Housing Element update has incorporated and addressed all pertinent housing law changes.

- Affordable Housing Streamlined Approval Process: Senate Bill (SB) 35 (2017)
- Additional Housing Element Sites Analysis Requirements: Assembly Bill (AB) 879 (2017) and Assembly Bill 1397 (2017)
- Affirmatively Furthering Fair Housing: AB 686 (2017)
- No-Net-Loss Zoning: SB 166 (2017)

- By Right Transitional and Permanent Supportive Housing: AB 2162 (2018) and AB 101 (2019)
- Housing Crisis Act of 2019: SB 330
- Emergency and Transitional Housing Act of 2019: AB 139 (2019)
- California Housing Opportunity and More Efficiency (HOME) Act: SB 9 (2021)
- Accessory Dwelling Units: AB 2299 (2016), SB 1069 (2016), AB 494 (2017), SB 229 (2017), AB 68 (2019), AB 881 (2019), AB 587 (2019), SB 13 (2019), and AB 671 (2019)

## 2.5 City of Milpitas General Plan

State law mandates that each city and county in California adopt "a comprehensive, long-term general plan," for the physical development of its planning area. The Milpitas General Plan planning area includes all lands within the incorporated city limits and SOI. The purpose of the General Plan is to plan for important community issues such as new growth, housing needs, and environmental protection. Furthermore, the General Plan is used to project future demand for services such as sewer, water, roadways, parks, and emergency services.

The Milpitas General Plan, adopted in March 2021, is a long-term document which identifies the community's vision for the future and provides a framework that will guide decisions on growth, development, and conservation of open space and resources in a manner that is consistent with the quality of life desired by the city's residents and businesses.

The General Plan policy document contains the goals and policies that will guide future decisions within the city and identifies action items (implementation measures) to ensure the vision and goals of the General Plan are carried out. The General Plan also contains a land use diagram, which serves as a general guide to the distribution of land uses throughout the city.

State law requires that every General Plan, at a minimum, address certain subject categories (called "elements"), which include land use, circulation, housing, conservation of natural resources, open space, noise, and safety. A General Plan may also address other subjects that are of importance to the community future, such as sustainability, community design, and public art. Milpitas' General Plan includes the following elements:

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| ▪ Land Use                        | ▪ Utilities and Community Services  |
| ▪ Circulation                     | ▪ Safety                            |
| ▪ Community Design                | ▪ Noise                             |
| ▪ Economic Development            | ▪ Parks, Recreation, and Open Space |
| ▪ Conservation and Sustainability | ▪ Community Health and Wellness     |

## 2.6 Milpitas General Plan EIR

The City of Milpitas General Plan Update EIR (herein called the General Plan EIR) addressed the potential environmental effects of the planned buildout of Milpitas through the year 2040 and concluded that implementation of the General Plan would result in levels of environmental impacts as detailed in Table 2. Mitigation measures were incorporated into the General Plan EIR to reduce potential impacts from project development under the General Plan.

**Table 2 Summary of Areas of Potential Impact under the General Plan EIR**

<b>Issue Area</b>	<b>Level of Significance after Mitigation</b>	<b>Mitigation Proposed in the General Plan EIR</b>
Aesthetics	Less than Significant	None
Agricultural and Forest Resources	Less than Significant	None
Air Quality	Less than Significant	None
Biological Resources	Less than Significant	None
Cultural and Tribal Cultural Resources	Less than Significant	None
Geology	Less than Significant	None
Greenhouse Gases, Climate Change, and Energy	Less than Significant	None
Hazards and Hazardous Materials	Less than Significant	None
Hydrology and Water Quality	Less than Significant	None
Land Use Planning and Population/Housing	Less than Significant	None
Mineral Resources	Less than Significant	None
Noise	Significant and Unavoidable	Mitigated to the greatest extent feasible through General Plan policies and actions. No additional feasible mitigation is available.
Public Services and Recreation	Less than Significant	None
Transportation	Significant and Unavoidable	Mitigated to the greatest extent feasible through General Plan policies and actions. No additional feasible mitigation is available.
Utilities and Service Systems	Less than Significant	None
Wildfire	Less than Significant	None
Cumulative/Other CEQA-Required Topics	Significant and Unavoidable	Mitigated to the greatest extent feasible through General Plan policies and actions. No additional feasible mitigation is available.

## General Plan Assumptions

The General Plan buildout analysis assumes a 20-year horizon, and 2040 is assumed to be the buildout year of the General Plan. The General Plan will accommodate future growth in Milpitas, including new businesses, expansion of existing businesses, and new residential uses.

As detailed in General Plan EIR in Table 2.0-2 on page 2.0-16, at full buildout, the proposed General Plan could accommodate a total of up to 33,401 housing units, a population of 113,530 people, 47,737,536 square feet of non-residential building square footage, and 84,333 jobs within the General Plan planning area. As shown in Table 2.0-2 of the General Plan EIR, this represents development growth over existing conditions of up to 11,186 new housing units, 37,473 people, 19,729,648 square feet of new non-residential building square footage and 36,795 jobs.



