



## Housing Opportunity District Project

Addendum to the Milpitas General Plan 2040 EIR  
State Clearinghouse #2020070348

*prepared by*

**City of Milpitas**

Department of Planning and Neighborhood Services  
455 East Calaveras Boulevard  
Milpitas, California 95035  
Contact: Avery Stark, Senior Planner

*prepared with the assistance of*

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

**April 2024**



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**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

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# 1 Introduction and Project Description

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## 1.1 Project Title

City of Milpitas Housing Opportunity District Project

## 1.2 Lead Agency/Project Sponsor Name and Address

City of Milpitas  
455 East Calaveras Boulevard  
Milpitas, California 95035

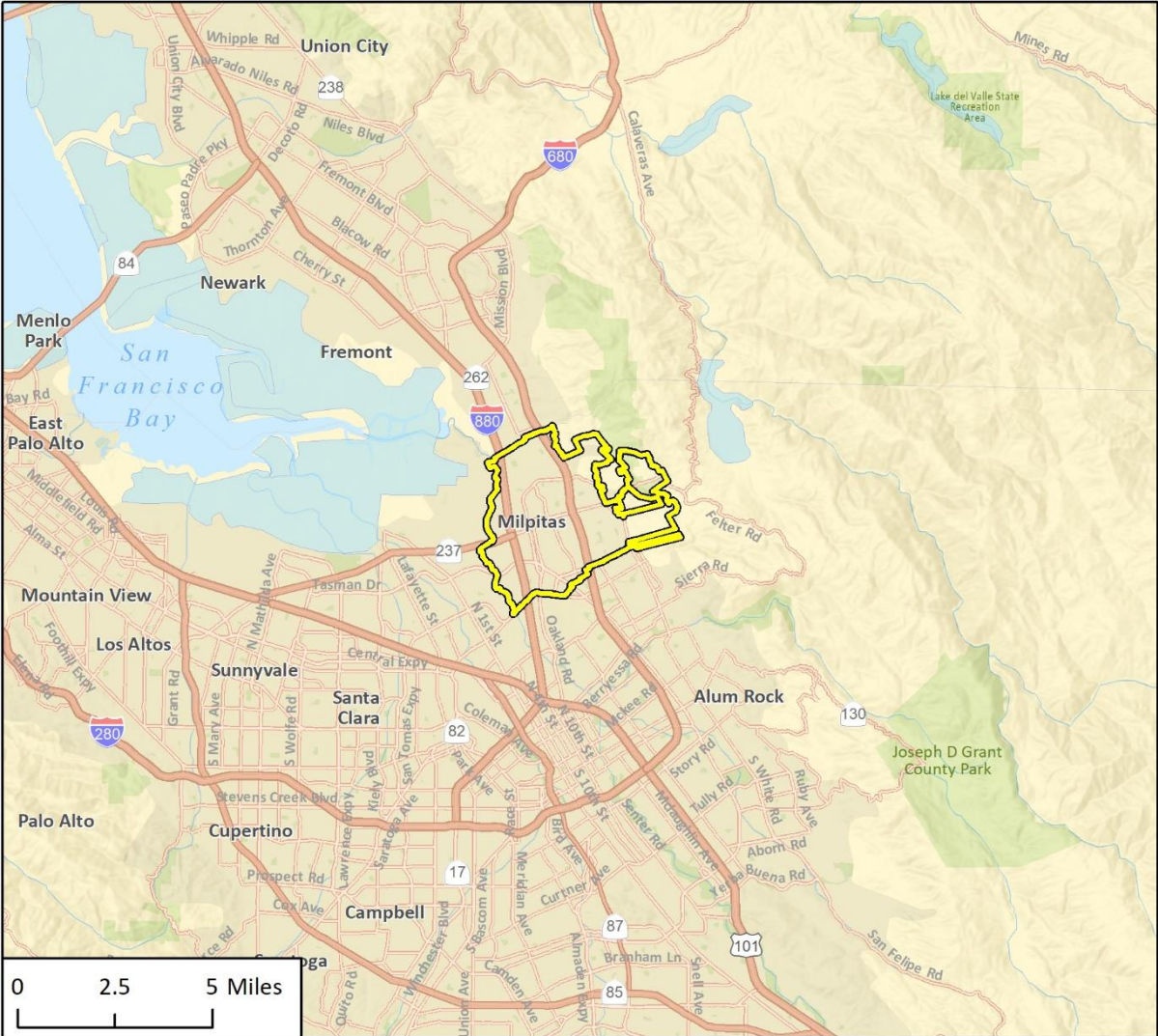
## 1.3 Contact Person and Phone Number

Avery Stark  
Acting Senior Planner  
City of Milpitas  
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## 1.4 Project Location

The city of Milpitas 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 and east of the city of San Jose, and south of the city of Fremont. Much of the city is situated between two major freeways (Interstate 880 [I-880] and Interstate 680 [I-680]), State Route 237, and a County expressway. The project area is within Milpitas's city limits, which as shown in Figure 1.

Figure 1 Regional Project Location



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 City of Milpitas

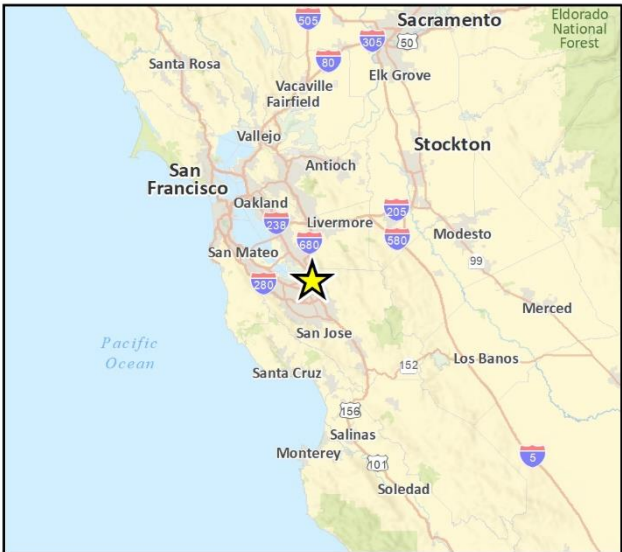


Fig 1. Regional location

## 1.5 Project Background

In September 2020, the City of Milpitas applied for Local Early Action Planning Grant funding to establish Housing Opportunity Districts (HODs) in priority areas outlined in its General Plan. HODs are designed to incentivize housing by allowing increased density, relaxed standards, streamlined permitting processes, and financial support for affordable housing. The proposed project plays a critical role in implementing both the General Plan and the Housing Element to increase housing in the city while creating vibrant mixed-use neighborhoods.

### Milpitas General Plan 2040 and EIR

The City of Milpitas adopted its General Plan 2040 in March 2021, outlining goals and policies to shape the future development of the city. The General Plan prioritizes the preservation of existing neighborhoods, channeling new housing growth to specific areas, and revitalizing some of the older neighborhood-serving commercial land use designations, including the Neighborhood Commercial Mixed-Use (NCMU) and Town Center (TWC). While the General Plan designates the NCMU and TWC areas as mixed-use, a less restrictive relationship between the non-residential and residential densities makes redevelopment in these areas more feasible in practice. This limitation necessitates a critical review of the General Plan's definitions. The HOD project reexamines these definitions and proposes a General Plan amendment to align them with the evolving needs and goals of the community.

The City's General Plan underwent extensive environmental review in the form of an Environmental Impact Report (EIR), which was certified in 2021. 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 various levels of environmental impacts as detailed in Table 1. Mitigation measures were incorporated into the General Plan EIR to reduce potential impacts from development under the General Plan.

