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1000 Gibraltar Drive

# 15164 Addendum to the 1000 Gibraltar Drive Final Environmental Impact Report (State Clearinghouse No. 2020069024)

***City of Milpitas, Santa Clara County, California***

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August 28, 2025

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## Tables

## Exhibits

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# ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| µg/m$^3$ | micrograms per cubic meter |
| °F | degrees Fahrenheit |
| AB | Assembly Bill |
| ACM | asbestos-containing materials |
| APN | Assessor's Parcel Number |
| ARB | California Air Resources Board |
| BART | Bay Area Rapid Transit |
| BMP | Best Management Practice |
| CalEEMod | California Emissions Estimator Model |
| Caltrans | California Department of Transportation |
| CBC | California Building Standards Code |
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| CGS | California Geological Survey |
| DOC | California Department of Conservation |
| DTSC | California Department of Toxic Substances Control |
| EIR | Environmental Impact Report |
| EOP | Emergency Operations Plan |
| ESA | Environmental Site Assessment |
| FAR | floor area ratio |
| FEIR | Final Environmental Impact Report |
| FEMA | Federal Emergency Management Agency |
| HVAC | heating, ventilation, and air conditioning |
| LEED® | Leadership in Energy and Environmental Design |
| LID | Low Impact Development |
| M2 | Heavy Industrial |
| MBTA | Migratory Bird Treaty Act |
| MFG | Manufacturing |
| mgd | million gallons per day |
| MM | Mitigation Measure |
| MMRP | Mitigation Monitoring and Reporting Program |
| mph | miles per hour |
| MRP | Municipal Regional Permit |

| | |
|---|---|
| NAHC | Native American Heritage Commission |
| ND | Negative Declaration |
| NFHL | National Flood Hazard Layer |
| NPDES | National Pollutant Discharge Elimination System |
| NWIC | Northwest Information Center |
| O&M Plan | Operations & Maintenance Plan |
| PG&E | Pacific Gas and Electric Company |
| PRC | Public Resources Code |
| REC | Recognized Environmental Condition |
| RWQCB | Regional Water Quality Control Board |
| SB | Senate Bill |
| SCP | Stormwater Control Plan |
| SCVHP | Santa Clara Valley Habitat Plan |
| SCVURPPP | Santa Clara Valley Urban Runoff Pollution Prevention Program |
| SFPUC | San Francisco Public Utilities Commission |
| SLF | Sacred Lands File |
| SMARA | Surface Mining and Reclamation Act |
| SMP | Soil Management Plan |
| SOI | Sphere of Influence |
| SWPPP | Storm Water Pollution Prevention Plan |
| TCR | Tribal Cultural Resource |
| UCMP | University of California Museum of Paleontology |
| USFWS | United States Fish and Wildlife Service |
| USGS | United States Geological Survey |
| WPCP | Water Pollution Control Plant |
| VOC | volatile organic compounds |

# 1 - INTRODUCTION

Pursuant the California Environmental Quality Act (CEQA) Section 15164, this Addendum (herein after referred to as Addendum) and attached supporting documents have been prepared to determine whether and to what extent the 1000 Gibraltar Drive Environmental Impact Report (State Clearinghouse No. 2020069024, certified March 24, 2021), hereinafter referred to as the previous Final Environmental Impact Report (previous FEIR), prepared for the City of Milpitas (City) remains sufficient to address the potential impacts of the proposed 1000 Gibraltar Drive Project (P-SD24-0006) (proposed project) or whether additional documentation is required under the CEQA (Public Resources Code [PRC] § 21000, *et seq*.).

## 1.1 - Environmental Checklist

Pursuant to Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164, subd. (a), the attached Addendum has been prepared to evaluate the proposed project. Consistent with the thresholds used by the Lead Agency in the previous FEIR, the attached Addendum uses the standard environmental checklist categories provided in Appendix G of the CEQA Guidelines but provides answer columns for evaluation consistent with the provisions of CEQA Guidelines Section 15162, subd. (a).

## 1.2 - Environmental Analysis and Conclusions

CEQA Guidelines Section 15164, subd. (a) provides that the lead agency or a responsible agency shall prepare an Addendum to a previously certified Environmental Impact Report (EIR) or Negative Declaration (ND) 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 or ND have occurred (CEQA Guidelines § 15164, subd. (a)).

An Addendum need not be circulated for public review but can be included in or attached to the FEIR or ND (CEQA Guidelines § 15164, subd. (c)). The decision-making body shall consider the Addendum the Final EIR prior to making a decision on the proposed project (CEQA Guidelines § 15164, subd. (d)). An agency must also include a brief explanation of the decision not to prepare a subsequent EIR or ND pursuant to Section 15162 (CEQA Guidelines § 15164, subd. (e)).

Consequently, once an EIR or ND has been certified for a project, no subsequent EIR or ND is required under CEQA unless, based on substantial evidence:

1) Substantial changes are proposed in the project which will require major revisions of the previous FEIR or ND . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; [1]

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous FEIR or ND . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous FEIR was certified as complete or the ND was adopted. . . shows any of the following:
   A. The project will have one or more significant effects not discussed in the previous FEIR or ND or negative declaration;
   B. Significant effects previously examined will be substantially more severe than shown in the previous FEIR or ND;
   C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
   D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR or ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines, Section 15162, subd. (a); see also Pub. Resources Code, Section 21166).

This Addendum, checklist, and attached documents constitute substantial evidence supporting the conclusion that preparation of a supplemental or subsequent EIR or ND is not required.

This Addendum addresses the conclusions of the previous FEIR in light of the proposed project.

## 1.2.1 - Findings

There are no substantial changes proposed by the 1000 Gibraltar Drive Project or under the circumstances in which the proposed project would be undertaken that would require major revisions of the previous FEIR. The proposed revisions do not require preparation of a new subsequent or supplemental EIR due to either (1) the involvement of new significant environmental effects, (2) a substantial increase in the severity of previously identified significant effects, or (3) new information of substantial importance. No mitigation measures or alternatives previously found not to be feasible would in fact be feasible nor has the proposed project proponent declined to adopt any additional mitigation measures or alternatives that would substantially reduce one or more significant effects on

[1] CEQA Guidelines Section 15382 defines “significant effect on the environment” as “ . . . a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance . . .” (see also Public Resources Code [PRC] § 21068).

the environment. Applicable mitigation measures from the previous FEIR are identified and discussed in this Addendum.

As illustrated herein, the proposed project is consistent with and within the scope of the previous FEIR and would involve only minor changes; therefore, an Addendum is appropriate and required CEQA compliance for the proposed project.

### 1.2.2 - Conclusions

The impacts of the proposed project remain within the impacts previously analyzed in the previous FEIR (CEQA Guidelines § 15164).

## 1.3 - Mitigation Monitoring Program

As required by Public Resources Code Section 21081.6, subd. (a)(1), a Mitigation Monitoring and Reporting Program (MMRP) was adopted to implement the certified previous FEIR and to monitor the implementation of the mitigation measures that were adopted by the Lead Agency. Long-term monitoring of mitigation measures imposed on the overall development will be implemented through the MMRP. The MMRP has been updated to identify the relevant mitigation measures applicable to the 1000 Gibraltar project evaluated in this Addendum.

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# 2 - PROJECT DESCRIPTION

## 2.1 - Location and Setting

### 2.1.1 - Location

The approximately 28.96-acre project site is located in the City of Milpitas (City), in Santa Clara County (County), California (Exhibit 1). The City is located in the northern portion of the County and is bordered by the City of San José to the west and the City of Fremont to the north. The eastern portion of the City is comprised of a range of high foothills and mountains, which are a part of the Diablo Range. The City is divided into three sections by Interstate 680 (I-680) and I-880. Areas west of I-880 are largely industrial and commercial. Between I-880 and I-680, there is an industrial zone in the south and residential neighborhoods in the north. Other residential neighborhoods and undeveloped mountains are to the east of I-680. The proposed project site is located in the industrial zoned area between I-880 and I-680. The project site is located at 1000 Gibraltar Drive and encompasses one corresponding Assessor's Parcel Number (APN): 086-42-033 (Exhibit 2).

### 2.1.2 - Environmental Setting

#### Existing Land Use Activities

The project site is currently developed with a vacant, 397,009-square-foot corporate campus including four office buildings and research/development facilities ranging from 1 to 2 stories in height with surface parking lots along the site periphery and has been vacant since 2015. The existing on-site floor area ratio (FAR) is 0.31. Existing impervious surface areas comprise approximately 876,485 square feet. The project site has seven access points, three on South Milpitas Boulevard and four on Gibraltar Drive. The project site is landscaped with a large number and variety of ornamental trees including valley oak, olive, paloverde, pittosporum, coast redwood, coast live oak, queen palm, spruce, crape myrtle, zelkova, strawberry tree, plum/cherry, yellow birch, Chinese pistache, London plane tree, sweetgum, Chinese fringe tree, and shamel ash. According to the Arborist Report Addendum prepared in 2025 a total of 98 on-site trees are large enough to quality for protected status according the Milpitas Municipal Code.

#### Surrounding Land Uses

The project site is within the south-central portion of the City and is surrounded by industrial offices, places of worship, and a restaurant/café accessory use to the north; Gibraltar Drive as well as office and industrial office uses to the west and south; and South Milpitas Boulevard as well as industrial and office uses to the east (Exhibit 2). The project site is approximately 0.4 mile north of Montague Expressway, 0.4 mile west of I-680, 0.9 mile south of SR-237, and 1.1 mile east of I-880. The Bay Area Rapid Transit (BART) tracks are located approximately 700 feet west of the project site. The

Union Pacific Railroad Milpitas Yard is located approximately 1,200 feet northwest of the site (and approximately 70 feet west of the BART tracks).

### 2.1.3 - Existing General Plan and Zoning Designations

The project site has a General Plan land use designation of Manufacturing (MFG) and is located within the City's Heavy Industrial District (M2) zoning district. The MFG designation allows a variety of light and heavy industrial uses including manufacturing, packaging, processing, warehousing and distribution, and ancillary support uses at a FAR of up to 1.0. The M2 Zoning District allows for the construction, use, and occupancy of buildings and facilities for office, research, general manufacturing, warehousing and distribution, and other uses compatible with the district.

## 2.2 - Project Background

### 2.2.1 - Previously Approved Project

Implementation of the previously approved project would have involved the demolition of all existing on-site buildings (representing 397,009 square feet), parking lots, and associated improvements. The previously approved project included a new 491,040-square-foot tilt-up concrete creative industrial building, inclusive of two supporting offices at the northwest and southeast corners (4,910 square feet) and surface parking on all sides of the building. The previously approved project's FAR was 0.38. The previously approved building was designed to accommodate up to two separate tenants with uses including advanced manufacturing, e-commerce, light assembly, warehouse/distribution, and possibly other uses permitted within the M2 Zoning District. The previously approved project was not constructed.

### 2.2.2 - 2020 1000 Gibraltar Drive Environmental Impact Report

The previous FEIR (State Clearinghouse No. 2020069024) was certified by the Milpitas City Council on March 24, 2021 per Resolution 21-007. As part of the environmental review an Initial Study was prepared and circulated to the public during the Notice of Preparation process. The Initial Study was attached to the Draft EIR as Appendix A and was available during public comment periods and is incorporated in the previous FEIR. The analysis of impacts was contained in the Initial Study, with the exception of air quality, greenhouse gas emissions, and transportation, which were found to have a potential impact and were therefore analyzed in the FEIR.

## 2.3 - Proposed Project Characteristics

Panattoni Development Company (applicant) is seeking approval of a modified site plan for the 1000 Gibraltar Drive project site considered in the previous FEIR (Table 1). Implementation of the now proposed project involves the demolition of all existing on-site buildings representing 397,009 square feet, parking lots, and associated improvements. The proposed project consists of a 487,564-square-foot building with 476,864 square feet of warehouse space and 10,700 square feet of office space at the northeast corner of the building, truck docks, trailer parking, passenger vehicle parking, backup

generator, landscaping and stormwater facilities (detention basins) (Exhibit 3). The proposed building would be 1 story with a maximum height of 46.5 feet above the ground surface at the top of the parapet and the project would have 0.39 FAR. The proposed building would have a setback of 35 feet from the face of the curb on Gibraltar Drive and South Milpitas Boulevard. An average of 363 employees (accounting for seasonal flucations) are expected.

### Table 1: Project Comparisons

| | Existing Conditions | Previously Approved Project | Proposed Project | Difference (Previously Approved vs. Proposed) |
|---|---|---|---|---|
| Number of Buildings | 4 | 1 | 1 | 0 |
| Demolition (square feet) | n/a | 397,009 | 397,009 | 0 |
| Total Square Footage | 397,009 square feet | 491,040 | 487,564 | -3,476 |
| Warehouse | | 486,130 square feet | 476,864 square feet | -9,266 |
| Office | | 4,910 square feet | 10,700 square feet | +5,790 |
| Floor Area Ratio (FAR) | 0.31 | 0.38 | 0.38 | +.01 |
| Impervious Surface Area (square feet) | 876,485 | 928,755 (additional 52,270) | 982,012 (additional 105,527) | +53,257 |
| Height (feet) | 1 to 2 stories | 42 | 46.5 | +4.5 |
| Protected Tree Removal | N/A | 88 | 18[1] | -63 |
| Employees | N/A | 330 | 363 | +33 |

Notes:

[1] Seven protected status trees have been removed between certification of the previous FEIR and the currently proposed project. These trees were removed as a result of their declining health. In total, the proposed project and current existing conditions results in 25 fewer protect trees on-site.