## 2.7 Housing Element Update

The 2023-2031 Housing Element has the following major components:

- **Our Plan** describes the relationship between the Housing Element and the General Plan and the Housing Element organization, including the technical appendices. (Chapter 1)
- **Our Conversation** illustrates the variety of community engagement activities that include virtual workshops, online surveys, pop-up events, stakeholder and focus group meetings, and City Council and Planning Commission meetings. (Chapter 2)
- **Our Story** highlights our past accomplishments, profiles the demographic and socio-economic characteristics of the community, and describes existing constraints to housing in the city. (Chapter 3)
- **Our Future Housing Needs** details the Regional Housing Needs Allocation (RHNA) and shows the adequate sites to meet the RHNA. (Chapter 4)
- **Our Housing Plan** provides the goals, policies, and programs to meet current and future housing needs, support various housing types for all income groups, remove constraints to housing, conserve and improve existing housing, and promote fair housing opportunities. (Chapter 5)

A series of appendices provide additional documentation. Appendix A is a housing needs assessment, Appendix B provides information on housing constraints, Appendix C analyzes housing resources, Appendix D reviews past programs, Appendix E provides information on future housing needs, including the sites inventory, Appendix F is the fair housing assessment, and Appendix G summarizes public engagement and input during the Housing Element update process.

### Goals, Policies, and Programs

The primary objective of the Housing Element is to encourage the production of new housing units to meet the RHNA and housing for special needs populations. This is done by adopting a series of policies and programs which aim to maximize development of affordable housing, effectively utilize funding for affordable housing activities, provide housing for special needs populations, and provide housing for all economic segments of the community. The Housing Element update goals, policies, and programs are summarized below and referenced throughout this Addendum as appropriate.

#### *Adequate Sites and Housing Production*

The City's goal to maintain adequate sites to accommodate the City's share of the regional housing need, including sites that are appropriate for the development of housing affordable to varied income-level households through appropriate land use and zoning, is supported by policies that support and incentivize housing development and address the city's housing needs. Policies facilitate the development of housing, streamline the development process, require new projects with residential components meet or exceed minimum residential densities, and adopt new zoning districts consistent with the General Plan.

#### *Existing Housing Resources*

The City's goal to maintain high-quality residential and mixed-use neighborhoods and preserve existing housing resources is supported by policies that enforce housing codes and regulations, provide assistance for home maintenance, ensure that sites being redeveloped for housing do not

result in a net reduction of housing units, and preserve units affordable to extremely low-, very low-, low-, and moderate-income households.

#### *Barriers to New Housing Production*

The City's goal to continually assess barriers to new housing production and proactively mitigate the government constraints to developing new housing is supported by policies that monitor project processing procedures, track State legislation, implement a Housing Opportunity Zones (HOZ) and Objective Design Standards, and prioritize infrastructure improvements.

#### *Housing Diversity and Affordability*

The City's goal to support the development of a diverse range of housing types is supported by policies that promote accessory dwelling units (ADU), varied and alternative housing types, alternative models of homeownership, and access to first-time homebuyer's loans.

#### *Fair Housing*

The City's goal to ensure equal housing opportunities and equal access to housing resources is supported by policies that protect tenants from discriminatory housing practices, promote housing mobility, improve access to opportunities in moderate resource areas, and provide emergency rental assistance.

#### *Conservation and Sustainability*

The City's goal to ensure a sustainable future for the City in existing homes and new residential development projects is supported by policies that encourage transit-oriented development, building best management practices, energy efficiency, and networks of trails and pedestrian bridges to reduce automobile reliance.

#### *Special Needs Populations*

The City's goal to support programs aimed at housing for special needs populations is supported by policies that facilitate housing for seniors, large families, and special needs groups, including the developmentally disabled, at-risk youths, and nontraditional family groups.

#### *Unhoused Population*

The City's goal to collaborate with regional agencies and organizations to support the unhoused population is supported by policies that pursue funding for programs that assist unhoused populations and prioritize providing permanent and transitional supportive housing for the unhoused population.

#### *Mobility*

The City's goal to expand affordable mobility options for lower income households and people with special needs is supported by policies that promote bicycle, transit, and pedestrian facilities; and coordinate accessibility improvements that coincide with projects that provide housing units for people with special needs.

### *Implementation Capacity*

The City's goal to allocate adequate resources to implement programs is supported by policies to implement the Housing Element and other programs to qualify the City for the Prohousing Program, commit sufficient staffing and resources to implement programs, and employ a grants person.

### 3 Overview of CEQA Guidelines Section 15164 and Section 15162

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*CEQA Guidelines* Sections 15162 and 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when a project has a previously certified EIR.

*CEQA Guidelines* Section 15164 states that a lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. *CEQA Guidelines* Section 15162(a) states that no Subsequent or Supplemental EIR shall be prepared for a project with a certified EIR unless the lead agency determines, based on substantial evidence in the light of the whole record, one or more of the following:

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

The analysis pursuant to *CEQA Guidelines* Section 15162 demonstrates whether the lead agency can approve the activity as being within the scope of the existing certified EIR, that an addendum to the existing EIR would be appropriate, and no new environmental document, such as a new EIR, would be required. The addendum need not be circulated for public review but can be included in or attached to the Final EIR, and the decision-making body shall consider the addendum with the Final EIR prior to deciding on the project.