**Table 1 Summary of Areas of Potential Impact under the General Plan EIR**

Issue Area	Level of Significance after Mitigation	Mitigation Proposed in the General Plan EIR
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

Issue Area	Level of Significance after Mitigation	Mitigation Proposed in the General Plan EIR
Noise	Significant and Unavoidable	Mitigated to the 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 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 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 is intended to accommodate future growth in Milpitas, including new businesses, expansion of existing businesses, and new residential uses.

As detailed in the 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.

### **Milpitas Housing Element 2023-2031**

In January 2023, the City of Milpitas approved its 6th Cycle Housing Element, which outlines programs and actions the City intends to undertake to fulfill its regional housing growth obligations (RHNA). In the current RHNA cycle (2023-2031), the City of Milpitas has been allocated 6,713 units, which is more than double the allocation from the previous cycle. Furthermore, 3,786 of the units are planned to be affordable (i.e., below market rate) with 2,655 of those units at the low- or very-low-income affordability level.

The Housing Element identified the existing General Plan land use designations of NCMU and TWC as restrictive and potential barriers to new housing development. The NCMU designation was determined to fall short of the minimum density threshold deemed effective for contributing to low-income housing, as stipulated by the Housing and Community Development Department guidelines to accommodate the RHNA in the Housing Element. To overcome this constraint, the Housing Element identified an action to establish Housing Opportunity Districts with higher residential densities, flexible commercial and development requirements, and incentives for affordable housing.

### **Comprehensive Zoning Code Update**

In order to implement the General Plan, the City is required to update its zoning as appropriate to ensure consistency with the land use designations. In 2023, the City of Milpitas launched an effort to comprehensively update the Zoning Ordinance. This update will not only address the changes in the

General Plan but also ensure compliance with recent state laws aimed at fostering the production and preservation of housing throughout California. The updated NCMU and TC zoning and development standards will be integrated into the citywide zoning code update to ensure consistency.

## 1.6 Project Description

The City of Milpitas Housing Opportunity District project, herein referred to as “project” or “HOD”, would involve amending the General Plan and zoning standards for the NCMU and TWC land use designations to allow for increased residential development and decreased non-residential development. The HOD envisions transforming the NCMU and TWC neighborhoods into mixed-use communities, which would involve creating public spaces, supporting local businesses, improving public health, and providing amenities and housing that align with the community's goals and vision. Accordingly, the proposed zoning and development standards would allow higher residential densities within mixed-use buildings in these zones, while allowing residential-only projects on certain parcels with a strong emphasis on affordable housing throughout. The envisioned buildout would be complemented by streetscape and other improvements that are contextual to the local area.

### NCMU Designation

Through the 2021 General Plan Update, the City established a new NCMU designation. The NCMU consists of approximately 140 acres within the City of Milpitas General Plan Planning Area. This designation is intended to accommodate a mix of commercial and residential uses with an emphasis on neighborhood commercial activity. It is intended that neighborhood-serving active uses such as grocery stores, retail, restaurants, and personal services at the ground level will help create a pedestrian-oriented streetscape and public spaces.

The current General Plan designation for the NCMU allows residential uses, hotel, and office development on a limited basis. The proposed HOD would allow these uses on upper floors. Similar to the current NCMU designation, the HOD would encourage active neighborhood-serving uses at the ground level, including grocery stores, specialty retail, restaurants, plazas, or walk-in personal services such as banks and salons at FARs up to 0.75.

The current General Plan designation for the NCMU allows for either vertical or horizontal residential development. The proposed HOD would be updated to provide opportunities for both vertical and horizontal mixed-use residential development. Compared to the current designation which allows a rate of 1 unit per 1,500 square feet of new or rehabilitated neighborhood-serving retail and commercial services, the proposed HOD would allow multifamily dwelling units at up to 65 dwelling unit per acre for mixed-use and residential only projects. This is intended to provide for area vibrancy and to encourage the redevelopment of aging commercial centers. In addition, the HOD would require redevelopment of larger neighborhood commercial centers to provide a minimum of 0.25 FAR of new or rehabilitated neighborhood-serving retail and commercial services. Parcels fronting major streets would provide a minimum 0.10 FAR of neighborhood-serving retail and commercial services. Compared to the current General Plan designation, the HOD would not require any minimum non-residential FAR for parcels that allow residential only developments.

Currently, there is no NCMU zone in the Zoning Code. Parcels designated NCMU in the General Plan are currently assigned C1 (Neighborhood Commercial), C2 (General Commercial), or MP (Industrial Park) zones of the Zoning code. The new NCMU zones would apply to the Dixon Road (Sunny Hills),

Calaveras and North Park Neighborhood, and Landess neighborhood commercial areas, which are currently designated NCMU in the 2040 General Plan. Each zone allows a higher residential density along with a reduced minimum non-residential FAR that will help implement the General Plan goal to increase vibrancy and incentivize the redevelopment of aging strip retail centers into new mixed-use projects.

The proposed NCMU Zoning District is subdivided into three subdistricts:

1. **NCMU1** would allow commercial or mixed-use development with a minimum required commercial FAR of 0.25.
2. **NCMU2** would allow commercial or mixed-use development with a minimum required commercial FAR of 0.1.
3. **NCMU3** would allow commercial, mixed use, or residential only development with no minimum commercial FAR. NCMU3 includes parcels that are less suitable for commercial use, such as those located on secondary streets, lacking street frontages, or adjacent to residential zones.

The current and proposed NCMU development standards are provided in Table 2.

**Table 2 NCMU Zone Development Standards**

Standards	Current Zones (C1, C2, MP)	NCMU1	NCMU2	NCMU3
<b>Density, Minimum-Maximum Residential (Dwellings)<sup>1</sup></b>	N/A	Maximum: 65 du/ac	Maximum: 65 du/ac	Minimum: 30 du/ac Maximum: 65 du/ac
<b>Floor Area Ratio, Non-Residential and Mixed-Use projects</b>	0.35 (C1) 0.5 (C2 and MP)	0.25 min. 0.75 max.	0.10 min. 0.75 max.	No minimum commercial FAR 0.75 max.
<b>Building Height</b>	35' (C1 and MP)  No height maximum (C2)	75' or 6 stories	75' or 6 stories	75' or 6 stories

<sup>1</sup> For NCMU3 properties, density may be averaged over contiguous parcels

## TWC Designation

The TWC designation of the 2040 General Plan consists of approximately 133 acres within the City of Milpitas General Plan Planning Area. This designation provides for a variety of administrative, business, entertainment, dining, and cultural activities along with some residential uses in the geographic center of the City to suit the varying lifestyles of residents and visitors alike. The area is easily accessible via the city's transportation network.

The current TWC General Plan designation states that projects may consist of a wholly non-residential development, or a mixed-use residential project that integrates residential and nonresidential uses either vertically or horizontally. The proposed HOD would provide opportunities for both vertical and horizontal mixed-use neighborhood uses. Currently, residential-only developments are not allowed within the Town Center but residential developments of up to 40 units per acres may be permitted as part of a mixed-use development project.

Under the current General Plan, developers wanting to maximize the residential component of the parcel are required to provide a minimum FAR of 0.35 for the non-residential component. Under the proposed HOD, to maintain the importance of the Town Center area as a center for commercial,

professional and civic uses, a minimum of 0.35 FAR of non-residential uses would be required for redevelopment of major shopping centers and a minimum of 0.10 FAR of non-residential ground floor uses would be required along major streets. Similar to the current designation, all non-residential development under the HOD would be required to adhere to a FAR maximum of up to 0.85.

Currently, the TWC General Plan designation corresponds to the TC zone of the zoning code. But with the updated General Plan definition, the TC zoning and development standards would be redefined for the same geographic area. Similar to the NCMU areas, the proposed zoning utilizes a place-based and flexible approach by establishing three distinct Town Center zones (TC1, TC2, and TC3) based on their size, location, current use, and future use.