Source: City of Milpitas. 2020, Initial Study 1000 Gibraltar Drive. June.

City of Milpitas. 2020. 1000 Gibraltar Drive Draft Environmental Impact Report, State Clearinghouse No. 2020069024. December.

Stantec, Kier-Wright. 2025. SSD–SSJ1 Entitlement Package. June 26.

Santa Clara Valley Urban Runoff Pollution Prevention Program. 2025. Provision C.3 Data Form for Gibraltar Industrial. August 8.

## Access, Circulation, and Parking

The circulation for the proposed project has been designed to ensure the safe and efficient movement of cars and trucks throughout the project site. Four driveways ranging in widths of 30 to 50 feet would be provided along South Milpitas Boulevard and Gibraltar Drive. As shown on Exhibit 3, the northern most existing automobile driveway entry on Gibraltar Drive would be relocated slightly to the south.

The two driveways further to the south on Gibraltar Drive would be removed. The fourth driveway on Gibraltar Drive, located on the southern boundary of the site, would be maintained. The northern most existing driveway on South Milpitas Boulevard would be removed. The existing driveway at the intersection of South Milpitas Boulevard and Ames Avenue would be maintained. Finally, a new driveway would be constructed near the southeastern corner of the proposed building and would serve as the primary office driveway.

The primary path of truck traffic on-site site would enter at the South Milpitas Boulevard and Ames Avenue intersection, travel straight and north to truck docks and trailer parking, then west to the northern most driveway on Gibraltar Drive (Exhibit 3). Smaller personal and commercial vehicle paths of travel would be permitted on any of the four proposed driveways for entry or exit. Additionally, the proposed project would include on-site fire lanes which would provide emergency access to the project site.

Truck and trailer parking is proposed to the northeast of the proposed building, adjacent to South Milpitas Boulevard and located along the primary path of truck traffic. An 8-foot-tall concrete tilt-up screen wall is proposed to be constructed around the trailer parking stalls. Automobile parking would be located surrounding the proposed building on the southern half of the project site. Based upon a total of 487,564 square feet of warehouse and office building area, 343 parking spaces are required, whereas the proposed project includes 781 parking spaces, thus exceeding the City's parking requirements. The proposed warehouse building has approximately 1.61 parking stalls per 1,000 square feet. In addition, 24-bicycle parking spaces would be provide adjacent to the proposed office area. Of the 24 bicycle parking spaces, 12 spaces would be short-term and 12 spaces would be long-term.

A metal gate with Knox box would be installed at the South Milpitas Boulevard and Ames Avenue driveway as well as on-site between truck and automobile parking areas. No other driveways would be gated. The proposed project would include frontage street improvements consisting of a full width grind and overlay of Gibraltar Drive and crack and slurry repair on South Milpitas Boulevard.

Pedestrian paths of travel would be demarcated throughout the project site and would connect to the existing sidewalk along South Milpitas Boulevard and Gibraltar Drive. The proposed project would also construct crosswalks and curb ramps as well as upgrades to existing traffic signal equipment at the northern and western leg of the South Milpitas Boulevard and Ames Avenue intersection. Crosswalk striping and curb ramp replacements would also be provided at the intersection of Gibraltar Drive and Milpitas Boulevard as well as at the southwest corner of the project site, crossing Gibraltar Drive.

## Open Space and Landscaping

The proposed project would maintain the landscaping areas along South Milpitas Boulevard and Gibraltar Drive. The proposed project would remove 18 of the 98 on-site trees that classify as protected trees under the Milpitas Municipal Code but would include the planting of replacement trees exceeding the required ratio of 2:1. As such, the proposed project would include the planting of 185

trees. The proposed project would maintain other existing trees and proposed trees would include various tree and shrub species consistent with the surrounding area and meeting drought-tolerant requirements. The landscaping plan includes trees along the perimeter of the site, within the site's parking areas, and near the eastern and western façades of the building. Stormwater infrastructure, in the form of detention basins, would be incorporated into on-site landscaping and open space with larger basins located along the project site's northern boundary and southwestern corner.

### Lighting

The proposed lighting plan includes night lighting for parking areas, walkways, and driveways. Outdoor lights would cast downward and would be shrouded to prevent glare. Proposed site lighting would be designed to comply with Leadership in Energy and Environmental Design (LEED®) light pollution reduction requirements.

### Storm Drainage

The proposed project would construct new detention basins and storm drains that would connect to existing 15- to 18-inch storm drains on-site and in Gibraltar Drive. The proposed project includes the construction of Low Impact Development (LID) stormwater management systems, including proposed bioretention treatment and pervious pavement (self-retaining) areas, which would allow stormwater runoff from the project site to infiltrate the ground surface and would treat as well as reduce runoff from the site. The project site consists of approximately 876,485 square feet of existing impervious surfaces to which the proposed project would add 105,527square feet, resulting in approximately 982,012 square feet of impervious surfaces (Table1).

### Utilities

The proposed project would connect to the City's existing utility and service systems. The proposed project would include the construction of sanitary sewer lines that would connect to two existing sanitary sewer lines in South Milpitas Boulevard and Gibraltar Drive. Existing fire hydrants on South Milpitas Boulevard and Gibraltar Drive would serve the proposed project. An existing fire hydrant on South Milpitas Boulevard would be relocated to the east to allow for driveway access. The proposed project's new domestic water lines would connect to 8- to 14-inch water lines on South Milpitas Boulevard. Fire service water would be served to the project site via connections in Gibraltar Drive. Electricity would be provided by Pacific, Gas, and Electric Company (PG&E), which currently serves the site.

### Demolition and Construction

The proposed project would result in the demolition of the existing on-site buildings and all surface pavements on the site. The proposed project would require 45,111 cubic yards of cut material and 50,030 cubic yards of fill material, resulting in 3,913 cubic yards of import. Demolition and construction methods, as well as disturbance area, would be generally the same as that considered for the previously approved on-site project, including the potential for temporary dewatering. The demolition and construction phases of the proposed project are anticipated to take approximately 14 months. The proposed project is anticipated to be completed and occupied by December 2026.

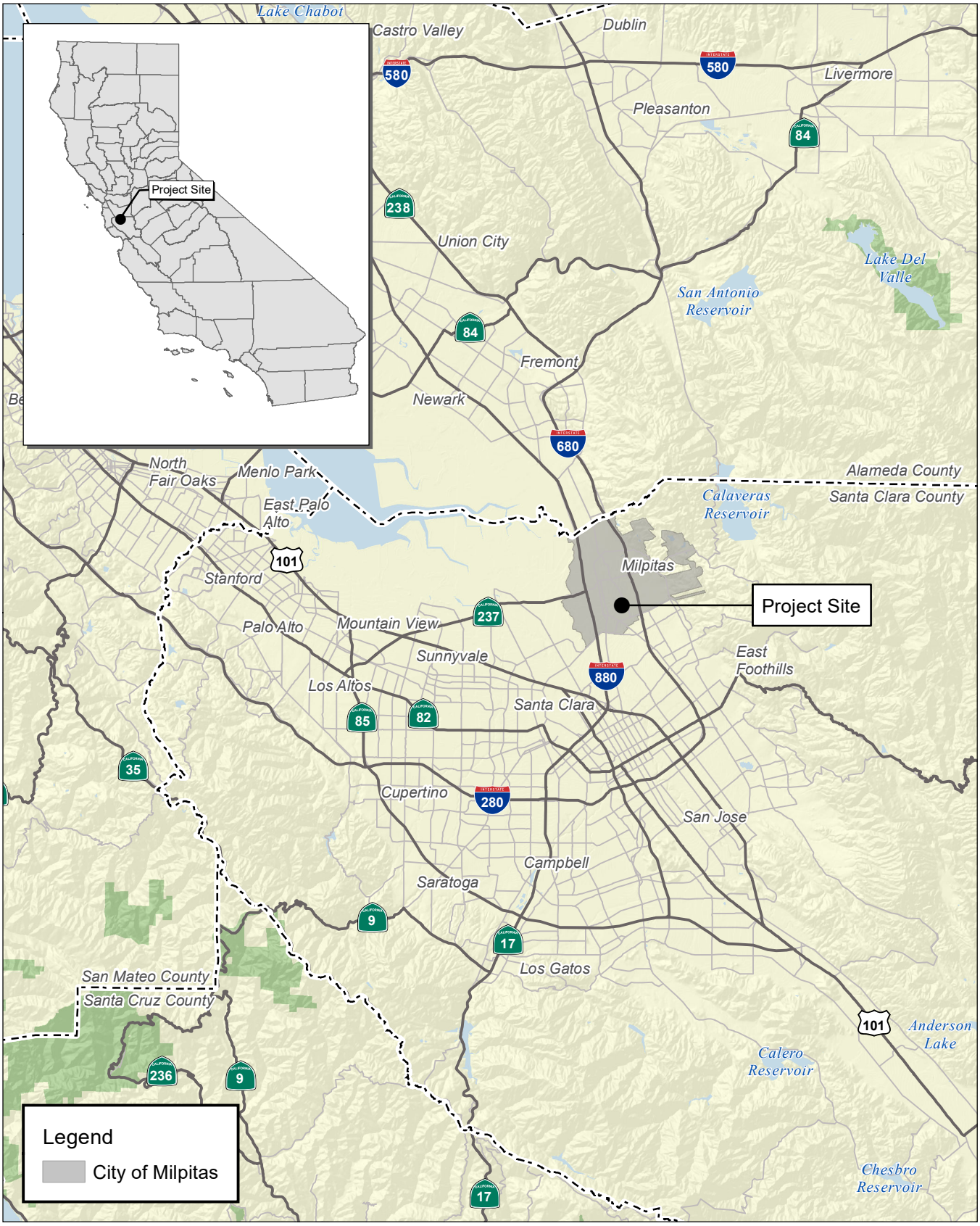
## 2.4 - Discretionary Approvals

The proposed project requires the following discretionary approvals from the City of Milpitas:

- Site Development Permit No. SD24-0006
- Tree Removal Permit No. TR25-0021
- Environmental Assessment No. EA24-0002

## 2.5 - Other Approvals

- Approval of site, demolition, grading, and building permits (City of Milpitas Office of Building Safety)
- Approval of permits for streetscape improvements in the public right-of-way (City of Milpitas Public Works, Engineering Division)
- Fire Department Review and Approval of proposed fire truck access and site fire flow design




Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

**Exhibit 1**
Regional Location Map

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Source: ESRI Aerial Imagery. Santa Clara County.

1,000 500 0 1,000 Feet

**Exhibit 2**
Local Vicinity Map

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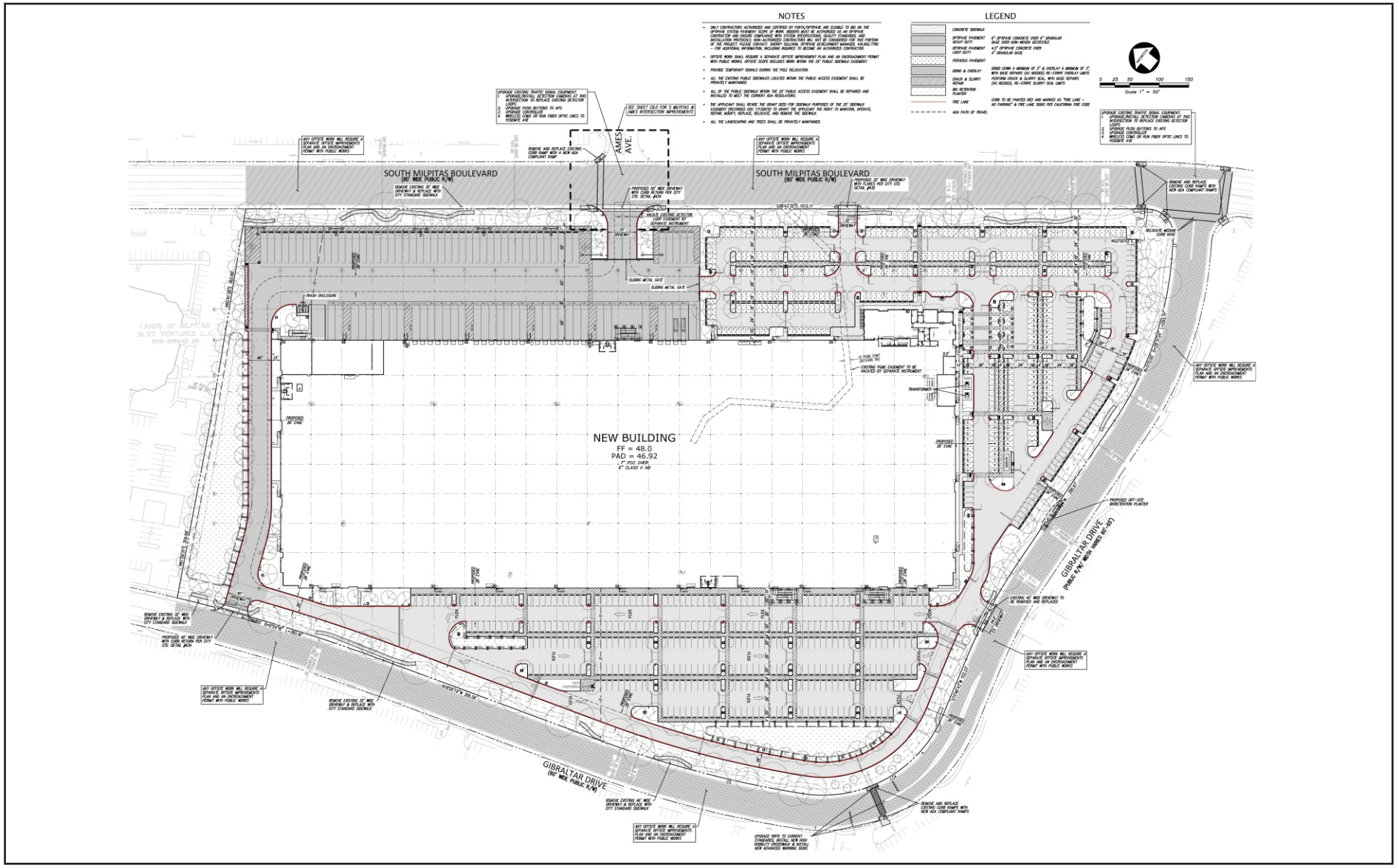


Source: Kier + Wright, 06/26/2025.