The City has prepared this Addendum Evaluation, pursuant to *CEQA Guidelines* Sections 15162 and 15164, to evaluate whether the project's environmental impacts are covered by and within the scope of the Milpitas General Plan Update Final EIR (March 2021, State Clearinghouse Number 2020070348). The following Addendum Evaluation details any changes in the project, changes in

circumstances under which the project is undertaken, and/or "new information of substantial importance" that may cause one or more effects to environmental resources.

The responses herein substantiate and support the City's determination that the Housing Element update policies and programs are within the scope of the General Plan EIR, do not require subsequent action under *CEQA Guidelines* Section 15162 and, in conjunction with the EIR, adequately analyze potential environmental impacts.

## 4 Environmental Effects and Determination

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### 4.1 Environmental Areas Determined to Have New or Substantially More Severe Significant Effects Compared to Those Identified in the Previous EIR

The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances, or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

■ NONE

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils             | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology/Water Quality   | <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

## 4.2 Determination

Based on this analysis:

- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.
- ☒ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate and this evaluation serves as an ADDENDUM to the Milpitas General Plan Update Final Environmental Impact Report (General Plan FEIR), State Clearinghouse Number 2020070348 dated March 2021.

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Signature

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Date

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Printed Name

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Title

## 5 Addendum Evaluation Methodology

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### 5.1 General Plan Consistency

To promote a uniform and compatible vision for the development of the community, California law requires the General Plan be internally consistent in its goals and policies. The Housing Element is a component of the General Plan, and thus, the Housing Element update is consistent with the vision of the General Plan and is supported by goals and policies of the other General Plan elements.

General Plan elements and policies that affect housing are summarized below:

- The **Land Use Element** designates the general distribution and intensity of residential, commercial, industrial, open space, public/semi-public, and other categories of public and private land uses. The Land Use Element includes the Land Use Map, which identifies land use designations for each parcel in the city limits and Planning Area.
- The **Circulation Element** correlates closely with the Land Use Element and identifies the general locations and extent of existing and proposed major thoroughfares, transportation routes, and alternative transportation facilities necessary to support a multi-modal transportation system. This element is intended to facilitate mobility of people and goods throughout Milpitas by a variety of transportation modes, including bicycle, pedestrian, and transit.
- The **Community Design Element** identifies high-level community design objectives for the City of Milpitas, including the relationship between the public and private realm, streetscapes, best site planning practices, and placemaking strategies.
- The **Economic Development Element** provides tools and strategies to strengthen and diversify the local economy and ensures the City maintains adequate revenues to provide quality public services. This element seeks to sustain and diversify the City's economy, recognizing the importance of supporting existing and local businesses while broadening and expanding the employment base and economic opportunities within the city.
- The **Conservation and Sustainability Element** addresses conservation topics including: development and use of natural resources, and protections for riparian environments, native plant and animal species, soils, cultural/historical resources, air quality, and opportunities for energy conservation.
- The **Utilities and Community Services Element** establishes policies and programs that address the following public services and facilities: police services; fire protection services; schools; civic, library, medical, and other community facilities; water supplies, sewer services, storm drainage infrastructure, and solid waste disposal. While not specifically required by State law for inclusion in the General Plan, the Utilities and Community Services Element is a critical component in meeting the infrastructure and utility services needs of businesses and residents.
- The **Safety Element** provides the framework to reduce risks associated with a range of environmental and human-caused hazards that may pose a risk to life and property in Milpitas. This element addresses hazards such as fires, geologic hazards, as well as hazardous materials, climate resiliency and adaptation
- The **Noise Element** addresses noise-generating and noise-sensitive uses such as residences and schools. This element also addresses the required topics related to noise, including standards and policies to protect the community from the harmful and annoying effects of exposure to



excessive noise levels. This element includes strategies to reduce land use conflicts that may result in exposure to unacceptable noise levels.

- The **Parks, Recreation, and Open Space Element** addresses conservation topics including the development and use of open space and park resources. This element also ensures adequate planning for park and recreation services and facilities. It also details objectives and measures for preserving open space for natural resources and the managed production of resources.
- The **Community Health and Wellness Element** acknowledges the profound effects of the built environment on travel choices, access to food, levels of physical activity, and exposure to risk from accidents or pollution. The Element addresses the topics of active living, healthy lifestyles, environmental justice, and community building.
- The **Housing Element** (adopted in 2015 and covering years 2015-2023) plans for housing to meet the needs of all segments of the community and addresses state requirements. The Housing Element has not been updated as part of the larger General Plan Update process

### Accommodation of the RHNA

Milpitas' RHNA for the current planning period is 6,713 units, including 1,685 very low-income housing units, 970 low-income housing units, 1,131 moderate income housing units, and 2,927 above moderate-income housing units. The City must demonstrate availability of sites with appropriate zoning and development standards that can facilitate and encourage the development of such units. The Housing Element update includes a housing plan that accommodates the RHNA plus a buffer of additional housing sites as recommended by HCD. As shown in Table 3, the City anticipates the development of 248 ADUs during the eight-year planning period and 2,193 units would be accommodated from planned and approved (pipeline) projects which can count towards the RHNA. Each development project would be subject to CEQA review to address potential impacts specific to that project. The City Sites Inventory is made of Opportunity Sites which are vacant or underutilized sites zoned for residential or mixed use and Rezone Sites which will be rezoned to Mixed Use or High-Density Mixed-Use when the Gateway-Main Street Specific Plan is updated in 2023. The City Sites Inventory offers capacity for 7,028 units to accommodate the remaining RHNA.