The TC zone would be subdivided into three subdistricts:

1. **TC1** would allow commercial or mixed-use development with a minimum non-residential FAR of 0.35.
2. **TC2** would allow commercial or mixed-use development with a minimum non-residential FAR of 0.1.
3. **TC3** would allow commercial, mixed-use or residential only development with no minimum commercial FAR. TC3 includes parcels that are less suitable for retail uses, such as those located on secondary streets, lacking street frontages, or adjacent to residential zones.

While all TC zones would allow for a maximum density of 55 dwelling units per acre and maximum building height of 75 feet or 6 stories, each TC zone would provide a different minimum commercial FAR requirement. The current and proposed TC development standards are provided in Table 3.

**Table 3 TC Zone Development Standards**

Standards	Current Zone (TC)	TC1	TC2	TC3
<b>Density, Minimum-Maximum Residential (Dwellings)<sup>1</sup></b>	40 du/ac	Maximum: 55 du/ac	Maximum: 55 du/ac	Minimum: 30 du/ac Maximum: 55 du/ac
<b>Floor Area Ratio, Non-Residential and Mixed-Use projects</b>	0.85	0.35 min. 0.85 max.	0.10 min. 0.85 max.	No min. commercial FAR 0.85 max.
<b>Building Height</b>	35' or 3 stories 75' or 6 stories with conditional use permit	75' or 6 stories	75' or 6 stories	75' or 6 stories

<sup>1</sup> For TC3 properties, density may be averaged over contiguous parcels

## Buildout

The proposed zoning changes under the HOD would result in changes to the allowable number of residential units and non-residential space within the NCMU and TC zones. The likely buildout scenario for the project is based on an estimate of the realistic number of units that could occur under the HOD based on current trends that the City has observed. The likely buildout scenario was based on analysis of existing uses, site constraints, and stakeholder interviews. The likely buildout scenario factors in that housing development is mainly accomplished by the private sector and dependent on factors independent of City control, such as financial resources. The City identified

the most likely properties to redevelop in the near and medium term. For each parcel that was included in the likely development scenario, it was assumed the project minimized the amount of non-residential use on site and maximized the allowed residential buildout.

A summary of the proposed likely buildout scenario compared to the existing buildout and the buildout scenario analyzed within the General Plan EIR is shown in Table 4.

**Table 4 Buildout Compared to General Plan EIR**

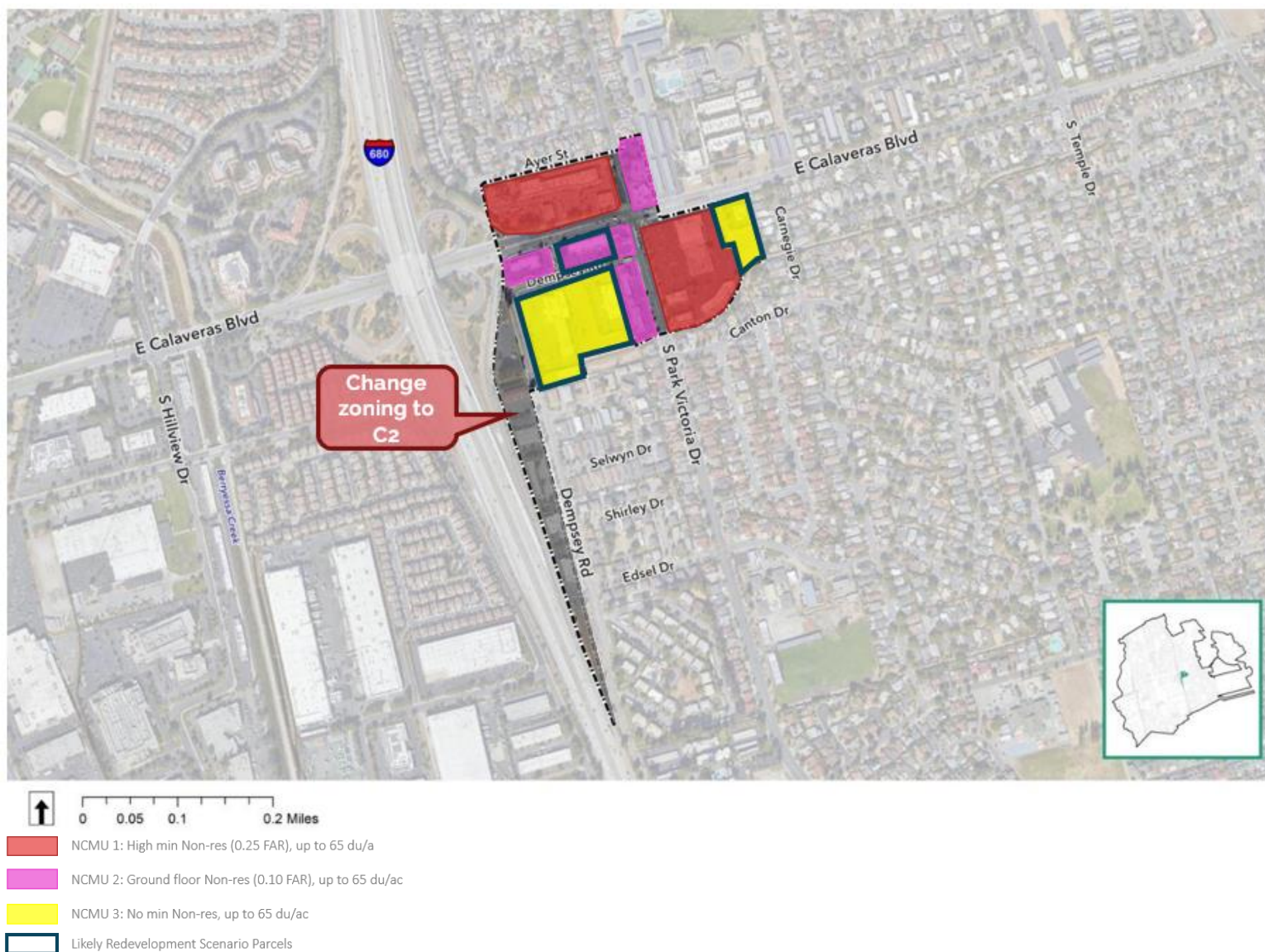
	Non-residential space (square feet)	Residential units (du)
<b>TWC</b>		
<b>Existing</b>	1,426,803	0
<b>General Plan EIR Buildout Assumption</b>	1,600,000	1,064
<b>Likely Build-out</b> Proposed TWC from existing (change from GP EIR)	<b>-262,085</b> (Δ-0.44 million)	<b>+1,013</b> (Δ-51)
<b>NCMU</b>		
<b>Existing</b>	987,077	0
<b>General Plan EIR Buildout Assumption</b>	3,200,000	1,578
<b>Likely Build-out</b> Proposed NCMU from existing (change from GP EIR)	<b>-206,091</b> (Δ-2.4 million)	<b>+1,895</b> (Δ+317)

The analysis within this Addendum relies upon the likely buildout scenario, which would result in an overall reduction in non-residential space and an increase in residential units. As shown in Table 4, the HOD would result in a reduction of approximately 262,085 square feet of non-residential space within the TWC and 206,091 square feet in the NCMU, compared to existing conditions. In total, the HOD would result in a reduction of roughly 468,176 square feet of non-residential space compared to existing conditions across both districts. Additionally, the HOD would result in approximately 2,908 new units compared to existing conditions across both districts. Compared to the General Plan EIR, the residential buildout within the TWC would result in a reduction of 51 units and an increase of 317 units within the NCMU. Therefore, the project would result in a net increase of 266 residential units<sup>1</sup>, and a net reduction of approximately 2,840,000 square feet of non-residential space overall compared to the General Plan EIR. The likely buildout scenario in the NCMU is shown in Figure 2 through Figure 5 and the likely buildout in the TWC is shown in Figure 6.