**Exhibit 3**
Site Plan

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# 3 - CEQA ADDENDUM

The purpose of the Addendum's checklist is to evaluate the revisions in the proposed project in light of the previous FEIR to evaluate any changed condition (e.g., changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) (CEQA Guidelines § 15162).

The questions posed in the Addendum's checklist come from Appendix G of the CEQA Guidelines. A "no" answer does not necessarily mean that there are no potential impacts relative to the environmental category but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigation measures in the Final EIR. These environmental categories might be answered with a "no" in the checklist since the proposed project does not introduce changes that would result in a modification to the conclusion of the previously approved CEQA document.

This Addendum addresses the conclusions of the 1000 Gibraltar Drive FEIR.

## 3.1 - Explanation of Addendum Evaluation Categories

### (1) Conclusion in the Previous FEIR and Related Documents

This column summarizes the conclusion of the previous FEIR relative to the environmental issue listed under each topic.

### (2) Do the Proposed Changes Involve New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(1), this column indicates whether the changes represented by the revised project will result in new significant environmental impacts not previously identified or mitigated by the previous FEIR or whether the changes will result in a substantial increase in the severity of a previously identified significant impact.

### (3) New Circumstances Involving New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the project is undertaken that will require major revisions to the previous FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

## (4) New Information Requiring New Analysis or Verification?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3)(A-D), this column indicates whether 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 FEIR was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous FEIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous FEIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the previous FEIR remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered “no” and no additional environmental document would be required.

## (5) Mitigation Measures Implemented to Address Impacts

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3), this column indicates whether the previous FEIR provides mitigation measures to address effects in the related impact category. Any previously adopted mitigation measures will be identified. The response will also address proposed revisions to previously adopted mitigation measures. These mitigation measures will be implemented with the construction of the project, as applicable. If “NA” is indicated, the Final EIR has concluded that the impact either does not occur with this project or is not significant, and therefore no additional mitigation measures are needed.

# 3.2 - Discussion and Mitigation Sections

The following sections include three components for each environmental checklist question: discussion of each checklist question and any potential impacts to the environment, any mitigation measures required, and a conclusion of the analysis. Each component is further described below:

### (1) Discussion

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

### (2) Mitigation Measures

Applicable mitigation measures from the previous FEIR that apply to the proposed project are listed under each environmental category.

### (3) Conclusions

A discussion of the conclusion relating to the analysis is contained in each section.

## 3.3 - Environmental Topics

The following topics are evaluated in accordance with current CEQA Guidelines and requirements:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- GHG Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

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| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **I. Aesthetics, Light, and Glare** *Except as provided in Public Resources Code Section 21099, would the project:* | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | Less than significant impact | No | No | No | None |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway? | No impact | No | No | No | None |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations | Less than significant impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| governing scenic quality? | | | | | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | Less than significant impact with mitigation incorporated | No | No | No | None |

# Existing Conditions

The project site is relatively flat and consists of four 1- to 2-story office buildings, paved surface parking areas, and landscaping including trees. An open grassland area with trees is located at the southern end of the site. The site is surrounded by paved roadways (i.e., South Milpitas Boulevard and Gibraltar Drive) and 1- to 2-story office and industrial buildings with paved parking areas and landscaping. The visual character of the existing site and surrounding areas is consistent with the visual setting described in the previous FEIR.

# Discussion

### a) Scenic Vistas

***Previous FEIR Conclusions***

The previous FEIR concluded that the previously approved project would have a less than significant impact on scenic vistas. The previous FEIR indicated that the project site is not located in an area considered to be within view of a scenic vista and would not consist of or block any possible City-designated views. Furthermore, it was concluded that development of the previously approved project would not obscure any views of scenic vistas from surrounding public vantage points. Therefore, in certifying the previous FEIR for the previously approved project, the City found that impacts would be less than significant and no mitigation was required.

***Proposed Project Analysis and Conclusion***

The proposed project is located on the same site analyzed in the previous FEIR and proposes development substantially similar to what was already analyzed and approved. There are no officially

designated scenic vista points in the General Plan Milpitas Planning Area. The project site is not located in an area considered to be within view of a scenic vista. As such, the proposed project would have no impact on views of scenic vistas.

Significant visual resources in the Milpitas Planning Area include Mission Hills and Monument Peak (more than 5 miles northeast of the site), which form a distinctive scenic backdrop to the City. The project site is surrounded by urban development and landscaping which substantially blocks views of the above-mentioned hillsides from the surrounding area. As shown in Table 1, the proposed project would include a single-story warehouse and office building similar in scale and mass to the previously approved project with an overall reduction in square footage. The proposed building would be approximately 4.5 feet taller than the previously approved project (see Table 1), but this slight increase would not substantially block views of the Mission Hills or Monument Peak from publicly accessible locations due to distance and intervening urban features. Furthermore, as shown in Table 1, the proposed project's building footprint would be approximately 3,476 square feet smaller than the previously approved project. As such, the modifications included in the proposed project are within the scope of and consistent with the analysis in the previous FEIR. For the above reasons, the proposed project would not significantly impact views of visual resources from surrounding public vantage points. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### b) Scenic Highways

#### *Previous FEIR Conclusions*

The previous FEIR concluded that there would be no impacts related to the substantial damage of scenic resources within a State scenic highway. The previous FEIR indicated that the California Department of Transportation's (Caltrans's) California Scenic Highway Mapping System identifies I-680 to the north of Mission Boulevard as an officially designated State Scenic Highway, a location approximately 8.5 miles from the project site. The previous FEIR concluded that given this distance, the previously approved project would not be visible from the designated scenic roadway and the previously approved project would have no impact on scenic resources located within view of a State scenic highway.

#### *Proposed Project Analysis and Conclusion*

The project site is not located within or adjacent to an officially State-designated scenic highway. As stated above, the nearest officially designated scenic highway is a portion of I-680 to the north of Mission Boulevard, approximately 8.5 miles north of the project site.[2] Given the distance of the proposed project from the nearest State scenic highway, the project would have no impact on a scenic highway. As such, the proposed project would not damage scenic resources within a State scenic highway. The proposed project would have no impact on scenic resources within a State

[2] California Department of Transportation (Caltrans). California State Scenic Highway System Map. Website: https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed April 24, 2025.

scenic highway and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### c) Consistency with Scenic Quality Regulations and Visual Character

***Previous FEIR Conclusions***

The previous FEIR concluded that although the previously approved project would temporarily degrade the existing visual character of the site due to construction activities, impacts related to the permanent development of the previously approved project and its consistency with scenic quality regulations and visual character of the project area would be less than significant.

***Proposed Project Analysis and Conclusion***

The project site is located within an urbanized area; the site and surrounding office/industrial uses are located within the M2 Zoning District, in which heavy industrial use is permitted. The proposed project would consist of a 1-story warehouse/office building primarily made of tilt-up concrete panels with glass corners which address the main entry and surrounding site vantage points while the bulk of the structure is offset by various façade movement and vertical undulation. The office portion of the building would contain additional glazing to address the tenant layout. The proposed development would have landscaping, including trees and open space areas. Overall building type and visual appearance would be similar to that of the previously proposed project.

Consistent with the previously approved project, the proposed project could temporarily degrade existing visual character of the site during temporary construction activities (which would be similar to those previously approved). However, these construction activities would be typical of similar projects and would not represent a lasting conflict with existing uses or unusual degradation of the visual environment. Accordingly, impacts would be less than significant.

The proposed project would be consistent with the City's General Plan, Municipal Code, and Streetscape Master Plan policies and regulations governing scenic quality. The proposed project would comply with General Plan Policy CD 3-3, which requires redevelopment to reinforce desirable elements of its neighborhood, district, or center, including architectural style, scale, and setback patterns. The proposed project would have a similar architectural style to the surrounding office/industrial uses and would comply with M2 Zoning District setback and landscaping requirements. The proposed development would have a front and side yard setback of 25 feet from South Milpitas Boulevard and Gibraltar Drive, in compliance with the City's Municipal Code Section 7, Industrial Zones and Standards. The proposed project would also include street trees, in compliance with the City's Streetscape Master Plan and the Municipal Code, Section 7. For the above reasons, the proposed project would not conflict with applicable zoning or other regulations governing scenic quality. The impact would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## d) Light and Glare

### *Previous FEIR Conclusions*

The previous FEIR concluded that impacts related to light and glare would be less than significant with mitigation incorporated. The project site is located in a heavily urbanized area with a variety of existing light sources including streetlights, interior and exterior building lighting, and light associated with traffic on nearby roadways. Development of the previously approved project would incrementally increase the amount of nighttime lighting in the surrounding area due to new interior and exterior building lighting, safety lighting in the parking lot, and lighting associated with additional vehicular traffic to and from the project site. The previous FEIR concluded that the previously approved project would be required to comply with Section XI-10-54.17 of the City's Zoning Ordinance, which includes the following requirements related to outdoor lighting.

- **Section XI-10-54.17–Lighting Exterior**. Lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel and shall be directed downward and away from adjoining properties and public rights-of-way. Fixtures shall be appropriate in terms of height, style, design, scale and wattage to the use of the property. Fixtures shall be spaced appropriately to maximize pedestrian safety.

In addition, the previous FEIR concluded that the previously approved project would be required to implement Mitigation Measure (MM) AES-1, which requires outdoor lighting to be designed to minimize glare and spillover to surrounding properties.

**MM AES-1** Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties. The project design and building materials shall incorporate non-mirrored glass to minimize daylight glare. All lighting elements shall comply with Sections XI-10-45.15-3 of the City's Zoning Ordinance and the proposed lighting plan shall be reviewed and approved by the City's Planning Division prior to issuance of a building permit.

Based on the conclusions in the previous FEIR, with the implementation of MM AES-1 and Municipal Code Section XI-10-54.17, the City found that the previously approved project would result in less than significant light and glare impacts. As such, impacts related to light and glare were determined to be less than significant with mitigation incorporated.

### *Proposed Project Analysis and Conclusion*

As discussed above, the project site is located on the same site as the previously approved project, in a heavily urbanized area with a variety of existing light sources including streetlights, interior and exterior building lighting, and light associated with traffic on nearby roadways. The proposed project is approximately the same size and design as the approved project (as shown in Table 1) and, similar to the previously approved project, development of the proposed project would incrementally increase the amount of nighttime lighting in the surrounding area due to new interior and exterior building lighting, safety lighting in the parking lot, and lighting associated with additional vehicular traffic to and from the project site.

The proposed project would adhere to Municipal Code Section XI-10-54.17, which includes standards related to outdoor lighting. Consistent with the previous FEIR, the proposed project's outdoor lighting is designed to minimize glare and spillover to surrounding properties. The project design and building materials incorporate non-mirrored glass windows to minimize daylight glare. Further, the proposed project would comply with Municipal Code Section XI-10-45.15-3, which states that outdoor lighting should use the minimum wattage lights which will safely illuminate the area. In addition, the proposed project's lighting plan would be reviewed and approved by the City's Planning and Building Departments prior to issuance of a building permit. The lighting requirements in MM AES-1 have been incorporated into the proposed project's design and, therefore, the proposed project would not require mitigation to reduce light and glare impacts to a less than significant level. With the implementation of the above Municipal Code standards related to outdoor lighting, the proposed project would have a less than significant impact related to light and glare. The proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## Mitigation Measures

No mitigation is required.

## Conclusion

The proposed project would not result in any aesthetic impacts beyond those considered in the previous FEIR. MM AES-1 identified in the previous FEIR, pertaining to light and glare impacts, has been incorporated into the proposed project's design; as such, mitigation is not required to reduce the proposed project's light and glare impacts to a less than significant level. The proposed project's light and glare impacts would be less than significant without mitigation. All other impact conclusions for the proposed project would be the same as the conclusions identified in the previous FEIR.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **II. Agriculture and Forestry Resources**<br>*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:* | | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? | No impact | No | No | No | None |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | No impact | No | No | No | None |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as | No impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | | | | | |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | No impact | No | No | No | None |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use? | No impact | No | No | No | None |

## Discussion

The project site is developed with vacant office buildings and is surrounded by urban and built-up land primarily used for industrial and office purposes. There are no agricultural or forest uses on the

project site or the surrounding area. According to the California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program, the project site is not located within any land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and is marked as being in Urban and Built-up Land. The nearest farmland to the project site is located approximately eight miles south of the project site and is classified as Prime Farmland.[3] In addition, the project site and the surrounding area are not under a Williamson Act Contract.[4]

### a) Conversion of Important Farmland to Nonagricultural Use

#### *Previous FEIR Conclusions*

The previous FEIR concluded that the previous project would not result in the conversion of farmland to nonagricultural use. The previous FEIR concluded that there are no Prime, Unique, Statewide, or Locally Important farmlands in the project vicinity and the site does not contain any important farmland. Given that the previous FEIR concluded that the previous project would result in no impacts to agricultural and forestry resources, no further analysis of these resources was required in the previous FEIR.