**Table 3 Housing Unit Yield per Site Category**

		Very Low	Low	Moderate	Above Moderate	Total
<b>RHNA</b>		<b>1,685</b>	<b>970</b>	<b>1,131</b>	<b>2,927</b>	<b>6,713</b>
RHNA Credits	Potential ADUs	74	74	74	25	248
	Pipeline Projects	123	200	95	1,775	2,193
	<b>Total</b>	<b>197</b>	<b>274</b>	<b>169</b>	<b>1,800</b>	<b>2,441</b>
Remaining RHNA After Credits		1,488	696	962	1,127	4,272
Capacity of Sites Inventory	Opportunity Sites	1,090	1,090	1,576	2,027	5,783
	Rezone Sites	224	224	319	478	1,245
	<b>Total</b>	<b>1,314</b>	<b>1,314</b>	<b>1,895</b>	<b>2,505</b>	<b>7,028</b>
Total Units (Credits + Sites)		1,511	1,785	2,064	4,305	9,472
<b>RHNA Surplus</b>		<b>445</b>		<b>933</b>	<b>1,378</b>	<b>2,756</b>
% Buffer (Remaining RHNA)		20%		97%	122%	65%
Source: City of Milpitas 2022						

The 6,713 units that would be accommodated by the Housing Element update would not exceed the 33,401 units included in the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR. Furthermore, the Housing Element update would be consistent with State requirements for the RHNA to plan adequately to meet existing and projected housing needs for all economic segments of the community. In addition, the Housing Element update would first be submitted to the HCD for review and approval to ensure that it would adequately address the housing needs and demands of the City.

A detailed discussion of the Housing Element update development assumptions and housing plan is provided below.

#### *ADUs*

Jurisdictions may count the potential for ADU development as credits towards their RHNA. Legislation in California has recently facilitated the increased permitting and production of ADUs in many communities, including Milpitas. The City anticipates the development of 248 ADUs during the eight-year planning period.

#### *Planned, Approved, and Pending Projects*

Jurisdictions may count planned, approved, and pending residential units as credits towards their RHNA. These units can be counted based on affordability and unit count, provided it can be demonstrated that the units can be built within the planning period. The City currently has 2,193 RHNA credits for planned, approved, and pending projects.

### *Vacant and Non-Vacant Housing Opportunity Sites*

The City Sites Inventory is made of Opportunity Sites which are vacant or underutilized sites zoned for residential or mixed use and Rezone Sites which would be rezoned to Mixed Use or High-Density Mixed-Use when the Gateway-Main Street Specific Plan is updated in 2023. Rezone Sites under the Gateway-Main Street Specific Plan will be evaluated in the EIR for the Gateway-Main Street Specific Plan which is scheduled to be conducted in 2023. The City Sites Inventory offers capacity for 7,028 units to accommodate the remaining RHNA.

## 5.2 Preliminary Environmental Constraints

State housing law requires the City to review both governmental and non-governmental constraints to the maintenance and production of housing for all income levels. Since local governmental actions can restrict the development and increase the cost of housing, State law requires the Housing Element to “address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing” (Government Code Section 65583[c][3]).

Several factors can constrain residential development. These include market constraints, such as development costs and interest rates, and governmental constraints, which include land use controls, fees, processing times, and development standards, among others. In addition, environmental and infrastructure constraints can also impede residential development. For purposes of the Addendum Evaluation, only the potential environmental constraints, as they relate to CEQA, were evaluated.

Environmental constraints to residential development typically relate to the presence of sensitive habitat, flooding, topography, and other natural and physical characteristics that can limit the amount of development in an area or increase the cost of development. The Housing Element update, in and of itself, does not propose specific development projects, but rather puts forth goals, policies, and programs that regulate or encourage new housing development in Milpitas. Each future housing development project would be subject to developmental review before project approval.

## 6 Addendum Evaluation

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### 6.1 Aesthetics

#### General Plan EIR Findings

Aesthetics are discussed in Section 3.1, *Aesthetics and Visual Resources*, of the General Plan EIR. The General Plan EIR determined that with implementation of General Plan policies and actions, impacts to aesthetic resources would be less than significant for scenic vistas, scenic highways, visual quality, and light and glare.

#### Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to the greatest extent possible. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to scenic vistas, scenic resources, or visual character, and would not create new sources of substantial light or glare which adversely affects views.

Future development facilitated by the Housing Element update be subject to adopted development guidelines, including General Plan policies and actions and the City's municipal code.

#### Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of aesthetics is required.

## 6.2 Agriculture and Forestry Resources

### General Plan EIR Findings

Agriculture and forestry resources are discussed in Section 3.2, *Agricultural and Forest Resources*, of the General Plan EIR. The General Plan EIR found that impacts regarding the potential to conflict with existing farmlands, agricultural zoning or Williamson Act Contracts, and the conversion of farmlands, including prime farmland, unique farmland, and farmland of statewide importance would be less than significant.

There are no forest lands or timber lands located within the Milpitas Planning Area. The General Plan EIR found no impacts related to forest lands or timber lands.

### Addendum Analysis

The General Plan planning area does not include a land use designation for agricultural uses. Furthermore, none of the housing sites identified in the Housing Element update are within permanent open space or hillside areas. Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to agriculture and forestry.

Future development facilitated by the Housing Element update be subject to adopted development guidelines, including General Plan policies and actions adopted Land Use standards.

### Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of agriculture and forestry is required.

## 6.3 Air Quality

### General Plan EIR Findings

Air quality is discussed in Section 3.3, *Air Quality*, of the General Plan EIR. The General Plan EIR determined that impacts to air quality would be less than significant regarding conflicting with applicable air quality plans, cumulatively considerable net increase of criteria pollutants for which the region is in non-attainment, exposure of sensitive receptors to pollutant concentrations, and the potential to create objectionable odors. The General Plan EIR also stated that the City would enforce compliance with the Bay Area Air Quality Management District's 2017 Clean Air Plan and all applicable regional plans and programs that reduce air quality impacts.

### Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to air quality.

Future development facilitated by the Housing Element update would be required to comply with State, regional, and local requirements and regulations regarding air quality including SB 32, AB 32, SB 97, and SB 375; and the California Air Resources Board and Bay Area Air Quality Management District guidelines.

### Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of air quality is required.

## 6.4 Biological Resources

### General Plan EIR Findings

Biological resources are addressed in Section 3.4, *Biological Resources*, of the General Plan EIR. The General Plan EIR determined that impacts regarding special status species, riparian habitat or other sensitive natural communities, or protected wetlands would be less than significant. Similarly, impacts to protected movement corridors were determined to be less than significant.

The General Plan EIR found that the General Plan would not conflict with any local policies or ordinances protecting biological resources, the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Impacts were determined to be less than significant.

### Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to biological resources.

Future development facilitated by the Housing Element update would be required to comply with federal, State, and local requirements and regulations regarding biological resources including General Plan policies and actions.

### Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of biological resources is required.

## 6.5 Cultural Resources

### General Plan EIR Findings

Cultural resources are addressed in Section 3.5, *Cultural Resources*, of the General Plan EIR. The General Plan EIR determined that the implementation of the General Plan would result in a less than significant impacts regarding historic resources, archaeological resources, and human remains.

### Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to cultural resources.

Future development facilitated by the Housing Element update would be required to comply with State, regional, and local requirements and regulations regarding cultural resources including General Plan policies and actions, the City's municipal code, California Health and Safety Code Section 7050.5, and California Public Resources Code Section 5097.98.

### Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of cultural resources is required.

## 6.6 Energy

### General Plan EIR Findings

Energy impacts are discussed in Section 3.7, *Greenhouse Gases, Climate Change, and Energy*, of the General Plan EIR. The General Plan EIR determined that compliance with all applicable Federal,



State, and local regulations regarding energy use, increased use of renewable energy, and new building energy efficiency standards would result in less than significant impacts.

### **Addendum Analysis**

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to energy consumption.

Future development facilitated by the Housing Element update would undergo project-specific developmental review to address potential impacts related to energy resources and energy consumption with new residential construction, including consistency with Title 20, *Energy Building Regulation*, and Title 24, *Energy Conservation Standards*, of the California Code of Regulations.

### **Conclusion**

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of energy is required.

## **6.7 Geology and Soils**

### **General Plan EIR Findings**

Geology and soils are discussed in Section 3.6, *Geology and Soils*, of the General Plan EIR. The General Plan EIR determined that implementation of General Plan policies and actions, including those requiring project-specific geotechnical investigations, and applicable State and City regulations, impacts to geology and soils would be less than significant for adverse effects related to ground shaking, seismic-related ground failure, unstable soil, landslide, loss of topsoil, soil erosion, and paleontological resources.

The General Plan EIR determined that construction within the city limits allowed by the proposed Plan would not require the use of septic tanks or alternative wastewater disposal systems. Limited use of septic tanks may be required within hillside areas of the Planning Area outside the city limits and within the SOI. Adherence to required county health permits and reviews would reduce potential impacts. Impacts would be less than significant.

### **Addendum Analysis**

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to geology and soils.

Future development facilitated by the Housing Element update would be required to adhere to State and City grading and building standards and requirements related to paleontological resources including General Plan policies and actions, the California Building Standards Code, and the City's municipal code.

### **Conclusion**

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of geology and soils is required.