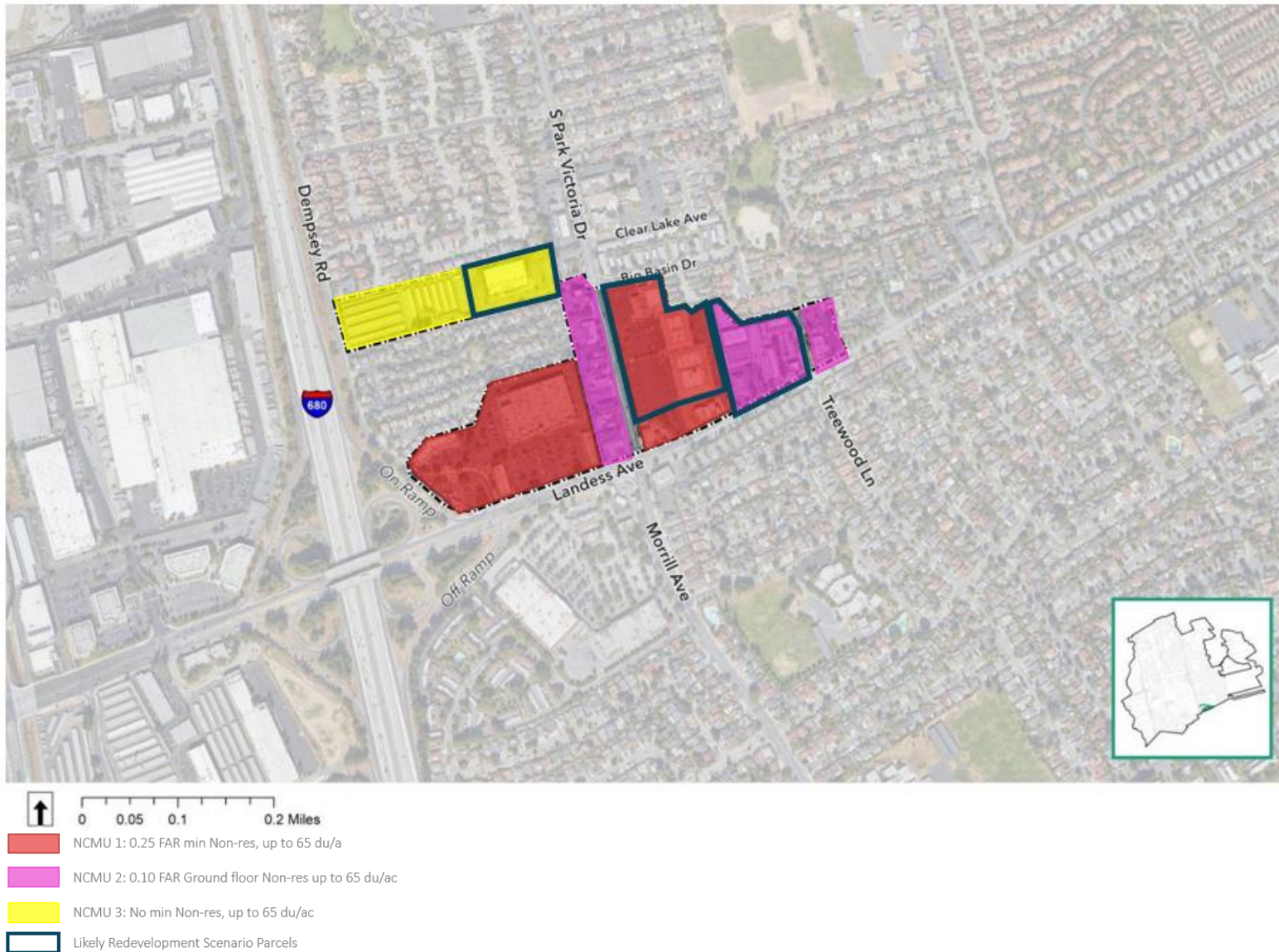
<sup>1</sup> 266 units = 317 units – 51 units