#### *Proposed Project Analysis and Conclusions*

The proposed project is located on the same site and involves the same parcels as the approved project. No changes have occurred to the status of the project site's non-farmland designation as indicated by the Farmland Mapping and Monitoring Program of the California Department of Agriculture. There is no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance on the project site or in its vicinity. The project site is currently mapped as Urban Built-Up Land.[5] Thus, the proposed project would not convert any farmland to nonagricultural use. As such, no impacts would occur and the proposed project would not result in a new or more severe adverse impact to agricultural land conversion not previously identified in the previous FEIR.

### b) Conflict with Existing Zoning for Agricultural Use or Williamson Act Contract.

#### *Previous FEIR Conclusions*

The previous FEIR concluded that the previous project would not result in any impacts to lands zoned for agriculture or existing Williamson Act Contract.[6]

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[3] California Department of Conservation (DOC). 2025. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed April 17, 2025. 2025.

[4] California Department of Conservation (DOC). 2025. California Williamson Act Enrollment Finder. Website: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html. Accessed March 4, 2025.

[5] Ibid.

[6] Ibid.

***Proposed Project Analysis and Conclusion***

No changes have occurred to the status of the project site's zoning district identified in the previous FEIR and the site continues to be unencumbered by a Williamson Act Contract.[7] As previously discussed, the project site is currently within the City's M2 Zoning District, which is intended for industrial uses, and has a General Plan land use designation of MFG. As such, the project site is not zoned for agricultural use and is not subject to a Williamson Act Contract. No impacts would occur and the proposed project would not result in any new or more severe adverse impacts related to agricultural zoning or Williamson Act impacts not identified in the previous FEIR.

### c) Conflict with Existing Forest Land Zoning

***Previous FEIR Conclusions***

The previous FEIR concluded that the project would not result in any impacts related to forest land or timberland and that the project site does not contain any forestland or timberland or any land zoned for such uses.

***Proposed Project Analysis and Conclusion***

The proposed project is on the same site and involves the same parcels and zoning as the approved project. The project site is currently within the M2 Zoning District and is currently occupied by existing vacant office buildings. The project site is not within a zoning district designated for forest land or timberland production. Therefore, the proposed project would not introduce any new forest land or timber land zoning impacts not previously disclosed. No impacts would occur and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### d) Conversion of Forest Land to Non-Forest Use

***Previous FEIR Conclusions***

The previous FEIR concluded that the project would not result in any impacts related to the conversion or loss of forest land, based on the previous FEIR conclusions. The previous FEIR concluded that the project site does not contain any forest land and that the previously approved project would have no impact to forestry resources.

***Proposed Project Analysis and Conclusion***

As discussed above, the project site does not contain forest land. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses. Therefore, no impacts would occur and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

[7] California Department of Conservation (DOC). 2025. California Williamson Act Enrollment Finder. Website: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html. Accessed March 4, 2025.

### e) Other Changes to Convert Farmland to Nonagricultural Use or Forest Land to Non-Forest Use

***Previous FEIR Conclusions***

The previous FEIR concluded that the project would not result in any impacts related to the conversion or loss of agricultural land or forest land. The previous FEIR concludes that the site does not contain agricultural or forestry resources and that the previously approved project would have no impact on such resources.

***Proposed Project Analysis and Conclusion***

The proposed project does not involve any changes to the location, site, or parcels analyzed in the approved project. Consistent with the previous FEIR conclusions, the project site and surrounding area do not contain farmland or forest land. Therefore, no impacts would occur and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## Mitigation Measures

No mitigation is required.

## Conclusion

The proposed project would not result in any impacts related to Agricultural or Forest Resources, as found in the previous FEIR. No new impacts are found and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **III. Air Quality**<br>*Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:* | | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | Less than significant impact | No | No | No | None |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard? | Significant and unavoidable impact | No | No | No | None |
| c) Expose sensitive receptors to substantial pollutant concentrations? | Less than significant impact | No | No | No | MM AIR-3 |
| d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people? | Less than significant impact | No | No | No | None |

# Discussion

### a) Conflict with or obstruct implementation of the applicable air quality plan?

## Previous FEIR Conclusions

In certifying the Previous FEIR, the City explained that based on the Bay Area Air Quality Management District's (Bay Area Air District) current CEQA Air Quality Guidelines, the following criteria were to be considered to determine whether a project would conflict with or obstruct implementation of the 2017 Clean Air Plan, the current Air Quality Plan (AQP) to date:

- Does the project support the primary goals of the air quality plan?
- Does the project include applicable control measures from the air quality plan?
- Does the project disrupt or hinder implementation of any air quality plan control measures?

The 2017 Clean Air Plan includes control measures that aim to reduce air pollution and greenhouse gases (GHGs) from stationary, area, and mobile sources. The control measures are organized into nine categories: stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants (e.g., methane, black carbon, and fluorinated gases).

The previous FEIR determined that the project would be consistent with applicable control measures from the 2017 Clean Air Plan. Because the proposed project would not result in any significant and unavoidable air quality impacts related to emissions, ambient concentrations, or public exposures, the proposed project would support the primary goals of the 2017 Clean Air Plan. Therefore, based on Bay Area Air District's CEQA Air Quality Guidelines, the previous FEIR determined that the project would not conflict with or obstruct implementation of the applicable air quality plan, and the associated air quality impact would be less than significant with no mitigation measures required.

## Proposed Project Analysis and Conclusion

As mentioned above, the Bay Area Air District does not provide a numerical threshold of significance for project-level consistency analysis with AQPs. Therefore, the following criteria (the same as those used in the previous FEIR) will be used for determining whether the proposed project is within the scope of the analysis in the previous EIR and if the proposed project' is consistent with the 2017 Clean Air Plan, the current AQP to date:

- **Criterion 1:** Does the project support the primary goals of the AQP?
- **Criterion 2:** Does the project include applicable control measures from the AQP?
- **Criterion 3:** Does the project disrupt or hinder the implementation of any AQP control measures?

### *Criterion 1*

The primary goals of the 2017 Clean Air Plan are to:

- Attain air quality standards;
- Reduce population exposure to unhealthy air and protect public health in the Bay Area; and
- Reduce GHG emissions and protect the climate.

A measure for determining whether the proposed project supports the primary goals of the 2017 Clean Air Plan is if the project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. This measure is determined by comparing project emissions to the significance thresholds identified by the Bay Area Air District for construction- and operation-related pollutants. These significance thresholds are applied in the evaluation of Section III(b), below. As discussed under Section III(b) and Section III(c), the proposed project would not significantly contribute to cumulative nonattainment pollutant violations or expose sensitive receptors to substantial pollutant concentrations. Therefore, similar to the analysis in the previous FEIR, the proposed project would be consistent with Criterion 1.

***Criterion 2***

The 2017 Clean Air Plan also assumes that all mandatory regulations to reduce air pollution would be adhered to. Therefore, to conform to the assumptions in the Clean Air Plan, a project must be consistent with all applicable measures contained in the Clean Air Plan. The Clean Air Plan contains 85 control measures to reduce air pollutants and GHGs at local, regional, and global levels. Along with the traditional stationary, area, mobile source, and transportation control measures, the Clean Air Plan contains several control measures designed to protect the climate, promote mixed use, and compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources.

Table 2 lists the relevant Clean Air Plan policies to the proposed project and evaluates the proposed project's consistency with the policies. As shown below, the proposed project would be consistent with applicable measures.

## Table 2: Project Consistency with Clean Air Plan Control Measures

| Control Measure | Project Consistency |
|---|---|
| **Buildings Control Measures** | |
| **BL1:** Green Buildings | **Consistent**. This measure focuses on working with local governments that have authority over local building codes to facilitate adoption of best practices and policies to control GHG emissions. The proposed project would not conflict with the implementation of this measure. The proposed project would comply with the local building codes and the latest energy efficiency standards and will incorporate applicable energy efficiency features designed to reduce project energy consumption. |
| **BL4:** Urban Heat Island Mitigation | **Consistent.** This measure seeks to engage cities and counties to adopt ordinances that promote the use of cool surface treatments for new parking facilities. This measures is primarily aimed at cities and counties and is not |

| Control Measure | Project Consistency |
|---|---|
| | applicable to the proposed project. Neither the City nor County have adopted cool surface treatment ordinances. However, the proposed project would incorporate landscaping throughout the site. The proposed project would provide landscaping, including trees, that would reduce the urban heat island effect. |
| **Energy Control Measures** | |
| **EN1:** Decarbonize Electricity Generation | Consistent**.** This measure is about decreasing the carbon intensity of electricity by switching to less GHG-intensive fuel sources for electricity generation. This measure primarily applies to electrical utility providers and is not applicable to the proposed project. Silicon Valley Clean Energy Green Start program obtained 36.7 percent of its electricity from renewable energy sources, while the remaining electricity was sourced from nuclear (25.1 percent), large hydroelectric (38.1 percent), and unspecified power (0.1 percent).[8,9] |
| **EN2:** Decrease Electricity Demand | **Consistent.** This measure is aimed at working with local governments to adopt additional energy-efficiency policies and programs and is not applicable to the proposed project. The proposed project would conform to the energy efficiency requirements of the California Building Standards Code (CBC), also known as Title 24, which was adopted to meet an Executive Order in the Green Building Initiative to improve the energy efficiency of buildings through aggressive standards. |
| **Natural and Working Lands Control Measures** | |
| **NW2:** Urban Tree Planting | **Consistent.** The proposed project would incorporate new landscaping and trees throughout the site. |
| **WA3:** Green Waste Diversion | **Consistent.** The proposed project will comply with local requirements for waste management. The waste service provider for the proposed project will be required to meet AB 341, SB 939, and SB 1374 requirements that require waste service providers to divert green waste. All plant refuse generated during operations of the proposed project would be recycled off-site. |
| **WA4:** Recycling and Waste Reduction | **Consistent.** The proposed project will comply with local requirements for waste management. The waste service provider for the proposed project will be required to meet the AB 341, SB 939, and SB 1374 requirements that require waste to be recycled. |

[8] Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source.

[9] Silicon Valley Clean Energy. 2023. Power Content Label. Website: https://www.energy.ca.gov/filebrowser/download/7360. Accessed August 14, 2025.

| Control Measure | Project Consistency |
|---|---|
| **Stationary Control Measures** | |
| **SS18:** Basin-Wide Combustion Strategy | **Consistent.** Stationary sources are regulated directly by the Bay Area Air District, which routinely adopts/revises rules or regulations to implement the stationary source control measures to reduce stationary source emissions. Therefore, any new stationary sources associated with the proposed project would be required to comply with the Bay Area Air District's regulations. The proposed project's emergency generator would require review by Bay Area Air District for permitted sources of air which would ensure consistency with the 2017 Clean Air Plan. |
| **SS36:** Particulate Matter from Trackout | **Consistent.** Mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on the Bay Area Air District's requirements. MM AIR-3 from the previous FEIR would be required to implement Best Management Practice (BMP)s recommended by the Bay Area Air District for fugitive dust emissions during construction. |
| **SS37:** Particulate Matter from Asphalt Operations | **Consistent.** Asphalt used during project construction would be subject to Bay Area Air District Regulation 8, Rule 15-Emulsified and Liquid Asphalts. Although this rule does not directly apply to the proposed project, it does limit the reactive organic gases (ROG) content of asphalt available for use during construction by regulating the sale and use of asphalt. Using asphalt from facilities that meet Bay Area Air District regulations, the proposed project would be consistent with this Clean Air Plan measure. |
| **Transportation Control Measures** | |
| **TR2:** Trip Reduction Programs | **Consistent.** Transportation control measures are strategies to reduce vehicle trips, vehicle use, Vehicle Miles Traveled (VMT), vehicle idling, and traffic congestion to reduce motor vehicle emissions. Although most of the transportation control measures are implemented at the regional level—that is, by Metropolitan Transportation Commission (MTC) or California Department of Transportation (Caltrans)—the 2017 Clean Air Plan relies on local communities to assist with the implementation of some measures.<br><br>Consistent with the FEIR, the proposed project would generate VMT per employee that would exceed the countywide threshold and the impact is conservatively considered significant and unavoidable with implementation of Mitigation Measure TRANS-1, which requires a Travel Demand Management (TDM) program. The proposed project would implement the TDM program discussed in Section XVII b) to reduce VMT. Therefore, the proposed project would be consistent with this measure. |
| **TR9:** Bicycle and Pedestrian Access and Facilities | **Consistent.** Pedestrian paths of travel would be demarcated throughout the project site and would connect to the existing sidewalk along South Milpitas Boulevard and Gibraltar Drive. The proposed project would also construct crosswalks and curb ramps at the northern and western leg of the South Milpitas Boulevard and Ames Avenue intersection. In addition, |

| Control Measure | Project Consistency |
|---|---|
| | 24-bicycle parking spaces would be provided adjacent to the proposed office area. Of the 24 bicycle parking spaces, 12 spaces would be short-term and 12 spaces would be long-term. Therefore, the proposed project would not conflict with and be consistent with the Bay Area Air District's effort to encourage planning for bicycle and pedestrian facilities. |
| **TR19:** Medium and Heavy-Duty Trucks | **Consistent.** The truck fleet used for the proposed project is required to comply with the State's rigorous on-road heavy-duty vehicle programs aimed to transition truck fleets from diesel to Zero-Emission Vehicle (ZEV). Relevant regulations include the "omnibus" regulation, Advanced Clean Truck and Advance Clean Fleets regulations, and Transport Refrigeration Unit (TRU) Arborne Toxics Control Measure (ACTM). |
| Source: Bay Area Air Quality Management District (Bay Area Air District). 2017. Final 2017 Clean Air Plan. April 19. | |

In summary, the proposed project would not conflict with any applicable measures under the 2017 Clean Air Plan and would adopt similar measures to the previously approved project; therefore, the proposed project would be consistent with Criterion 2.