## **6.8 Greenhouse Gas Emissions**

### **General Plan EIR Findings**

Greenhouse gas (GHG) impacts are discussed in Section 3.7, *Greenhouse Gases, Climate Change, and Energy*, of the General Plan EIR. The General Plan EIR determined that the General Plan is consistent with Milpitas' adopted Climate Action Plan (CAP) and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of

greenhouse gases. The General Plan EIR determined that with implementation of General Plan policies and actions, General Plan implementation would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts were determined to be less than significant.

## Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to GHG emissions.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies and the City's CAP as well as Federal, State, and regional plans, standards and requirements designed to reduce GHG emissions with new residential construction, including Title 20, Division 2, *State Energy Resources Conservation and Development Commission*; and Title 24, Part 11, *California Green Building Standards Code* of the California Code of Regulations.

## Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of GHG emissions is required.

## 6.9 Hazards and Hazardous Materials

### General Plan EIR Findings

Hazards and hazardous materials are discussed in Section 3.8, *Hazards and Hazardous Materials*, of the General Plan EIR. The General Plan EIR determined that impacts for hazardous materials would be less than significant with implementation of General Plan policies and actions for impacts related to the routine transport, use, or disposal of hazardous materials; the emission of acutely hazardous

materials, substances, or waste within 0.25 mile of an existing or proposed school; development on or near sites listed as hazardous material sites pursuant to Government Code Section 65962.5; implementation of emergency response or evacuation plans; and risk of loss, injury, or death involving wildland fires.

## **Addendum Analysis**

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to hazards and hazardous materials.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies as well as Federal, State, and the City's municipal code requirements regarding hazards and hazardous waste including Title 49, Parts 171-180 of the Code of Federal Regulations, and Title 8, Title 22, and Title 26 of the California Code of Regulations, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code.

## **Conclusion**

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of hazards and hazardous materials is required.

## **6.10 Hydrology and Water Quality**

### **General Plan EIR Findings**

Hydrology and water quality is discussed in Section 3.9, *Hydrology and Water Quality*, of the General Plan EIR. The General Plan EIR determined that impacts to hydrology and water quality would be less than significant relating to violating any water quality standards or waste discharge requirements, substantially decreasing groundwater supplies or interfering substantially with

groundwater recharge, creating or contributing to runoff water which would exceed the capacity of existing or planned stormwater drainage systems, degrading water quality, and exposing people or structures to a significant risk of loss, injury or death involving flooding.

## Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to hydrology and water quality.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies as well as Federal, State, regional, and municipal code regulations and requirements related to hydrology and water quality.

## Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of hydrology and water quality is required.

## 6.11 Land Use and Planning

### General Plan EIR Findings

Land use is discussed in Section 3.10, *Land Use Planning and Population/Housing*, of the General Plan EIR. The General Plan EIR determined that impacts to land use would be less than significant as they pertain to conflicts with applicable land use plans, policies, or regulations; and the physical division of an established community.

## Addendum Analysis

As described in Section 1.5, *Project Description*, the Housing Element update includes potential sites that can be rezoned to allow residential uses or greater residential densities. The total number of units facilitated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR. Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to land use.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies as well as Federal, State, regional, and the City's municipal code regulations and requirements.

## Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of land use is required.

## 6.12 Mineral Resources

### General Plan EIR Findings

Mineral Resources are discussed in Section 3.11, *Mineral Resources*, of the General Plan EIR. The General Plan EIR states that there are areas of Regionally Significant Construction Aggregate Resources and important mineral resources within the General Plan Planning Area and Milpitas SOI; however, development facilitated by the General Plan would be within City limits and would not be developed within an identified regional mineral resource area or mining operation. Impacts related to loss of availability of a known mineral resource and locally-important mineral resource recovery were determined be less than significant.

## Addendum Analysis

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to mineral resources. Additionally, the Housing Element update would not facilitate development in mineral resource zones.

Future development facilitated by the Housing Element update would be required to remain consistent with the General Plan.

## Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of mineral resources is required.

## 6.13 Noise

### General Plan EIR Findings

Noise impacts are discussed in Section 3.12, *Noise*, of the General Plan EIR. The General Plan EIR determined that implementation of the General Plan would result in significant and unavoidable impacts regarding traffic noise on existing noise-sensitive uses in the city. Impacts due to noise from to railroad, stationary, and construction sources; construction vibration; and ground borne vibration were found to be less than significant. The General Plan EIR discusses airport land use in Section 3.8, *Hazards and Hazardous Materials*, and determined that General Plan implementation is not located within an airport land use plan.

## Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to the greatest extent possible. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to noise.

Future development facilitated by the Housing Element update would be required to adhere to General Plan actions and policies as well as the City's municipal code, including the noise ordinance.

## **Conclusion**

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of noise is required.

## **6.14 Population and Housing**

### **General Plan EIR Findings**

Population and housing are discussed in Section 3.10, *Land Use Planning and Population/Housing*, of the General Plan EIR. The General Plan EIR determined implementation of the General Plan would result in a less than significant impact relating to unplanned population growth or the displacement of people or housing.