**Figure 2 NCMU Calaveras Blvd Likely Redevelopment Scenario**



**Figure 3 NCMU Landess Ave I Likely Redevelopment Scenario**





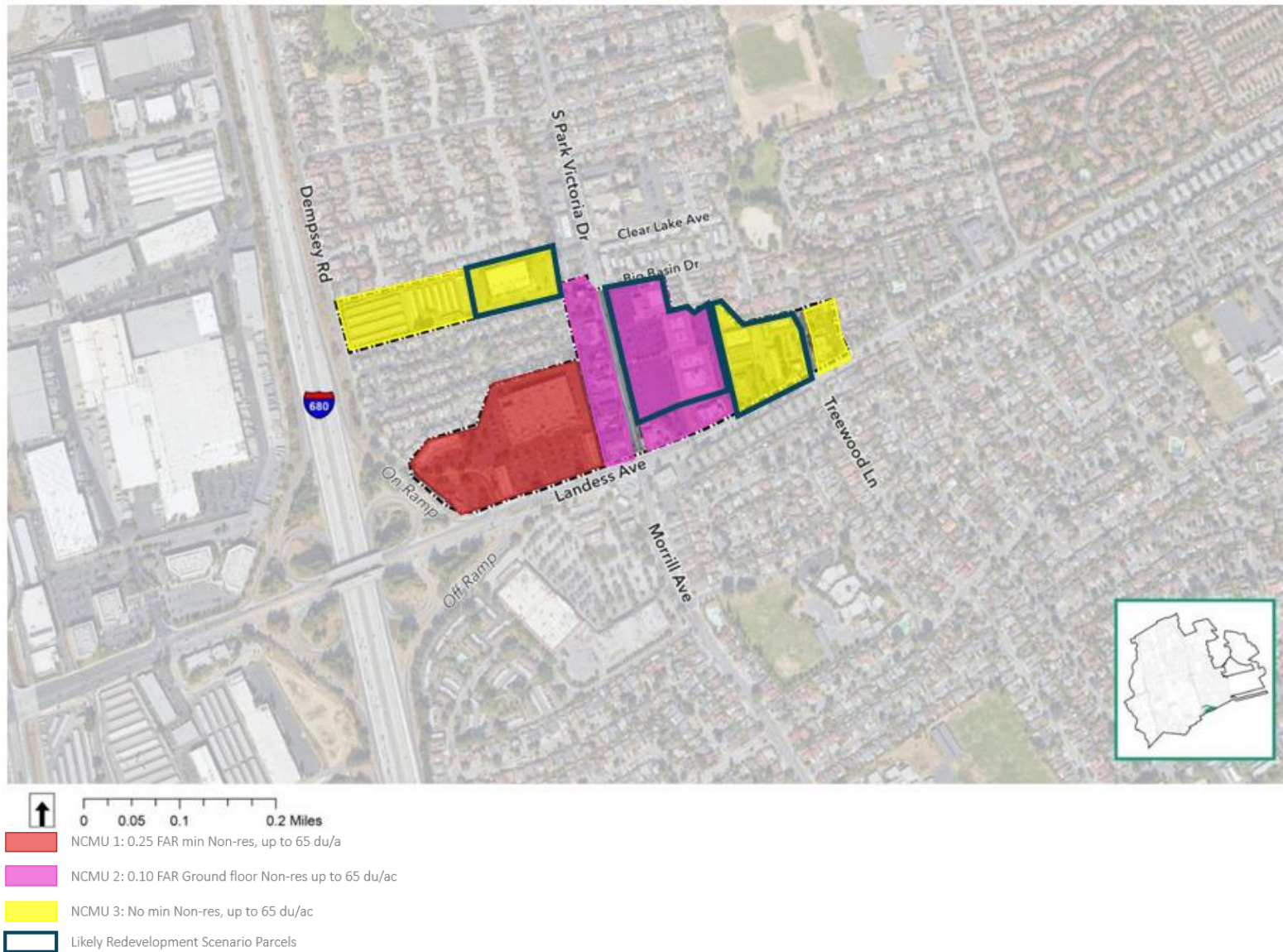
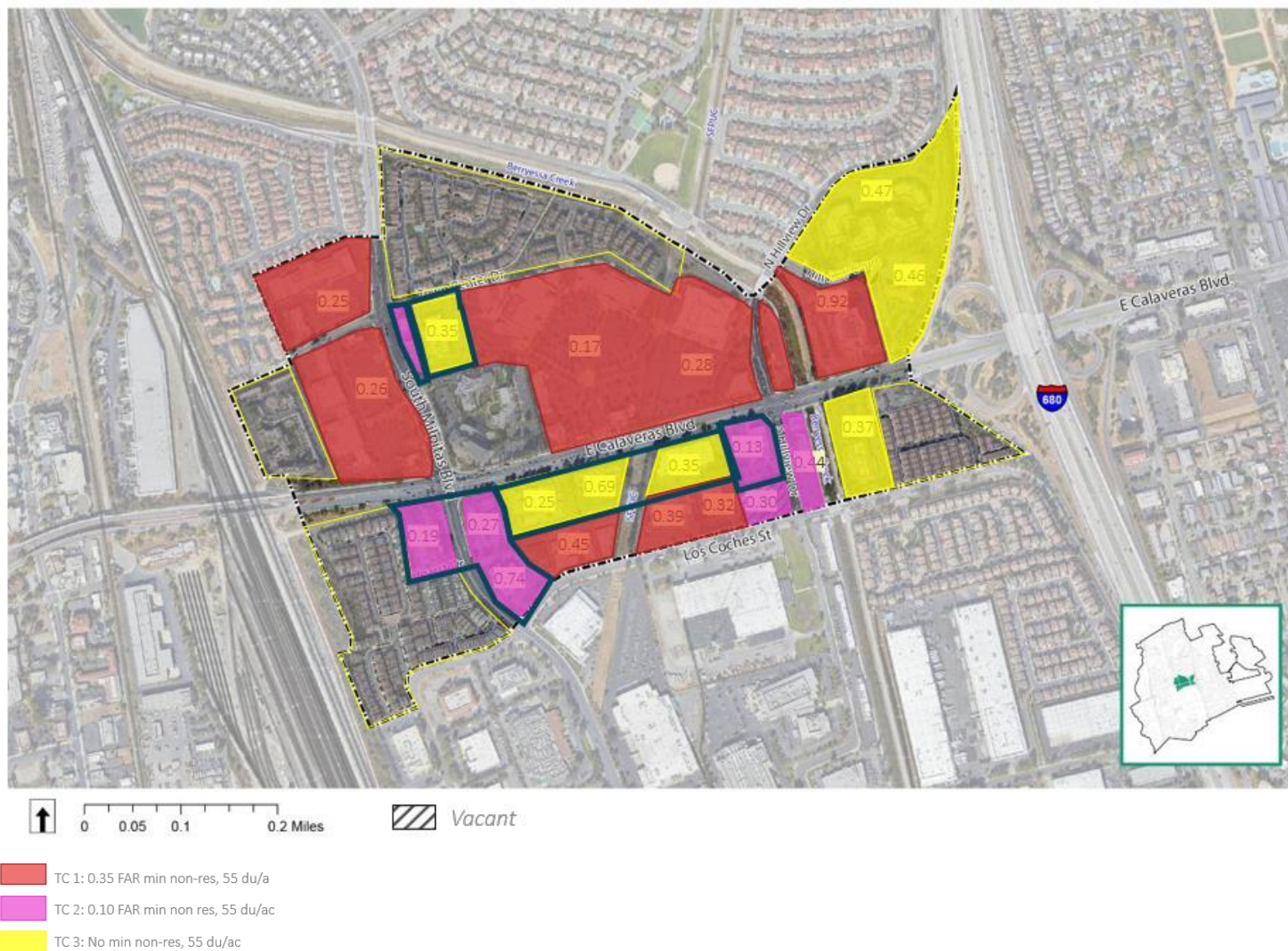
**Figure 4 NCMU Landess Ave II Likely Redevelopment Scenario**

Figure 5 NCMU Dixon Road Likely Redevelopment Scenario





**Figure 6 TWC Likely Redevelopment Scenario**

This Addendum, therefore, analyzes the changes and potential impacts related to the adoption of HOD. This Addendum is intended to evaluate consistency of the HOD 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 HOD, as a policy and programs document, includes impacts not addressed or previously analyzed in the General Plan EIR.

## 1.7 Discretionary Action

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

- Consider an Addendum to the General Plan EIR
- Approval of a General Plan Amendment and Zoning Text and Map Amendments to establish Development Standards

## 1.8 Prior Environmental Document(s)

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

## 1.9 Location of Prior Environmental Document(s)

City of Milpitas, Planning Department Website:

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

## 2 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, 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 HOD changes 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.



### 3 Environmental Effects and Determination

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#### 3.1 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.

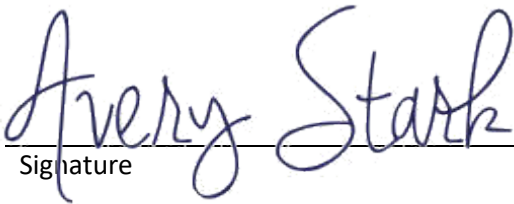
■ NONE

- |  |   |   |
|--|---|---|
| <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 |

### 3.2 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.



Signature

Avery Stark

Printed Name

April 2, 2024

Date

Acting Senior Planner

Title

## 4 Addendum Evaluation

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### 4.1 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 would be less than significant for scenic vistas, scenic highways, visual quality, and light and glare.

#### Addendum Analysis

As discussed in Section 1.6, *Project Description*, the likely buildout scenario under the HOD would result in a net increase of 266 residential units and a net reduction of approximately 2,840,000 square feet of non-residential space overall compared to overall city buildout analyzed in the General Plan EIR. The proposed project would result in development that would occur in the same areas as those analyzed in the General Plan. Development standards in the zoning code, General Plan policies regarding design, and Residential Design Standards and Guidelines would also apply. The HOD focuses growth to areas located near existing commercial uses and services and on underutilized sites. According to the California Scenic Highway Mapping System, administered by Caltrans, there are no officially designated State Scenic Highways in the vicinity of the city of Milpitas (Caltrans 2023). Additionally, while the city contains numerous areas and viewsheds with relatively high scenic value, there are no officially designated scenic vista points in the city according to the 2040 Milpitas General Plan (Milpitas 2021). Therefore, the proposed project would not affect scenic vistas or highways within the city. Parcels in the NCMU and TCW designations that would likely be redeveloped under the HOD already contain some type of development or have been designated for future development in the General Plan. The HOD would not involve the extension of roads or other infrastructure that could indirectly lead to altered views. In addition, as shown in Table 2 and Table 3, the proposed project would not result in increased building heights beyond those currently allowed within the zoning code. The proposed residential and non-residential uses under the HOD would be similar to existing uses in the area and would not result in substantial new sources of light and glare. Furthermore, new development under the HOD would be required to comply with existing regulations and zoning standards regarding building height, scale, lighting, and design, similar to development analyzed within the General Plan EIR.

Furthermore, applications for development under the updated zoning standards would be subject to Chapter 500 of the Milpitas Municipal Code, which requires that future development be reviewed by the Planning Commission for consistency with applicable design guidelines and compatibility with existing character. Compliance with these requirements would ensure that the new housing would not substantially degrade the existing visual character in the proposed project area, damage existing scenic resources, or create light or glare that would adversely affect views.

The proposed project would not result in new or substantially more severe impacts to aesthetics compared to those identified in the General Plan EIR.

## Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of aesthetics is required.

## 4.2 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

There are no areas zoned, designated or used for agriculture or forestry resources, and there are no agriculture or forestry resources, within or near the proposed NCMU or TC zones. Therefore, the proposed project would not introduce new impacts or substantially increased impacts related to agriculture and forestry resources compared to those identified in the General Plan EIR.

## Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of agriculture and forestry is required.

## 4.3 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

The proposed project would increase the maximum allowable dwelling units within the NCMU and TC zones, and no new sensitive land uses not already allowed in the project area would be added. The proposed project would result in a net increase of 266 residential units and a net reduction of approximately 2,840,000 square feet of non-residential space overall compared to overall city buildout analyzed in the General Plan EIR. The proposed population growth could lead to additional traffic and associated air pollutant emissions. However, as discussed in Section 4.14, *Population and Housing*, 266 new residential units would result in a total population increase of approximately 833 new residents compared to the General Plan EIR. The increase of 833 new residents would represent a small increase over the anticipated General Plan EIR population (2.2 percent). The proposed project would concentrate development along existing transit corridors and in existing urban areas where goods and services are accessible to bicyclists and pedestrians. This would reduce vehicle trips and vehicle miles traveled compared to development in more car-dependent areas of the city. Additionally, the proposed project would result in a net reduction of approximately 2,840,000 square feet of non-residential space compared to the General Plan EIR which would largely offset the potential increase in emissions due to increased residential units.

Furthermore, the HOD, in and of itself, does not propose specific projects but makes updates the General Plan and updates the zoning code which regulate various aspects of new development in Milpitas. Because it is a policy document, the HOD would not, in and of itself, result in impacts to air quality. Future development facilitated by the HOD 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, as well as California Air Resources Board and Bay Area Air Quality Management District guidelines. Therefore, the proposed project would not introduce new impacts or substantially increased impacts related to air quality compared to those identified in the General Plan EIR.

## Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of air quality is required.

## 4.4 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 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 HOD.

The proposed project would result in development that would occur in the same areas as those analyzed in the General Plan. The HOD focuses growth to areas located near existing commercial uses and services and on underutilized sites. Development under the project would occur on parcels that have already been developed and not within areas designated as open space or where vegetation and other biological resources would be affected. Future development facilitated by the HOD would be required to comply with federal, State, and local requirements and regulations regarding biological resources including General Plan policies and actions. As a result, the proposed project would not introduce new impacts or substantially increased impacts related to biological resources compared to those identified in the General Plan EIR.

## Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of biological resources is required.

## 4.5 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

The proposed project would result in development that would occur in the same areas as those analyzed in the General Plan. As such, the potential for impacts from the proposed project would be generally the same as what was identified in the General Plan EIR. Moreover, since the new housing units would be primarily infill development on already developed lots, depth and extent of grading would be similar to that anticipated and analyzed in the General Plan EIR. Therefore, the potential to uncover buried resources during construction of new housing would be similar to that anticipated and analyzed in the General Plan EIR. Future development facilitated by the HOD 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. Therefore, the proposed project would not introduce new impacts or substantially increased impacts related to historic or other cultural resources compared to those identified in the General Plan EIR.

## Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described

in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of cultural resources is required.

## 4.6 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 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

The proposed project would result in additional housing units on certain parcels, where requested by applicants and approved by the City. As discussed in Section 1.6, *Project Description*, the likely buildout scenario under the HOD would result in a net increase of 266 residential units and a net reduction of approximately 2,840,000 square feet of non-residential space overall compared to overall city buildout analyzed in the General Plan EIR. However, new housing projects would be required to comply with standards set in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. California's Green Building Standards Code (CALGreen; California Code of Regulations, Title 24, Part 11) requires implementation of energy efficient light fixtures and building materials into the design of new construction projects. Furthermore, the 2019 Building Energy Efficiency Standards (CBC Title 24, Part 6) requires newly constructed buildings to meet energy performance standards set by the California Energy Commission. As the name implies, these standards are specifically crafted for new buildings to result in energy efficient performance so the buildings do not result in wasteful, inefficient, or unnecessary consumption of energy. The standards are updated every three years, and each iteration is more energy efficient than the previous standards. Furthermore, new housing projects would further reduce their use of nonrenewable energy resources as the electricity generated by renewable resources provided by PG&E continues to increase to comply with state requirements through Senate Bill 100, which requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045. Therefore, the proposed project would not result in new or substantially more severe energy impacts compared to those identified in the General Plan EIR.

### Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of energy is required.

## 4.7 Geology and Soils

### General Plan EIR Findings

Impacts related to 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

The proposed project would result in development that would occur in the same areas as those analyzed in the General Plan. As a result, the proposed project would be subject to the same geologic conditions and hazards as those identified in the General Plan EIR. As discussed in Section 1.6, *Project Description*, the likely buildout scenario under the HOD would result in a net increase of 266 residential units and a net reduction of approximately 2,840,000 square feet of non-residential space overall compared to overall city buildout analyzed in the General Plan EIR. The proposed HOD would facilitate infill growth, promote housing in close proximity to employment opportunities and would not involve the extension of roads or other infrastructure that could result in significant impacts to geology and soils. The HOD would result in increased residential densities within the NCMU and TC zones but would not result in increased building heights beyond what is currently allowed under the existing code. Therefore, it can reasonably be assumed that the proposed project would not require ground-disturbing activities that would exceed those previously analyzed by the General Plan EIR.

Furthermore, future development facilitated by the HOD would be required to adhere to State and City grading and building standards and requirements related to geological issues and paleontological resources including General Plan policies and actions, the California Building Standards Code, and the City's municipal code. New projects would be required to comply with Section XI-1-15.02 and Section XI-10-45.18 of the Milpitas Municipal Code, which include grading and erosion control requirements for new development within the city. Adherence to these requirements would reduce the potential for property damage, injury, or death resulting from seismic hazards. As a result, the proposed project would not introduce new impacts or substantially increased impacts related to geology, soils, and seismicity compared to those identified in the General Plan EIR.

### Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of geology and soils is required.



## 4.8 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

The proposed project would result in additional housing units on certain parcels, where requested by applicants and approved by the City. As discussed in Section 1.6, *Project Description*, the likely buildout scenario under the HOD would result in a net increase of 266 residential units and a net reduction of approximately 2,840,000 square feet of non-residential space overall compared to overall city buildout analyzed in the General Plan EIR.

The proposed population growth could lead to additional traffic and associated greenhouse gas emissions. However, as discussed in Section 4.3, *Air Quality*, the increase of 833 new residents would represent a small increase over the anticipated General Plan EIR population (2.2 percent). The proposed project would concentrate development along existing transit corridors and in existing urban areas where goods and services are accessible to bicyclists and pedestrians. This would reduce vehicle trips and greenhouse gas emissions compared to development in more car-dependent areas of the city. Additionally, the proposed net reduction of approximately 2,840,000 square feet of allowed non-residential space compared to the General Plan EIR would largely offset the potential increase in residential emissions, due to reduced vehicle trips associated with those uses.

Future building associated with the HOD would not include natural gas appliances or natural gas plumbing because the City requires that new residential buildings in the City of Milpitas be all electric, pursuant to City of Milpitas Municipal Code Section 4.106.5. Future buildings would not result in wasteful, inefficient, or unnecessary energy use, as explained in Section 4.6 of this Addendum. Finally, future development would achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2, as this is a City requirement pursuant to Municipal Code Section 4.106.4. Moreover, future development 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. Therefore, the proposed project would not result in new or substantially more severe greenhouse gas impacts compared to those identified in the General Plan EIR.

### Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described

in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of GHG emissions is required.

## 4.9 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**

The proposed project would result in development that would occur in the same areas as those analyzed in the General Plan EIR. As such, the proposed project and sites for development would be subject to the same conditions as those identified in the General Plan EIR. New housing does not typically introduce hazardous materials and any hazardous materials that would be generated by the proposed project would be limited to the kind of hazardous materials typically found in residential areas (i.e., cleaning projects, paint, etc.). New housing would be required to comply with the same local, state, and federal regulations identified in the General Plan, as well as 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. Additionally, Milpitas is not within an Airport Land Use Compatibility Plan zone and would not result in impacts related to airports. Thus, the proposed project would not introduce new impacts or substantially increased impacts related to hazards and hazardous materials compared to those identified in the General Plan EIR.