***Criterion 3***

The proposed project does not include any changes compared to the previously approved project that would create an impediment or disruption to implementation of any Clean Air Plan control measures. As shown in Table 2 above, the proposed project would incorporate several Clean Air Plan control measures as project design features, such as utilizing asphalt compliant with Bay Area Air District regulations, conforming with energy efficiency standards contained in the 2022 CBC, and installing landscaping across the project site. Considering this information, the proposed project would not disrupt or hinder the implementation of any Clean Air Plan control measures. The proposed project is therefore consistent with Criterion 3.

***Summary***

As discussed above, the proposed project would be consistent with all three criteria. Thus, similar to the previously approved project, the proposed project would not conflict with the 2017 Clean Air Plan. Therefore, impacts associated with conflicting with or obstructing the applicable AQP would be less than significant, and the proposed project would not result in a new or more severe adverse impact compared to what was identified in the previous FEIR.

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?**

## Previous FEIR Conclusions

### *Construction Emissions*

The previous FEIR identified that project construction activities would generate criteria air pollutant emissions that could potentially adversely affect regional air quality. Construction activities would include demolition, site preparation, grading, trenching, building construction, paving, and applications of architectural coatings. The previous FEIR found that the primary pollutant emissions of concern during project construction would be ROG, Nitrogen Oxides (NOx), particulate matter with an aerodynamic diameter of 2.5 microns and smaller ($PM_{2.5}$) and 10 microns and smaller ($PM_{10}$) from the exhaust of off-road construction equipment and on-road vehicles related to worker vehicles, vendor trucks, and haul trucks. In addition, fugitive ROG emissions would result from the application of architectural coatings and paving.

The previous FEIR explained that to analyze daily emission rates during project construction, the total emissions estimated during construction were averaged over the total workdays (188 workdays) and compared to the Bay Area Air District's thresholds of significance. As shown in Table 3 extracted from the previous FEIR, the project's estimated emissions for ROG, NOx, and $PM_{10}$ exhaust, and $PM_{2.5}$ exhaust during construction were well below the applicable thresholds and, therefore, were found to have a less than significant impact on regional air quality.

### Table 3: Approved Project Estimated Project Construction Emissions (Pounds per Day)

| Emissions | ROG | NOx | Exhaust | |
|---|---|---|---|---|
| | | | $PM_{10}$ | $PM_{2.5}$ |
| Construction | 2.0 | 24.9 | 0.7 | 0.6 |
| Bay Area Air District's Thresholds | 54 | 54 | 82 | 54 |
| Exceed Threshold? | No | No | No | No |

Source:
WRA Environmental Consultants. 2020. 1000 Gibraltar Drive Environmental Impact Report SCH #2020069024. December.

### *Operational Emissions*

The previous FEIR determined that project operation would generate criteria air pollutant emissions that could potentially affect regional air quality. The primary pollutant emissions of concern during project operation would be ROG, NOx, and exhaust $PM_{10}$ and $PM_{2.5}$ from mobile sources, energy use, area sources (e.g., consumer products and architectural coatings), and stationary sources.

The annual average emissions of criteria pollutants and precursors during the first 3 years of project operation are compared to the Bay Area Air District's thresholds of significance in Table 4. Unmitigated ROG and exhaust $PM_{10}$ and $PM_{2.5}$ emissions from project operation were below the thresholds of significance for each year evaluated; however, unmitigated NOx emissions from project operation were above the threshold of significance. As shown in Table 3, approximately 98 percent of the project's estimated NOx emissions are from mobile sources (e.g., trucks and light-duty vehicles) and are associated with running emissions from project-generated VMT.

### Table 4: Approved Project Estimated Unmitigated and Mitigated Project Operation Emissions

| Emission Scenario | Sources | Maximum Annual Emissions (Tons) | | | | Average Daily Emissions (Pounds) | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Exhaust | | | | Exhaust | |
| | | ROG | NOx | $PM_{10}$ | $PM_{2.5}$ | ROG | NOx | $PM_{10}$ | $PM_{2.5}$ |
| 2022 Unmitigated | Area | 2.19 | <0.01 | <0.01 | <0.01 | 11.98 | <0.01 | <0.01 | <0.01 |
| | Energy | 0.01 | 0.09 | 0.01 | 0.01 | 0.06 | 0.52 | 0.04 | 0.04 |
| | Stationary | 0.01 | 0.02 | <0.01 | <0.01 | 0.04 | 0.11 | 0.01 | 0.01 |
| | On Road Mobile | 1.17 | 12.97 | 0.08 | 0.08 | 6.43 | 71.06 | 0.46 | 0.44 |
| | TRUs[1] | 1.02 | 1.42 | 0.04 | 0.04 | 0.16 | 7.78 | 0.22 | 0.22 |
| | Total | 3.4 | **13.1** | 0.1 | 0.1 | 18.5 | **71.6** | 0.5 | 0.5 |
| 2022 With MM AIR-1 | Mobile | 1.01 | 10.66 | 0.08 | 0.08 | 5.54 | 58.41 | 0.46 | 0.44 |
| | Total | 3.2 | **12.2** | 0.1 | 0.1 | 17.6 | **58.9** | 0.5 | 0.5 |
| Bay Area Air District's Thresholds | | 10 | 10 | 15 | 10 | 54 | 54 | 82 | 54 |

Notes:
**Bold** means threshold exceedance.
[1] TRU = Transport Refrigeration Unit
Source: WRA Environmental Consultants. 2020. 1000 Gibraltar Drive Environmental Impact Report SCH #2020069024. December.

The previous FEIR implemented MM AIR-1: Tenant Owned Vehicle Model Year Requirement, which requires 2014 or newer model year engines on all heavy-duty trucks more than 14,000 pounds gross vehicle weight rating (GVWR) owned by the project tenant accessing the project site. According to the previous FEIR, MM AIR-1 would reduce overall project NOx emissions in 2022 by about 16 percent; however, project NOx emissions in 2022 would remain above the threshold of significance with implementation of MM AIR-1.

The previous FEIR determined that no on-site mitigation options are available other than MM AIR-1: Tenant-Owned Vehicle Model Year Requirement. Although it is possible to reduce NOx emissions further by placing a limit on vehicle model years for the third-party vehicles (vans and other passenger cars) accessing the project site, such measures are difficult to implement in an effective manner. Unlike tenant-owned vehicles, there is no effective protocol for monitoring third-party vehicles accessing the project site. Therefore, the previous FEIR determined that additional off-site mitigation would be required to reduce the residual NOx emissions, a maximum of 12.2 tons per year, as shown in Table 3. MM AIR-2: Emissions Offsets required the project applicant to offset the NOx emissions below the threshold of significance by either implementing a specific offset program (e.g., equipment replacement), funding the implementation of an emission reduction project through payment of a mitigation offset fee to the Bay Area Air District's Bay Area Clean Air Foundation, or a combination of the two approaches, in an amount sufficient to mitigate residual emissions. The Bay Area Air District recommends identifying offset programs located within the nine-county Bay Area in order to reduce the project's cumulative contribution to the region's existing air quality conditions.

As determined by the City in certifying the previous FEIR, implementation of MMs AIR-1 and AIR-2 would reduce the residual NOx emissions below the threshold of significance. However, because the offset program or offset fee required by MM AIR-2 could not be determined to be real, verifiable, and enforceable at the time of preparation of the previous FEIR, the City found that the project's operational impacts related to emissions of criteria pollutant were significant and unavoidable.

## Proposed Project Analysis and Conclusion

This impact is related to the cumulative effect of a project's criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants results from past and present development within the Air Basin, and this regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the Air Basin would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited but cumulatively considerable when evaluated in combination with past, present, and future development projects.

Potential regional impacts could result in exceedances of State or federal standards for $NO_X$, particulate matter ($PM_{10}$ and $PM_{2.5}$), or CO. $NO_X$ emissions are of concern because of potential health impacts from exposure to $NO_X$ emissions during both construction and operation and as a precursor in the formation of airborne ozone. $PM_{10}$ and $PM_{2.5}$ are of concern during construction because of the potential to emit exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities. CO emissions are of concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion and resulting health effects.

ROG emissions are also important because of their participation in the formation of ground level ozone. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials. Elevated ozone

concentrations result in reduced lung function, particularly during vigorous physical activity. This health problem is particularly acute in sensitive receptors such as the sick, elderly, and young children.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in emissions that exceed the Bay Area Air District thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the Bay Area Air District thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. Construction and operational emissions are discussed separately below.

### *Construction Emissions*

The proposed project would involve similar means and methods as analyzed in the previous FEIR for demolition and construction of the proposed project.

#### *Construction Air Pollutant Emissions: ROG, $NO_X$, Exhaust $PM_{10}$, and Exhaust $PM_{2.5}$*

California Emissions Estimator Model (CalEEMod) Version 2022.1 was used to estimate the proposed project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from a wide variety of land use projects and is the model recommended by the Bay Area Air District for estimating project emissions. Estimated construction emissions are compared with the applicable thresholds of significance established by the Bay Area Air District to assess ROG, $NO_X$, exhaust $PM_{10}$, and exhaust $PM_{2.5}$ construction emissions to determine significance for this criterion.

For the purpose of this analysis, construction of the proposed project is expected to begin in October 2025 and conclude in December 2026 (326 working days). Note that construction emissions would likely decrease if the construction schedule were deferred to later years because of improvements in technology and more stringent regulatory requirements. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as CEQA Guidelines require.

The calculations of pollutant emissions from the construction equipment account for the type of equipment, horsepower and load factors of the equipment, and the duration of equipment use. Average daily construction emissions are compared with the significance thresholds in Table 4.

## Table 5: Construction Emissions

| Parameter | Air Pollutants (tons/year, lbs or lbs/day) | | | | |
|---|---|---|---|---|---|
| | Year | ROG | $NO_X$ | $PM_{10}$ (Exhaust) | $PM_{2.5}$ (Exhaust) |
| **Project Construction** | | | | | |
| Demolition (tons/year) | 2025 | 0.029 | 0.601 | 0.013 | 0.010 |
| Site Preparation (tons/year) | 2025 | 0.004 | 0.035 | 0.002 | 0.001 |
| Grading (tons/year) | 2025 | 0.018 | 0.177 | 0.007 | 0.007 |
| Building Construction (tons/year) | 2025 | 0.028 | 0.183 | 0.005 | 0.005 |
| Building Construction (tons/year) | 2026 | 0.149 | 1.029 | 0.029 | 0.026 |
| Paving (tons/year) | 2026 | 0.018 | 0.046 | 0.001 | 0.001 |
| Architectural Coating (tons/year) | 2026 | 2.622 | 0.043 | 0.001 | 0.001 |
| **Total Emissions (tons/year)** | | 2.868 | 2.114 | 0.058 | 0.052 |
| **Total Emissions (lbs)** | | 5,735.09 | 4,228.24 | 115.09 | 103.39 |
| Average Daily Emissions (lbs/day)[1] | | 17.59 | 12.97 | 0.35 | 0.32 |
| Previous FEIR Emissions (lbs/day) | | 17.6 | 58.9 | 0.5 | 0.5 |
| **Significance Threshold (lbs/day)** | | **54** | **54** | **82** | **54** |
| **Exceeds Significance Threshold?** | | **No** | **No** | **No** | **No** |

Notes:
lbs = pounds
$NO_X$ = oxides of nitrogen
$PM_{10}$ = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
ROG = reactive organic gases
[1] Average daily emissions equal total emissions divided by working days (326 workdays).
Source: CalEEMod Output (see Appendix A).

As shown in Table 4, the proposed project would result in similar average daily ROG emissions as the previously approved project but less $NO_x$ and PM emissions. The proposed project's construction emissions from all construction activities would still be below the recommended thresholds of significance; therefore, the proposed project's construction would have less than significant impact related to emissions of ROG, $NO_X$, exhaust $PM_{10}$, and exhaust $PM_{2.5}$. The proposed project would not result in a new or more severe adverse impact related to construction criteria pollutant emissions compared to what was identified in the previous FEIR.

### *Operational Emissions*

*Operational Air Pollutant Emissions: ROG, $NO_X$, $PM_{10}$, and $PM_{2.5}$*

Similar to the previously approved project, emissions from the operation of the proposed project would be from area sources of emissions at the project site itself, mobile sources (i.e., passenger cars, trucks, and Transport Refrigeration Units (TRUs)[10]), stationary sources (emergency diesel generator), and energy sources associated with the operation of the warehouse.

Area sources refer to volatile organic compound (VOC) emissions from use of consumer products by employees (cosmetics and personal care products) and also include emissions from cleaning products including detergents, cleaning compounds, polishes, floor finishes. Emissions from exhaust of any gasoline-fueled landscaping equipment also contribute to, and are included in, the area source emissions.

According to the previous FEIR, the previously approved project would generate 2,458 passenger vehicle trips, 468 van trips, and 377 truck trips. The proposed project is estimated to generate 3,782 daily passenger vehicle trips (including employees and third-party delivery drivers) and 30 daily truck trips.[11] Any van trips used by third-party delivery drivers are included in the passenger trips and accounts for the increase. The proposed project would result in higher passenger vehicle trips but significantly lower truck trips. The Air Quality Analysis and CalEEMod estimates are conservatively based on CalEEMod defaults for Vehicle Miles Traveled (VMT) trip length for passenger vehicles. For truck trips, the project applicant anticipates that the proposed warehouse would receive merchandise from regional delivery and sortation centers located in Oakland and Tracy. Considering the site's distance from Tracy (approximately 52 miles) and Oakland (approximately 44 miles), an average truck trip distance of 48 miles is used.