### **Addendum Analysis**

As discussed in Section 5, *Addendum Evaluation Methodology*, and Section 2.6, *Milpitas General Plan EIR*, the 6,713 units that would be accommodated by the Housing Element update would not exceed the 33,401 units included in the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR or the 11,186 new housing unit growth over existing conditions described in the General Plan EIR. The California Department of Finance estimates Milpitas has an average household size of 3.18 residents per unit (DOF 2022). The potential increase of approximately 21,348 residents that would result from implementation of the Housing Element update would not exceed the population growth anticipated under the General Plan of 37,473 new residents.



Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As discussed in Section 1.5, *Project Description*, Rezone Sites in the NCMU designation would allow for an increase in density on individual sites which may result in more residential units and greater population of the specific Rezone Sites. However, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to population and housing. The development that would be facilitated by the Housing Element update would not exceed General Plan buildout assumptions.

## Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of population and housing is required.

## 6.15 Public Services

### General Plan EIR Findings

Public services are discussed in Section 3.13, *Public Services and Recreation*, of the General Plan EIR. The General Plan EIR determined that implementation of the General Plan would not result in substantial adverse physical impacts associated with new or physically altered public services facilities, including those related to fire, police, schools, parks, and libraries, and impacts would be less than significant.

### Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to public services.

Future development facilitated by the Housing Element update would be required to adhere to any State or local regulations, General Plan actions and policies, and the City's municipal code, including the payment of fees.

## **Conclusion**

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of public services is required.

## 6.16 Recreation

### **General Plan EIR Findings**

Recreation is discussed in Section 3.13, *Public Services and Recreation*, of the General Plan EIR. The General Plan EIR determined that implementation of the General Plan would not result in substantial adverse physical impacts associated with new or physically altered recreational facilities, and impacts would be less than significant.

### **Addendum Analysis**

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites

already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

Site-specific physical impacts of future park development and construction cannot be determined until future projects are proposed. The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to recreation.

Future development facilitated by the Housing Element update would undergo developmental review and would be evaluated for consistency with the General Plan policies and actions, State law, the City's municipal code including the dedication of land or the payment of fees and other applicable regulations.

## Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of recreation is required.

## 6.17 Transportation/Traffic

### General Plan EIR Findings

Transportation impacts are discussed in Section 3.14, *Transportation and Circulation*, of the General Plan EIR. The General Plan EIR determined that impacts related to conflicts with an applicable plan, ordinance, or policy addressing the circulation system including roadway, bicycle, or pedestrian facilities would be less than significant.

The General Plan EIR determined that vehicle miles travelled (VMT) generated by the residential development associated with the proposed General Plan would constitute a less than significant impact. However, the VMT impacts associated with employment-based development and employment-based uses allowed by the proposed General Plan were determined to be considered significant and unavoidable.<sup>2</sup>

The General Plan determined that General Plan implementation would not substantially increase hazards due to a geometric design feature or incompatible use or result in inadequate emergency access. Impacts would be less than significant.

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<sup>2</sup> Guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*, 2018, was used to evaluate VMT. After the General Plan EIR was certified, the Milpitas City Council adopted the SB 743 VMT policy on May 18, 2021 and guidelines are established in the *City of Milpitas Transportation Analysis Guidelines* (City of Milpitas 2022).

## Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to the greatest extent possible. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR. Additionally, the proposed housing sites would concentrate housing development in the city rather than in the SOI, which would reduce overall vehicle miles traveled.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to transportation.

Future development facilitated by the Housing Element update would be required to comply with applicable regulations including the City's municipal code, and General Plan policies and actions.

## Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of transportation is required.

## 6.18 Tribal Cultural Resources

### General Plan EIR Findings

Tribal cultural resources are discussed in Section 3.5, *Cultural Resources*, of the General Plan EIR. The General Plan EIR determined that impacts to tribal cultural resources would be less than significant.

During the 2016 General Plan update process, the City sent SB 18 Tribal consultation letters to eight Tribal Organizations including the Native American Heritage Commission, Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Coastanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts, Ohlone Indian Tribe, and the Milpitas Historical Society via certified mail. Follow up letters were sent on June 23, 2020, during the

NOP comment period to all tribes identified in the EIR. No responses had been received when the EIR was prepared.

Regarding tribal consultation pursuant to AB 52, City staff noted that no tribes have requested the City of Milpitas notify them through a formal notification process of proposed projects requiring the preparation of a negative (mitigated) declaration or EIR; therefore, no AB 52 tribal notification letters were sent out for the General Plan update.

## Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to tribal cultural resources.

On May 4, 2022, during the Housing Element update process, the City sent letters to nine Tribal Organizations pursuant to SB 18: Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts Tribe, The Ohlone Indian Tribe, Wukusache Indian Tribe/Eshom Valley Band, The Confederated Villages of Lisjan, and Tamien Nation. None of these tribes requested consultation. No previously unidentified tribal cultural resources within the city have been identified during consultation, and the Housing Element update would not result in increased impacts to potential tribal cultural resources. However, future development facilitated by the Housing Element update would be required to comply with applicable State regulations including the City's municipal code, and General Plan policies and actions.

## Conclusion

Development facilitated by the Housing Element update would does not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of tribal cultural resources is required.