### **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of hazards and hazardous materials is required.

## 4.10 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**

The proposed project would result in development that would occur in the same areas as those analyzed in the General Plan EIR. Future development facilitated by the HOD would be required to adhere to General Plan actions and policies as well as Federal, State, regional, and municipal code regulations and requirements that would minimize exposure to flood-related hazards and minimize water quality impacts and impacts to wetlands resulting from new development. In addition, Milpitas is primarily built out and proposed development under the HOD would occur in previously developed areas of the city. Therefore, construction of new housing units under the HOD would not substantially increase impervious surface area, alter drainage patterns, or expose additional residents to flood-related hazards. Finally, new projects would be required to comply with Section XI-1-13.02 of the Milpitas Municipal Code, which requires a storm drainage plan and fees for all parcels of real property in the city that drain into the city storm drainage system. As a result, the proposed project would not introduce new impacts or substantially increase impacts related to hydrology and flooding compared to those identified in the General Plan EIR.

### **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of hydrology and water quality is required.

## **4.11 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 physical division of an established community.

### **Addendum Analysis**

As described in Section 1.6, *Project Description*, the HOD would result in zoning updates to parcels within the TC and NCMU zones that can be rezoned to allow residential uses or greater residential densities. The HOD would result in approximately 2,908 new units compared to existing conditions across both the TWC and NCMU land use designations. Compared to the General Plan EIR, the project would result in a net increase of 266 residential units. As shown in Table 2 and Table 3, the proposed project would allow for greater residential density compared to existing conditions.

The HOD, in and of itself, does not propose specific projects but makes updates to the General Plan and zoning code which regulate various aspects of new development in Milpitas. Because it is a policy document, the HOD would not, in and of itself, result in impacts to land use. However, policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to less than significant levels. These policies and actions would be required with

implementation of the HOD. Furthermore, since most of the identified parcels within the TC and NCMU zones already contain some type of development, housing that may be built on these sites would not create a substantial change from current conditions. Therefore, with City Council adoption of the proposed land use and zoning changes the proposed project would not introduce new impacts or substantially increased impacts related to land use and planning compared to those identified in the General Plan EIR.

## **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of land use is required.

## 4.12 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 to be less than significant.

### **Addendum Analysis**

The proposed project would not include uses or activities related to mineral resources and would not introduce uses or activities to areas designated for mineral resource mining. There would be no changes to the General Plan boundaries. The proposed project would not introduce new impacts or substantially increase impacts related to mineral resources compared to those identified in the General Plan EIR.

## **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of mineral resources is required.

## 4.13 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**

The proposed project would increase the maximum allowable dwelling units within the NCMU and TC zones, and no new noise-sensitive land uses would be added. Furthermore, the proposed project would not alter existing General Plan policies and programs aimed at minimizing the impacts of noise sources. There would not be a significant increase in on-site stationary noise sources, such as heating, ventilation, and air conditioning equipment and systems and utility transformers, under the proposed project, as this equipment is allowed under current conditions. Additionally, development under the proposed project would result in construction noise and vibration similar to development under the General Plan EIR. The General Plan EIR identified a significant impact related to traffic noise, which was mitigated to the greatest extent feasible through General Plan policies and actions, but remained significant and unavoidable. Since the proposed project contains similar uses that would result in similar vehicle trips as those evaluated within the General Plan EIR, it would not result in new or more severe impacts related to conflicts with applicable noise standards and increases in ambient noise levels and groundborne vibration due to traffic. 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 HOD. In addition, future development facilitated by the HOD would be required to adhere to the City's municipal code, including the noise ordinance.

Therefore, the proposed project would not result in new or substantially more severe significant impacts related to conflicts with applicable noise standards compared to those identified in the General Plan EIR.

### **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of noise is required.

## **4.14 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. 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.

## Addendum Analysis

The HOD, in and of itself, does not propose specific development projects. As discussed in Section 1.6, *Project Description*, the likely buildout scenario under the HOD would result in a net increase of 266 residential units and a net reduction of approximately 2,840,000 square feet of non-residential space compared to overall city buildout analyzed in the General Plan EIR. The California Department of Finance estimates that Milpitas has an average household size of 3.13 residents per unit (DOF 2023). Therefore, the likely buildout scenario under the HOD would increase the number of residents by approximately 833 compared to the General Plan EIR. This translates to a population increase of approximately 2.2 percent under the HOD compared to the General Plan EIR. Although the proposed HOD would increase residential units compared to the General Plan EIR, the State requires that all local governments adequately plan to meet the housing needs of their communities. The increase in population would allow Milpitas to provide its fair share of the regional housing, which requires the City to plan capacity for 6,713 new units. Furthermore, according to ABAG growth patterns, North and East Santa Clara County (of which Milpitas is located between) are anticipated to see growth of 199 percent and 67 percent, respectively (ABAG 2020). This accounts for roughly 21 percent of the share of regional growth for the Bay Area. Development allowed under the HOD would increase the residential buildout capacity and associated population growth compared with development analyzed under the General Plan EIR. However, non-residential development would be reduced under the HOD. As such, growth that would occur under the HOD would not be substantial or unplanned growth.

The HOD directs growth to areas located near existing commercial uses and services and on underutilized sites. Parcels in the NCMU and TCW designations that would likely be redeveloped under the HOD already contain some type of development or have been designated for future development in the General Plan. As such, potential housing under the HOD would not result in loss of existing housing in the NCMU and TC zones; rather, it would serve to develop new housing opportunities within the city. The proposed HOD would facilitate infill growth, promote housing in proximity to employment opportunities, and support regional planning efforts. In addition, the project would not involve the extension of roads or other infrastructure that could indirectly lead to population growth. The city is mostly developed and is supported by existing public services and infrastructure which are sufficient to serve the additional housing units. As such, growth that would occur under the HOD would not result in displacement of existing people or housing. Therefore, the proposed project would not introduce new impacts or substantially increased impacts related to population and housing compared to those identified in the General Plan EIR.

## Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and HOD and no additional environmental assessment of population and housing is required.

## 4.15 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

The proposed project may result in additional housing units on certain parcels, where requested by applicants and approved by the City. However, development would be allowed in the same areas as analyzed in the General Plan EIR. The proposed project would result in additional population growth, which could place additional demand on public services (i.e., fire, police, schools, recreational resources).

The proposed population growth could lead to additional demand for police and fire services. However, the increase of 833 new residents would represent a small increase over the anticipated General Plan EIR population (2.2 percent). This potential growth would be concentrated within existing urban areas where police and fire services are accessible to residents. Furthermore, the proposed project would result in a net reduction of approximately 2,840,000 square feet of non-residential space compared to the General Plan EIR which would largely offset the potential increase in demand for police and fire services. Future projects would be required to comply with the City of Milpitas Municipal Code Section V-300-2.30 which covers the cost of the Milpitas Fire Department to review and inspect the intended activities, operations, and functions. As such, it can be anticipated that the proposed project would not result in an increased demand for police and fire services which would require expansion or construction of new facilities.

Regarding schools, future projects would be subject to Senate Bill 50 school impact fees (established by the Leroy F. Greene School Facilities Act of 1998). Section 65996 of the State Government Code states that the payment of the school impact fees established by Senate Bill 50, which may be required by any state or local agency, is deemed to constitute full and complete mitigation for school impacts from development. As such, potential impacts on schools from population growth associated with the proposed project would be addressed through the payment of fees.

Future projects under the proposed project would be required to meet recreation standards through the City of Milpitas Municipal Code Section XI-1-9.06 which states that the amount of land required to be provided as park land pursuant to this section in the rest of the City shall be that figure which is the result of multiplying the project's estimated population (as calculated in Section 9.05) and 217.80 square feet (5 acres per 1,000 people). As such, future development would allow and plan for recreational and open spaces within project plans and prior to project approval.