The proposed operation would include cold storage. According to applicant provided information, two of the dock doors would be dedicated for trucks with TRUs. Considering the proposed warehouse would have 23 dock doors, it is estimated that trucks equipped with TRUs to transport temperature-controlled goods would account for 10 percent of the daily truck trips (or three out of the 30 truck trips).

For the purpose of this analysis, the proposed 175-horsepower emergency fire pump would not exceed 50 hours of emergency operation per year following Bay Area Air District Rule 9-8-330– Emergency Standby Engines, Hours of Operation. Furthermore, in accordance with the latest Bay Area Air District Best Available Control Technology (BACT) guidance, the proposed diesel emergency generator would need to meet United States Environmental Protection Agency (EPA) Tier 4 Final emission standards.[12] The applicant is required to demonstrate compliance with this requirement in

[10] TRUs are small diesel engines used to run refrigeration devices on trucks.

[11] NV5 Engineers and Consultants. 2025. Local Transportation Analysis for 1000 Gibraltar Drive Delivery Center. July 9.

[12] Bay Area Air Quality Management District (Bay Area Air District). 2024. Best Available Control Technology (BACT) Guideline. November. Website: https://www.baaqmd.gov/~/media/files/engineering/bact-tbact-workshop/combustion/96-1-3.pdf?rev=210312454f084efe9dba8846cda4d372&sc_lang=en. Accessed July 13, 2025.

order to obtain the necessary Bay Area Air District stationary source permit to operate this emergency fire pump.

Operational emissions were also calculated using CalEEMod (Version 2022.1) and compared to the Bay Area Air District-recommended regional thresholds of significance. For detailed assumptions used to estimate emissions, see Appendix A. Table 5 presents the annual and average daily emissions generated during project operation.

### Table 6: Operational Emissions

| Emissions Source | Air Pollutants [1] | | | |
|---|---|---|---|---|
| | ROG | $NO_X$ | $PM_{10}$ (Total) | $PM_{2.5}$ (Total) |
| **Annual Emissions** | | | | |
| Mobile | 1.98 | 2.72 | 5.37 | 1.39 |
| Area | 2.49 | 0.02 | 0.00 | 0.00 |
| Energy | 0.01 | 0.13 | 0.01 | 0.01 |
| Stationary (Fire Pump) | <0.01 | <0.01 | <0.01 | <0.01 |
| Transport Refrigeration Units (TRUs) | 0.03 | 0.19 | <0.01 | <0.01 |
| **Total (tons/year)** | **4.51** | **3.05** | **5.39** | **1.41** |
| **Significance Threshold (tons/year)** | **10** | **10** | **15** | **10** |
| **Exceeds Significance Threshold?** | **No** | **No** | **No** | **No** |
| Previous FEIR Total Emissions (tons/year) | 3.2 | 12.2 | 0.1 | 0.1 |
| **Daily Average Emissions** | | | | |
| **Total Emissions (pounds/year)** | 9,014 | 6,098 | 10,772 | 2,811 |
| **Average Daily Emissions (pounds/day)[1]** | **24.69** | **16.71** | **29.51** | **7.70** |
| **Significance Threshold (pounds/day)** | **54** | **54** | **82** | **54** |
| **Exceeds Significance Threshold?** | **No** | **No** | **No** | **No** |
| Previous FEIR Total Emissions (pounds/year) | 17.6 | 58.9 | 0.5 | 0.5 |

Notes:
$NO_X$ = nitrous oxides
$PM_{10}$ = particulate matter less than 10 microns or less in diameter
$PM_{2.5}$ = particulate matter less than 2.5 microns or less in diameter
ROG = reactive organic gases
[1] Calculated by dividing the total pounds of emissions by 365 days in a typical year.
Source: CalEEMod Output (see Appendix A).

As shown in Table 5 above, the proposed project would result in increased ROG and PM emissions, but significantly decreased $NO_X$ emissions. The decrease in $NO_X$ emissions is expected due to the

significant reduction in heavy-duty truck trips and newer, cleaner vehicle technologies. However, the increase in ROG and PM emissions is likely due to a higher number of passenger vehicle trips, which generate more ROG from fuel systems and cold starts, as well as more non-exhaust PM from tire and brake wear. Changes in fleet mix and updated emission factors between model years can also contribute to these shifts.

The proposed project as a last mile delivery operation would result in far fewer truck trips compared to the previously approved project and would therefore lower criteria pollutant (particularly $NO_X$) emissions during operation compared to what was analyzed in the previous FEIR. Despite the changes to the proposed project, the project's operational emissions would not exceed the Bay Area Air District's thresholds of significance. MM AIR-1 and MM AIR-2 from the previous FEIR are not needed to reduce project impacts and the proposed project would not result in new or more significant impacts compared to what was identified in the previous FEIR.

*Operational Carbon Monoxide Hotspot*

The CO emissions from traffic generated by the proposed project are a concern at the local level because congested intersections can result in high, localized concentrations of CO (referred to as a CO hotspot).

Since the certification of the previous FEIR, the Bay Area Air District's latest (2022) CEQA Guidelines has been adopted and provides screening criteria to analyze a project's potential to result in a CO hotspot. While the previous FEIR did not include a CO hotspot analysis due to the absence of applicable Bay Area Air District guidance at the time, the release of new guidance does not, in itself, constitute "new information of substantial importance" under CEQA Guidelines Section 15162. CEQA does not require reconsideration of previously certified EIRs solely due to evolving regulatory methodologies or analytical tools unless such changes reveal that the project would have one or more significant effects not previously analyzed. As shown below, there is no substantial evidence that the proposed project would result in localized CO concentrations exceeding ambient air quality standards. Moreover, the Bay Area has remained in attainment for federal and State CO standards for many years, and regional modeling continues to demonstrate that CO emissions from motor vehicles are declining due to fleet turnover and emission control technologies. As such, the updated CO hotspot screening guidance represents a change in analytical approach—not a change in the environmental setting or project impacts—and does not trigger the need for a subsequent or supplemental environmental review.

According to the latest Bay Area Air District guidance, the CO hotspot screening criteria[13] were used to determine whether implementing the proposed project could result in local carbon monoxide emissions that exceed the thresholds of significance. If all the following screening criteria are met,

[13] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed May 13, 2024.

operation of the proposed project would result in a less than significant impact related to carbon monoxide:

- The project is consistent with an applicable Congestion Management Program established by the county congestion management agency for designated roads or highways, the Regional Transportation Plan (RTP), and local congestion management agency plans.
- Project-generated traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- Project-generated traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

**Consistent With an Applicable Congestion Management Program**

In accordance with California Government Code 65088, Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. The Valley Transportation Authority (VTA) serves as the Congestion Management Agency (CMA) for Santa Clara County's CMP. As a CMA, VTA is required by California Statute to monitor roadway vehicle congestion and the impact of land use and transportation decisions on a countywide level, at least every two years. VTA conducts CMP monitoring and produces the CMP Monitoring and Conformance Report annually.

Milpitas, as a member agency, is required to conform to the CMP requirements for evaluating the transportation effects of land use decision on the designated CMP roadway system.[14] The program is established to address regional transportation issues across City boundaries. The transportation operation analysis is intended to meet the CMP requirements by conducting intersection Level of Service (LOS) analysis at designated CMP intersection and conform to the CMP requirements for bringing intersections into compliance. In accordance with the City's Transportation Analysis Guidelines, a Local Transportation Analysis was prepared for the proposed project.[15] The analysis included evaluation of both designated CMP intersections and non-CMP intersections. It was found that several CMP intersections would experience an adverse effect, defined as operating at LOS E or F, with an increase in critical delay of at least 4.0 seconds and an increase in Volume-to-Capacity ratio of 0.010 or more during the AM and/or PM peak periods. By conducting intersection analysis on nearby roadways, the proposed project is conforming to CMP requirements. As for non-CMP intersections, none of the intersections would experience an adverse effect as defined above and no

[14] City of Milpitas. 2022. Transportation Analysis Guidelines. March. Website: https://www.milpitas.gov/DocumentCenter/View/1623/Transportation-Analysis-Guidelines-PDF?bidId=. Accessed July 17, 2025.

[15] NV5 Engineers and Consultants. 2025. Local Transportation Analysis for 1000 Gibraltar Drive Delivery Center. July 9.

mitigation is required to reduce operation impacts. Therefore, the proposed project is consistent with this criterion.

**Increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited**

Based on the project's Local Transportation Analysis,[16] the existing plus project traffic volumes on local residential streets would not experience hourly traffic levels above 24,000 and 44,000 vehicles per hour cited in the Bay Area Air District criteria. Specifically, Figure 33 through 35 of the Local Transportation Analysis shows the year 2040 (with project) peak-hour turning volumes at 12 studied intersections. The intersection of Oakland Road and Montague Parkway would experience the highest amount of peak-hour volume (8,668 AM peak-hour trips and 8,982 PM peak-hour trips). The peak-hours trip volume experienced at this intersection is significantly below the threshold levels of 24,000 and 44,000 vehicles per hour. Therefore, the proposed project would meet all the CO screening criteria and would result in a less than significant impact related to carbon monoxide.

The proposed project meets the CO hotspot screening criteria, and operation of the proposed project would result in less than significant impacts related to carbon monoxide.

In summary, the proposed project would not result in construction or operational impacts related to criteria pollutants. In comparison to the conclusions in the previous FEIR, the proposed project would result in similar construction impacts and would result in less operation impacts (due to a significant reduction in project truck trips). The proposed project would not result in a new or more severe adverse impact related to operation criteria pollutant emissions compared to what was identified in the previous FEIR.

### c) Expose sensitive receptors to substantial pollutant concentrations?

## Previous FEIR Conclusions

***Fugitive Dust Emissions***

The previous FEIR identified that project demolition, site preparation, grading, and material hauling activities during construction of the previously approved project could generate fugitive dust $PM_{10}$ and $PM_{2.5}$ emissions that could adversely affect local air quality. The Bay Area Air District does not have a quantitative threshold of significance for fugitive dust $PM_{10}$ and $PM_{2.5}$ emissions; however, the Bay Area Air District considers implementation of best management practices to control dust during construction sufficient to reduce potential impacts to a less than significant level. More specifically, the Bay Area Air District recommends that all construction projects implement the Basic Construction Mitigation Measures from the Bay Area Air District's CEQA Air Quality Guidelines to reduce emissions of fugitive dust (regardless of the estimated emissions). As such, the previous FEIR implemented MM AIR-3, which required that the previously approved project implement a dust control program that includes the Basic Construction Mitigation Measures from the Bay Area Air District's CEQA Air Quality Guidelines. In certifying the previous FEIR, the City determined that implementation of MM AIR-3

[16] NV5 Engineers and Consultants. 2025. Local Transportation Analysis for 1000 Gibraltar Drive Delivery Center. July 9.

would reduce potentially significant impacts of fugitive dust emissions during project construction to a less than significant level.

***Toxic Air Contaminants from Construction***

According to the previous FEIR, the Bay Area Air District recommends evaluating the potential impacts to sensitive receptors located within 1,000 feet of a project. The closest existing sensitive receptors included the following:

- Workers of nearby industrial uses surrounding the site, as close as 60 feet away.
- Multi-family residence to the south of the project site, approximately 460 feet away.
- Multi-family residences to the northwest of the site, approximately 760 feet away.

Table 7 from the previous FEIR below summarizes the estimated health risks at the Maximally Exposed Individual Resident (MEIR) and at the residential receptor northwest of the project site due to Diesel Particulate Matter (DPM) and $PM_{2.5}$ emissions from project construction and compares them to the Bay Area Air District's thresholds of significance. According to the previous FEIR, the estimated cancer risks and chronic hazard indexes (HI) for DPM and annual average $PM_{2.5}$ concentrations from construction emissions were below the Bay Area Air District's thresholds of significance. Therefore, the impact from the previously approved project emissions of DPM and $PM_{2.5}$ during construction on nearby sensitive receptors would be less than significant; therefore, no mitigation was required.

## Table 7: Health Risks During Project Construction and Operation at the Maximally Exposed Individual Resident

| Sensitive Receptor | Emission Source | Diesel Particulate Matter | | Exhaust $PM_{2.5}$ |
|---|---|---|---|---|
| | | Cancer Risk (per million) | Chronic Hazard Index | Annual Average Concentration ($\mu g/m^3$) |
| MEIR | Project Construction | 0.89 | <0.01 | 0.01 |
| | Unmitigated Project Operation | 2.4 | <0.01 | <0.01 |
| Residential Receptor Northwest of the Project Site | Project Construction | 0.28 | <0.01 | 0.01 |
| | Unmitigated Project Operation | 1.2 | <0.01 | <0.01 |
| Bay Area Air District's Thresholds | | 10 | 1 | 0.3 |
| Exceed Threshold? | | No | No | No |

Notes:
$\mu g/m^3$ = micrograms per cubic meter.
Source:
WRA Environmental Consultants. 2020. 1000 Gibraltar Drive Environmental Impact Report SCH #2020069024. December.

### *Toxic Air Contaminants from Operation*

According to the previous FEIR, two sources of toxic air contaminants (TAC) emissions would be present during operation of the previously approved project: the proposed emergency fire pump and the diesel vehicles equipped with TRUs accessing the project site.