## 6.19 Utilities and Service Systems

### General Plan EIR Findings

Utilities and services systems are discussed in Section 3.15, *Utilities and Service Systems*, of the General Plan EIR. The General Plan EIR determined that General Plan implementation would result in sufficient water supplies available to serve the City and the impacts related to construction of new water treatment facilities or expansion of existing facilities would be less than significant. The General Plan EIR further determined that impacts related to wastewater treatment capacity, the relocation or construction of new or expanded wastewater facilities, and the relocation or construction of new or expanded storm water drainage facilities would be less than significant.

The General Plan EIR determined that General Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste and would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts were determined to be less than significant.

The General Plan EIR stated that future development would be required to connect to existing water distribution infrastructure, pay the applicable water system connection fees and water usage rates, and demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as required by the City's NPDES Municipal Regional Permit.

### Addendum Analysis

Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City's two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to utilities.

Future development facilitated by the Housing Element update would be required to adhere to any Federal, State, regional, and City regulations, General Plan actions and policies, and the City's municipal code including applicable fees and NPDES permits.

## Conclusion

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of utilities is required.

## 6.20 Wildfire

### General Plan EIR Findings

Wildfire is discussed in Section 3.16, *Wildfires*, of the General Plan EIR. The General Plan EIR determined that there are some State Responsibility Areas to the east of the city limits within the SOI. However, there are no State Responsibility Areas within the city limits of Milpitas, and there are no “Very High Fire Hazard” areas within the Milpitas SOI. The General Plan EIR determined that impacts would be less than significant regarding adopted emergency response plan or emergency evacuation plan, hazards due to flooding or landslides, the installation or maintenance of associated infrastructure that may exacerbate fire risk. The General Plan EIR further determined that General Plan implementation would not exacerbate wildfire risks, or thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire and impacts would be less than significant.

### Addendum Analysis

None of the sites proposed in the Housing Element update are located within a State Responsibility or Very High Fire Severity zone (California Department of Forestry and Fire Protection 2007). Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with implementation of the Housing Element update.

The Housing Element update is a policy document consistent with the General Plan and the City’s two Specific Plans. The Housing Element update identifies sites located throughout the city designated for residential development, which were either evaluated previously for potential environmental impacts in the General Plan EIR or Specific Plan EIRs currently underway. The Housing Element update also identifies sites that can accommodate ADUs as well as vacant and non-vacant properties that could accommodate new or additional housing units. Since non-vacant sites already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Similarly, most vacant sites are urban infill sites where development and infrastructure already exist throughout the area. As described in Section 1.5, *Project Description*, the units accommodated by the Housing Element update would not exceed the buildout capacity estimated under the General Plan and analyzed in the General Plan EIR.

The Housing Element update, in and of itself, does not propose specific projects but puts forth goals and policies that regulate various aspects of new housing development in Milpitas. Because it is a policy document, the Housing Element update would not, in and of itself, result in impacts to wildfire.

Future development facilitated by the Housing Element update would be required to adhere to any Federal, and State and regulations, including the California Building Code, and California Fire Code,

Public Resources Code Section 4292, Public Resources Code Section 4293, and Title 14, Section 1104.1(d) of the California Code of Regulations. Future development would also be required to comply with General Plan actions and policies, Zoning Ordinance, and the City's municipal code, including Title 5 – Public Health, Safety and Welfare (Chapter 300 Fire Code).

## **Conclusion**

Development facilitated by the Housing Element update would not exceed the buildout capacity specified in the General Plan EIR. The Housing Element update would not result in impacts beyond those addressed or analyzed in the General Plan EIR nor present new information that shows impacts would be more significant than those described in the General Plan EIR. Therefore, the General Plan EIR applies to the Housing Element update and no additional environmental assessment of wildfire is required.



## 7 Summary of Findings

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The City of Milpitas, acting as the lead agency, determined that an addendum is the appropriate environmental document under CEQA because the proposed project would not require revisions to the certified General Plan EIR due to the involvement of new significant environmental effects or substantial increases in the severity of significant effects previously identified in the General Plan EIR.

There are no changed circumstances or new information that meets the standards for requiring further environmental review under *CEQA Guidelines* Section 15162. Thus, these circumstances and information would not result in new or more severe impacts beyond what were addressed in the General Plan EIR and would not meet any other standards under *CEQA Guidelines* Section 15162(a)(3). No additional analysis is required based on the discussions throughout this addendum. The proposed Housing Element update would not involve development in areas not assumed for development in the General Plan EIR, nor would it result in population growth and density beyond what was analyzed in the General Plan EIR. The project would not result in significant or substantially more severe impacts that were not discussed in the General Plan EIR. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, would be substantially more severe than discussed in the General Plan EIR. Accordingly, no additional CEQA review is required.

*CEQA Guidelines* Section 15164 states that “[t]he lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in *CEQA Guidelines* Section 15162 calling for preparation of a subsequent EIR have occurred.” An addendum is therefore appropriate because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

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### 8.2 List of Preparers

Rincon Consultants, Inc. prepared this Addendum under contract to the City of Milpitas. Persons involved in data gathering analysis, project management, and quality control are listed below.

#### **RINCON CONSULTANTS, INC.**

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