All future development associated with the HOD would be required to pay Public Facilities Impact Fees. The purpose of Public Facilities Impact Fees is to provide funding for necessary maintenance and improvements created by development projects, including general facilities and equipment, libraries, police, parks and recreation, streets and traffic, fire, and storm drainage. Public facilities impact fees are based on the uses, the number of dwelling units, and the amount of square footage to be located on the property after completion of the development project. As such, through payment of the Public Facilities Impact Fees, the incremental demand on public services from additional growth would be addressed. Furthermore, as described in the General Plan EIR, if expansion of fire, police, school, or recreational facilities is needed to meet demand, those future facilities would undergo a development review process and be subject to environmental review pursuant to CEQA. That environmental review would identify site-specific conditions and physical changes resulting from a facility expansion, construction of a new facility, and/or infrastructure improvements needed.

For these reasons, the proposed project would not introduce new impacts or substantially increased impacts related to public services compared to those identified in the General Plan EIR.

## **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of public services is required.

## 4.16 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**

As discussed above under Section 4.15, *Public Services*, future projects under the proposed project would be required to meet recreation standards through the City of Milpitas Municipal Code Section XI-1-9.06 which states that the amount of land required to be provided for new development is 5 acres per 1,000 people. Site-specific physical impacts of future park development and construction cannot be determined until future projects are proposed. The HOD, in and of itself, does not propose specific projects but updates the General Plan and updates the zoning code which regulate various aspects of new development in Milpitas. Future development facilitated by the HOD 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. As such, the proposed project would not introduce new impacts or substantially increased impacts related to recreation compared to those identified in the General Plan EIR.

## **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of recreation is required.

## 4.17 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.

## Addendum Analysis

The HOD, in and of itself, does not propose specific development projects. As discussed in Section 1.6, *Project Description*, the likely buildout scenario under the HOD would result in a net increase of 266 residential units and a net reduction of approximately 2,840,000 square feet of non-residential space overall compared to overall city buildout analyzed in the General Plan EIR. This increase of residential units would result in an incremental increase in vehicle miles traveled (VMT) from people traveling to and from their homes and employment centers. However, the proposed project would result in a net reduction of approximately 2,840,000 square feet of non-residential space compared to the General Plan EIR which would largely offset the potential increase in residential VMT.

The HOD directs growth to areas located near existing commercial uses and services and on underutilized sites. Parcels in the NCMU and TC zones that would likely be redeveloped under the HOD already contain some type of development or have been designated for future development in the General Plan. The proposed HOD would facilitate infill growth, promote housing in close proximity to employment opportunities, and support regional planning efforts. The proposed development areas would encourage multi-use residential development. The NCMU zone would encourage active neighborhood-serving uses at the ground level, including grocery stores, specialty retail, restaurants, plazas, or walk-in personal services such as banks and salons. The TC zone would encourage mixed-use residential project that integrates residential and nonresidential uses either vertically or horizontally. At its core, the HOD focuses on encouraging residential development near places of work and commercial services which encourages a reduction in VMT by making active transportation such as walking and cycling more accessible to residents. The General Plan EIR identified a significant impact related to VMT which was mitigated to the extent feasible through General Plan policies and actions but remained significant and unavoidable. Policies and actions in the General Plan that were referenced in the General Plan EIR would help reduce impacts to the extent possible. These policies and actions would be required with implementation of the HOD.

In addition, the project would not involve the extension of roads or other infrastructure that could indirectly lead to population growth. The city is mostly developed and is supported by existing roadways and transportation infrastructure which are sufficient to serve the 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. Most of the parcels identified in the HOD are in proximity to a mix of land uses, which would encourage walking and biking to commercial services such as restaurants, shops, and grocery stores. Therefore, rather than conflicting with transportation policies and plans, the HOD would support implementation of these

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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).

plans by accommodating non-vehicular travel, thereby reducing VMT. Future development facilitated by HOD would be required to comply with applicable regulations and plans related to roadway design standards and emergency access including the City's municipal code, and General Plan policies and actions.

Therefore, the proposed project would not introduce new impacts or substantially increased impacts related to transportation compared to those identified in the General Plan EIR.

## **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of transportation is required.

## 4.18 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 Costanoan, 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**

On March 15, 2024, 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, Wuksache Indian Tribe/Eshom Valley Band, The Confederated Villages of Lisjan, and Tamien Nation. No consultation has been requested at the time of publication of this document. Tribal responses, if any, would be considered by the City and incorporated as part of the final project approvals. Further, the areas considered as part of the proposed project were analyzed under the General Plan EIR and for which tribal consultation as required by SB 18 for the General Plan EIR was also completed and for which an opportunity to consult and address potential impacts was provided. No previously unidentified tribal cultural resources within the city have been identified during consultation, nevertheless, future development facilitated by the HOD would be required to comply with applicable State regulations including the City's municipal code, and General Plan policies and actions. Therefore, the proposed project would not introduce new impacts

or substantially increased impacts related to tribal cultural resources compared to those identified in the General Plan EIR.

## Conclusion

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of utilities is required.

## 4.19 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

The proposed project could result in a net increase of up to 266 new residential units and a net reduction of approximately 2,840,000 square feet of non-residential space overall compared to the General Plan EIR. Population growth resulting from development allowed under the proposed project would increase demand for utilities including water, wastewater, natural gas, electricity, telecommunications, and solid waste.

Population growth resulting from residential development under the proposed project would incrementally increase demand for municipal facilities. However, this increased demand would be incremental, and partially offset by the proposed reduction of approximately 2,840,000 square feet of non-residential space compared to the General Plan EIR. Additionally, increased demand associated with population growth under the proposed project would be further offset by the project's reduction in non-residential space. The HOD would allow for denser residential development within the NCMU and TC zones, which would promote greater overall efficiency in community and municipal operations. All potential parcels within both zoning districts are located within the city limits and urbanized areas where existing infrastructure is already present.

Future development facilitated by the HOD would be required to adhere to Federal, State, regional, and City regulations, General Plan actions and policies, and the City's municipal code including applicable fees and NPDES permits. The project would not therefore require the expansion or relocation of these facilities such that significant environmental effects would occur. Therefore, the proposed project would not introduce new impacts or substantially increased impacts related to utilities and service systems compared to those identified in the General Plan EIR.

## **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of utilities is required.

## 4.20 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 potential parcels identified within the TC or NCMU zones are located within a State Responsibility or Very High Fire Hazard Severity Zone (VHFSZ) (California Department of Forestry and Fire Protection 2007). The closest mapped VHFSZ is located over four miles southeast near Alum Rock Park; thus, sites where housing is encouraged by the HOD are not near a VHFSZ. In addition, the immediate surrounding area to where districts are located is developed with urban land uses and is generally level. The proposed project may result in additional housing units on certain parcels. However, development would still occur in the same areas as analyzed in the General Plan. Moreover, since the new housing would be located within areas with existing connections to transit and utilities, they would not require the installation of new infrastructure such as roads, which could exacerbate fire risk. Applications for development would be reviewed by the Milpitas Fire Department for compliance with applicable emergency response plans and requirements to reduce fire hazards. Future development facilitated by the HOD 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).

Therefore, the proposed project would not introduce new impacts or substantially increase impacts related to wildfire compared to those identified in the General Plan EIR.

## **Conclusion**

The HOD would not result in new impacts not addressed or analyzed in the General Plan EIR nor present new information that indicates that impacts would be more significant than those described in the General Plan EIR. Therefore, the impacts of the HOD would be within the scope of the General Plan EIR and no additional environmental assessment of wildfire is required.

## 5 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 Opportunity District Project would not involve development in areas not assumed for development 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.

## 6 References

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### 6.2 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.

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