Based on the results of the air dispersion model prepared for the previously approved project (Appendix F of the previous FEIR), the previous FEIR evaluated operational TAC related potential health risks for the same receptors considered in the construction TAC analysis, discussed above. The previous FEIR conservatively assumed that the sensitive receptors would be exposed to an annual average DPM concentration for 30 years, which is consistent with the California Office of Environmental Health Hazard Assessment (OEHHA's) guidance for evaluating cancer risk at the sensitive receptors. Other parameters for the health risks calculation are similar to those used to evaluate the construction TAC emissions.

Estimates of the health risks at the MEIR and at the residential receptor northwest of the project from exposure to DPM and exhaust $PM_{2.5}$ concentrations from diesel vehicles accessing the project site during operation are summarized and compared to the thresholds of significance in Table 7. The previous FEIR determined that the estimated excess cancer risks and chronic HIs for DPM and annual average $PM_{2.5}$ concentrations from the proposed fire pump and the diesel vehicles during project operation were below the thresholds of significance. Therefore, the previous FEIR found that TAC emissions from project operation would have a less than significant impact on nearby sensitive receptors and no mitigation measures were required.

### *Cumulative Toxic Air Contaminants Emissions*

In addition to a project's individual TAC emissions during construction and operation, the potential cumulative health risks to the MEIR from existing and reasonably foreseeable future sources of TACs were evaluated. The MEIR was evaluated because the project's contribution to health risks at the MEIR are at least three times greater than other nearby sensitive receptors, including the residential receptor northwest of the previously approved project.

Estimates of the cumulative health risks at the MEIR are summarized and compared to the Bay Area Air District's cumulative thresholds of significance in Table 8 below. The cumulative cancer risk and chronic HI from DPM emissions and annual average $PM_{2.5}$ concentrations at the MEIR were below the Bay Area Air District's cumulative thresholds. Therefore, the project's emissions of DPM and $PM_{2.5}$ during construction and operation would have a less than significant cumulative impact on nearby sensitive receptors; therefore, no mitigation measures were required.

## Table 8: Summary of Cumulative Health Risks at the Maximally Exposed Individual Resident

| Emission Source | Source Type | Diesel Particulate Matter | | Exhaust $PM_{2.5}$ |
|---|---|---|---|---|
| | | Cancer Risk (per million) | Chronic Hazard Index | Annual Average Concentration ($\mu g/m^3$) |
| Off-Road Diesel Construction Equipment | Project Construction | 0.89 | <0.01 | 0.01 |
| On-Road Diesel Trucks and Fire Pump | Project Operation | 2.4 | <0.01 | <0.01 |
| Highways | Existing Mobile Sources | 10.5 | NA | 0.22 |
| Major Roadways | | 3.7 | NA | 0.8 |
| Cumulative Health Risks | | 17 | <0.1 | 0.3 |
| Bay Area Air District's Threshold | | 100 | 10.0 | 0.8 |
| Exceed Threshold? | | No | No | No |

## Proposed Project Analysis and Conclusion

### *Fugitive Dust Emissions*

Similar to what was identified in the previous FEIR, the proposed project's construction activities include demolition, site preparation, grading, and material hauling activities, which could generate fugitive dust $PM_{10}$ and $PM_{2.5}$ emissions that could adversely affect local air quality. In order for a project to have a less than significant criteria air pollutant impact related to construction-related fugitive dust emissions, it must implement all Bay Area Air District air pollution control measures during construction activities as outlined in the previous FEIR's MM AIR-3. These control measures have not changed and are still recommended by the Bay Area Air District to reduce construction dust emissions. Therefore, similar to the previously approved project, short-term construction fugitive dust impacts would be less than significant with implementation of the previous FEIR MM AIR-3 and the proposed project would not result in new or more severe impacts compared to what was analyzed in the previous FEIR. Note that MM AIR-3 from the previous FEIR has been slightly modified herein to correctly refer the Bay Area Air District's updated name.

### *Toxic Air Pollutants*

Health risk and hazard must be analyzed for sensitive receptors within a 1,000-foot radius of the project site.[17]

[17] Bay Area Air Quality Management District (Bay Area Air District). 2022. CEQA Air Quality Guidelines. April. Website:

The surrounding land uses have remained the same since the certification of the previous FEIR. Therefore, the same residential land uses and sensitive receptors are analyzed in both the previous FEIR and in this addendum. In addition, since the certification of the previous FEIR, the Bay Area Air Distract has published its 2022 CEQA Guidelines, which expands the definition of sensitive receptors to include off-site workers and students. Accordingly, off-site workers are also analyzed. There are no schools within 1,000 feet of the project site.

***Toxic Air Contaminants from Construction***

A Health Risk Assessment (HRA) was prepared to analyze the potential health impacts on surrounding sensitive receptors resulting from TAC emissions during construction. The assessment is provided below, while Appendix A provides detailed assumptions and modeling parameters.

HRA outputs in Appendix A include local maps showing the project site, locations of sources modeled, and identification of sensitive receptors within 1,000 feet of the site. AERMOD dispersion model reports are also included.

As discussed above, the sensitive receptors near the project site are the same as those identified in the previous FEIR and include residents and off-site workers. Of the nearby sensitive receptors, AERMOD dispersion modeling of construction emissions shows that the MEIR is a residence located on Amalfi Loop approximately 460 feet away, same as the MEIR identified in the previous FEIR. and the maximally exposed individual worker (MEIW) is located in industrial uses immediately north of the project site. Table 9 summarizes the cancer risk and chronic HI results for the proposed project construction at the MEIR and MEIW locations.

Table 8 shows that the construction DPM and $PM_{2.5}$ emissions generated by the proposed project would not result in an exceedance of Bay Area Air District cancer risk and chronic non-cancer HI thresholds at any location. The calculated cancer risks and chronic non-cancer hazards are substantially the same as those calculated for the previously approved project. Therefore, similar to the previously approved project, the proposed project's construction would not result in significant health impacts to nearby sensitive receptors.

## Table 9: Estimated Construction Cancer Risks and Chronic Non-Cancer Hazards

| Cancer Risk Scenario | DPM Cancer Risk (risk per million) | DPM Chronic Non-Cancer Hazard Index | Annual $PM_{2.5}$ ($\mu g/m^3$) |
|---|---|---|---|
| Maximum Exposed Individual Resident1 | 0.9 | <0.01 | 0.0113 |
| Maximum Exposed Individual Worker2 | 0.2 | <0.01 | 0.0369 |
| **Thresholds of Significance** | **10** | **1** | **0.3** |

https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed July 15, 2025.

| Cancer Risk Scenario | DPM Cancer Risk (risk per million) | DPM Chronic Non-Cancer Hazard Index | Annual $PM_{2.5}$ ($\mu g/m^3$) |
|---|---|---|---|
| **Exceeds Individual Source Threshold?** | **No** | **No** | **No** |

Notes:
$\mu g/m^3$ = micrograms per cubic meter
DPM = Diesel Particulate Matter based in $PM_{10}$
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter (includes $PM_{2.5}$ exhaust, dust, brake wear and tire wear)
[1] The maximum impact for residential was determined as a location on Amalfi Loop, approximately 460 feet to the south of the project site at 598274.94 Easting 4141551.11 Northing.
[2] The maximum impact for off-site workers is immediately to the north of the project site at 597964.64 Easting 4142099.56 Northing approximately 60 feet from the project site boundary.
Emissions Source: Appendix A.
Thresholds Source: Bay Area Air Quality Management District. 2022. CEQA Air Quality Guidelines. April. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-3-thresholds_final_v2-pdf.pdf?la=en. Accessed July 15, 2025.

### *Toxic Air Contaminants from Operation*

For project operation, as analyzed in the previous FEIR, potential TAC emissions would be from the exhaust of the trucks entering, exiting, and idling on the site and exhaust from the TRUs. Like the previously approved project, the proposed project also includes a new, on-site fire pump, which is a stationary operational emissions source of TACs during its operation. Since this proposed fire pump would be an emergency standby engine, its operation would be limited to testing and emergency hours, and as such it is not expected to be a significant source of TAC emissions to the surroundings. Following Bay Area Air District Rule 9-8-330–Emergency Standby Engines, Hours of Operation, the proposed fire pump would likely not exceed 50 hours of emergency operation per year. However, as a permitted source, the project applicant would be required to demonstrate operational emissions compliance with Bay Area Air District standards through a separately issued Engine Permit prior to operations, per Rule 5-2 New Source Review for Toxics. Furthermore, in accordance with the latest Bay Area Air District BACT guidance, the proposed diesel fire pump would need to meet EPA Tier 4 Final emission standards.[18] Therefore, existing regulations are in place to ensure TACs from the proposed emergency generator would be minimal. The following analysis focuses on potential impacts from truck exhaust and TRUs.

DPM emissions from on-road heavy-duty trucks are substantially less than those from off-road construction equipment and are dispersed over a larger linear roadway path. Projects with the potential for health risk from DPM are those with high level of truck traffic, or sites where trucks with

[18] Bay Area Air Quality Management District (Bay Area Air District). 2024. Best Available Control Technology (BACT) Guideline. November. Website: https://www.baaqmd.gov/~/media/files/engineering/bact-tbact-workshop/combustion/96-1-3.pdf?rev=210312454f084efe9dba8846cda4d372&sc_lang=en. Accessed July 5, 2025.

TRUs idle for a significant amount of time. The ARB's Air Quality and Land Use Handbook provides guidance on levels of activity that could result in a potential impact:[19]

> Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating Transport Refrigeration Units (TRUs) per day, or where TRU unit operations exceed 300 hours per week).

It is anticipated that the proposed project would generate 30 daily heavy heavy-duty (HHD) truck trips, of which three trips would be from trucks with TRUs. The previous EIR analyzed 377 truck trips. The proposed project would have significantly fewer truck trips compared to what was analyzed in the previous FEIR, and the proposed project's truck and truck with TRUs trip generation is substantially below the advisory threshold in the Air Quality and Land Use Handbook; therefore, an operational HRA is not necessary and is not analyzed in this study. As such, the proposed project would have lower operational DPM emission and associated operation health risk impacts compared to the level of operational health risks analyzed in the previous FEIR (which was analyzed to be 2.4 in a million cancer risk, chronic health index of <0.01, and <0.01 µg/m$^3$ of $PM_{2.5}$ concentration experienced by the MEIR).

Thus, the proposed project would reduce operational TAC exposure as compared to the previously approved project. Like the previously approved project, the proposed project would not generate a significant amount of DPM or other TAC emissions during operation and would not result in significant health impacts to nearby sensitive receptors during operation.

***Cumulative Toxic Air Contaminants Emissions***

The Bay Area Air District recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a proposed project. As a result, a cumulative HRA was performed that examined the cumulative impacts of the proposed project's construction emissions and sources of TAC emissions within 1,000 feet of the proposed project. As previously discussed, the MEIR was determined to be a multi-family residence to the south of the project site, approximately 460 feet south of the project site.

For a project-level analysis, Bay Area Air District provides several tools for use in screening potential sources of TACs. These include the Stationary Source Screening Map,[20] which provides all the stationary sources permitted by the Air District with risk and hazard estimates; Roadway Screening Data Layers providing estimated cancer risks, hazards, and $PM_{2.5}$ concentrations for all Bay Area highways and surface streets; and Rail and Railyard Screening Data Layers providing estimated cancer risks, hazards, and $PM_{2.5}$ concentrations from diesel locomotives and select railyards. The

[19] California Air Resource Board (ARB). Air Quality and Land Use Handbook: A Community Health Perspective. 2005. Website: http://www.aqmd.gov/docs/default-source/ceqa/handbook/california-air-resources-board-air-quality-and-land-use-handbook-a-community-health-perspective.pdf. Accessed May 15, 2025.

[20] Bay Area Air Quality Management District (Bay Area Air District). 2024. Stationary Source Screening Map. Website: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3. Accessed June 20, 2025.

Bay Area Air District risk and hazard values for the permitted stationary sources are based on concentrations at the sources' centroid and are therefore conservative.

The cumulative health risk results during project construction, including health risks from the existing stationary sources, roadway, and rail data from the Bay Area Air District sources above, are summarized in Table 9. Similar to the previous FEIR, the MEIR of the proposed project would experience health risks (cancer risk, chronic hazard index, and $PM_{2.5}$ concentration) at levels significantly below the Bay Area Air District thresholds.

### Table 10: Summary of the Cumulative Health Impacts at the MEIR

| Source | Source Name/Type | Cancer Risk (per million) | Chronic Hazard Index | Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$) |
|---|---|---|---|---|
| Proposed Project | Construction Diesel Particulate Matter | 0.9 | <0.01 | 0.0113 |
| **Existing Stationary Sources** | | | | |
| 7441 | Flex | 1.03 | 0.00 | 0.02 |
| 3156 | Quality Transformer and Electronics | 0.00 | 0.01 | 0.00 |
| 18388 | Evoqua Water Technologies | 0.00 | 0.01 | 0.12 |
| 19840 | Universal Industrial Finishing | 0.02 | 0.00 | 0.00 |
| 21180 | Eco Office Inc | 0.00 | 0.00 | 0.00 |
| 109668-1 | Balch Petroleum – Gas Dispensing Facility | 0.06 | 0.00 | 0.00 |
| 110788-1 | Flyers #401 – Gas Dispensing Facility | 2.31 | 0.01 | 0.00 |
| **Existing Roadways and Rails** | | | | |
| Existing Roadways | | 5.72 | 0.02 | 0.12 |
| Existing Rails | | 0.34 | <0.01 | <0.01 |
| **Cumulative Health Risks with Project** | | | | |
| **Cumulative Total with Project** | | **10.38** | **0.07** | **0.28** |
| **Bay Area Air District Cumulative Thresholds of Significance** | | **100** | **10** | **0.8** |
| **Threshold Exceedance?** | | **No** | **No** | **No** |

Notes:
$\mu g/m^3$ = micrograms per cubic meter
Bay Area Air District = Bay Area Air Quality Management District
MEIR = Maximally Exposed Individual Receptor
$PM_{2.5}$ = particulate matter less than 2.5 microns in diameter

Project and stationary source risks and hazards are for diesel exhaust, which does not have an established Acute Reference Exposure Level.
Source: Appendix A

As demonstrated in Table 9, the proposed project would cause lower health impacts at the MEIR than analyzed under the previous FEIR. Therefore, there are no new or more severe cumulative health impacts and the proposed project would have less than significant impacts.

### Conclusion

The surrounding land uses have remained the same since the certification of the previous FEIR. Therefore, the same residential land uses and sensitive receptors are analyzed in both the previous FEIR and in this addendum. In summary, similar to the previously approved project, the proposed project would not expose sensitive receptors to substantial pollutant concentrations during construction and operation with the exception of potential construction fugitive dust. Consistent with the previous FEIR, implementation of MM AIR-3 would be required to reduce impacts to less than significant. Overall, with the implementation of mitigation required by the City in certifying the previous FEIR, the proposed project would not result in new or more severe adverse impacts that were not identified in the previous FEIR.

## d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?

### Previous FEIR Conclusions

The previous FEIR determined that because the previously approved project is a warehouse facility, project construction and operation would not be expected to generate significant odors. Therefore, the project would have a less than significant impact related to other emissions; therefore, no mitigation measures were required.

### Proposed Project Analysis and Conclusion

The proposed project's construction would generate diesel exhaust and ROGs which could be considered objectionable odors; however, these emissions would disperse rapidly from the project site and therefore would not create significant odors affecting a substantial number of people. The amount of diesel exhaust and ROGs are similar in quantity to what was analyzed under the previous FEIR. As such, construction odor impacts would be less than significant.

Land uses typically associated with objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. (Refer to Table 5-4, Odor Screening Distances, in Chapter 5 Project-level Air Quality Impacts, 2022 Bay Area Air District CEQA Guidelines.)[21] The proposed project would involve the construction of a warehouse. The operation of this type of project would likely not generate objectionable odors that may affect a substantial number of nearby receptors. Minor sources of odors that would be generated by the proposed project, such as exhaust from mobile sources, are not typically associated with numerous odor complaints but are

[21] Bay Area Air Quality Management District (Bay Area Air District). 2022. Bay Area Air District CEQA Guidelines, Chapter 5 Project-level Air Quality Impacts, Table 5-4, Odor Screening Distances.

known to have temporary and less concentrated odors. Therefore, operational odor impacts would be less than significant. The proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

# Mitigation Measures

**MM AIR-3 Fugitive Dust Control during Project Construction**

During project construction, the contractor shall implement a dust control program that includes the following measures recommended by the Bay Area Air Quality Management District (Bay Area Air District):

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air District phone number shall also be visible to ensure compliance with applicable regulations.

The above measures shall be included in contract specifications. In addition, an independent construction monitor shall conduct periodic site inspections, but in no event less than four total inspections, during the course of construction to ensure these mitigation measures are implemented and shall issue a letter report to the City of Milpitas Office of Building Safety documenting the inspection results. Reports indicating noncompliance with construction mitigation measures shall be cause to issue a stop work order until such time as compliance is achieved.

# Conclusion

As discussed above, all applicable mitigation measures from the previous FEIR would be required and implemented to ensure impacts are consistent with the previous FEIR.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **IV. Biological Resources** *Would the project:* | | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service? | No impact | No | No | No | None |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service? | No impact | No | No | No | None |
| c) Have a substantial adverse effect on | No impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | | | | | |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? | Less than significant impact with mitigation incorporated | No | No | No | Previous FEIR: MM BIO-1 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | Less than significant impact | No | No | No | None |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved | Less than significant impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| local, regional, or State Habitat Conservation Plan? | | | | | |

# Discussion

### a) Substantial Adverse Effects on Sensitive Species

***Previous FEIR Conclusions***

The previous FEIR concluded that the project would not result in impacts to special-status species.

***Proposed Project Analysis and Conclusion***

As shown in Table 1, the proposed project would include a single-story warehouse and office building on the same site and similar in scale and mass to the previously approved project with an overall reduction in square footage but increase in impervious surface and a slight height increase. The modifications included in the proposed project are within the overall scale of the previously approved project and consistent with the analysis in the previous FEIR. No changes have occurred with respect to the project or the circumstances under which the project is proposed that would change the significance conclusions in the previous FEIR. There are still no special-status species with the potential to occur within the project site. (Refer to Appendix B.) Recent changes in burrowing owl status under the California Endangered Species Act do not change the conclusions for the proposed project because the project site is already developed and does not contain habitat appropriate for burrowing owl. Because of the fully developed nature of the project site and the presence of buildings and associated hardscape, it is unlikely that the project site would support any special-status species. Therefore, no impact to special-status species would result from the proposed project. The proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### b) Substantial Adverse Effects on Riparian Habitat

***Previous FEIR Conclusions***

The previous EIR concluded that the project would not result in impact to riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game (CDFW) or United States Fish and Wildlife Service (USFWS).

***Proposed Project Analysis and Conclusion***

No changes have occurred to the project that would change the impacts analyzed in the previous FEIR. The project site is located within a developed area and does not support any riparian or other sensitive natural communities. Therefore, no impact to riparian habitat or other sensitive natural communities would result from the proposed project. The proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### c) Substantial Adverse Effects on Wetlands

***Previous FEIR Conclusions***

The previous FEIR concluded that the project would not result in impacts to State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

***Proposed Project Analysis and Conclusion***

No changes have occurred with respect to the project or the circumstances under which the project is proposed that would change the significance conclusions analyzed in the previous FEIR. The project site is on the same site analyzed in the previous FEIR, within a developed area, and not located in an area that supports wetlands, drainages, or water bodies as defined by Section 404 of the Clean Water Act. Moreover, the same as the approved project, the proposed project would not result in the direct removal, filling or hydrological interruption of such wetlands. Therefore, no impact to federally protected wetlands would result from the proposed project. The proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### d) Interfere with Wildlife Corridors

***Previous FEIR Conclusions***

The previous EIR concluded that the previously approved project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, nor would it impede the use of wildlife nursery sites, and therefore, impacts would be less than significant with MM BIO-1 incorporated.

In addition, the previous FEIR concluded that while trees present at the project site could provide temporary roosts (e.g., night roosts) for bat species, many of the trees at the project site are relatively small and do not provide suitable large/deep hollows for the establishment of hibernacula roosts. Furthermore, anthropogenic activities surrounding the site are a deterrent for several special-status bat species and the buildings had been well maintained, therefore limiting ingress/egress points for bats. Nonetheless, the previous FEIR included in MM BIO-1 pre-construction habitat assessment and surveys for bat roots to ensure impacts would be less than significant.

***Proposed Project Analysis and Conclusion***

No changes have occurred with respect to the project or the circumstances under which the project is proposed that would change the significance conclusions analyzed in the previous FEIR. The

proposed project is located on the same site as the approved project, within a developed, landscaped area that supports wildlife species typically associated with urban and suburban areas and may have the potential to support bat roosts. Because the project site is within a developed urban area, there are no major wildlife movement corridors that pass through or are adjacent to the site. However, existing trees are located throughout and within disturbance distance of the project site. Trees and other landscape vegetation generally have the potential to support nests of common native bird species. All native birds, regardless of their regulatory status, are protected under the federal Migratory Bird Treaty Act (MBTA) and California Fish and Wildlife Code. The proposed project would result in the removal of approximately 18 protected trees (in addition to the 7 protected trees removed since approval of the previous project), which is less than the 88 protected trees evaluated for removal in the previously approved project. As indicated in the previous FEIR, if the removal is conducted during the breeding season ), vegetation removal and construction activities could directly impact nesting birds by removing trees or vegetation that support active nests. As required by the previous FEIR, this impact is mitigated with the implementation of MM BIO-1. Note that the end of the survey period of the mitigation measure has been updated (from July to August) to ensure pre-construction surveys are conducted during the entirety of the nesting season. This change has been implemented to refine the mitigation measure and reflect a more effective and appropriate implementation period and is not required due to a new or more severe impact.

As concluded in the previous FEIR, on-site trees and buildings may have the potential to provide temporary roosts for bat species, although the likelihood is low due to the urban environment and size of on-site trees. Therefore, consistent with the previous EIR, implementation of MM BIO-1 would be required to ensure impacts are less than significant.

Overall, with the implementation of mitigation from the previous FEIR, the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### e) Conflict with Local Policies or Ordinances

***Previous FEIR Conclusions***

A Tree Survey Report prepared by Helix in 2019 was prepared for the previously approved project (Appendix B). The Tree Survey Report reviewed Section 4.02 of the City of Milpitas Code of Ordinances (code), stating it is unlawful for any person other than City personnel in the performance of their duty to remove a protected tree or street tree without applying for a permit issued by the Public Works Department. Chapter 201.5 of the code defines protected trees on commercial/industrial properties as “all trees which have a 37-inch or greater circumference of any trunk measured 4.5 feet from the ground.” The code defines street trees as those “located in the public right-of-way between the curb and the sidewalk.” The purpose of the tree survey was to inventory and conduct a rapid visual inspection of protected trees on the project site.

Per the 2019 Tree Survey Report, a total of 183 protected trees on the project site, including those adjacent to street frontages, were inventoried and assessed. Of the 183 protected trees, 82 were identified as large shamel ashes (*Fraxinus uhde*) and another 26 as large sweetgums (*Liquidambar styraciflua*), located along the edges of the property next to Gibraltar Drive and South Milpitas

Boulevard. Most of the remaining 75 protected trees were identified as Chinese fringe trees (*Chionanthus retusus*), Chinese pistache (*Pistacia chinensis*) trees, and London plane (*Platanus x acerifolia*) trees planted around the office buildings and in the parking lots.

The previous FEIR concluded that, with the acquisition of a tree removal permit from the City of Milpitas, removal of the 88 protected trees on-site would not conflict with applicable local policies or ordinances protecting biological resources. As such, the previous FEIR concluded that the project would have a less than significant impact related to local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

***Proposed Project Analysis and Conclusion***

No changes have occurred with respect to the project or the circumstances under which the project is proposed that would change the significance conclusion analyzed in the previous FEIR. The proposed project is located on the same site as the approved project and would be required to comply with the same local, State and federal regulations as addressed in the previous FEIR.

An Addendum to the previously prepared 2019 Tree Survey Report was conducted in May 2025 by Stringer Biological Consulting, Inc. (Appendix B). As noted therein, the majority of the on-site trees have declined since the 2019 survey, with the majority of the trees in fair condition versus the majority of the trees previously being reported as in good condition in the 2019 Tree Survey Report. Many of the ornamental trees in the landscaped areas around the buildings were no longer present at the time of the survey update. Furthermore, many trees were identified as having been removed or identified as having a declining or severe decline status. As a result, a total of only 98 trees present on or overhanging the project site were identified as protected according to the City of Milpitas code; significantly less than the 198 previously identified in the 2019 Tree Survey Report.

Protected trees within the project site would be removed as a part of the proposed project; however, far fewer trees would be removed compared to the previously approved project (see Table 1), resulting in a reduction of the approved project's already less than significant impact. The project applicant is required to obtain a tree removal permit prior to the removal of trees that are determined to be protected (Tree Removal Permit No. TR25-0021). Furthermore, the proposed project would include the planting of 185 trees on-site (not including the existing trees to remain), thereby exceeding the protected tree replacement ratio of 2:1. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources and this impact would be less than significant. Furthermore, the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## f) Conflict with Habitat Conservation Plan

***Previous FEIR Conclusions***

The previous FEIR concluded that because the project site does not fall withing the Covered Area for the Santa Clara Valley Habitat Plan and does not include activities pertinent to the conservation of burrowing owls. Conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approval local, regional, or State Habitat Conservation Plan would be less than significant

***Proposed Project Analysis and Conclusion***

No changes have occurred with respect to the project or the circumstances under which it is being proposed that would change the significance conclusions analyzed in the previous FEIR. The project site is located on the same parcels as the approved project and does not fall within the Covered Area for the Santa Clara Valley Habitat Plan (SCVHP) and does not include activities pertinent to the conservation of burrowing owls. As such, the proposed project is not considered to be a Covered Activity under the SCVHP. No other Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans apply to the project site. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan and this impact would be less than significant. The proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

# Mitigation Measures

**MM BIO-1 Nesting Birds and Roosting Bats**

If feasible, all vegetation removal shall be conducted during the non-breading season (i.e., September 1 to January 31) to avoid the direct impacts to nesting birds. If such work is scheduled during the breeding season, a qualified biologist or ornithologist shall conduct a pre-construction survey to determine whether any birds are nesting within the project site. The pre-construction survey shall be conducted within 15 days prior to the start of work from March through May (since there is a higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through August. If active nests are found during the survey, the biologist or ornithologist shall determine an appropriately sized buffer around the nest in which no work shall be allowed until the young have successfully fledged. The size of the buffer shall be determined by the biologist or ornithologist in consultation with the California Department of Fish and Wildlife (CDFW), and would be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance.

In order to avoid impacts to roosting bats, a pre-construction habitat assessment and survey(s) for bat roosts shall be conducted in any large trees (dbh >24 inches) within 100 feet of any planned work areas and in any buildings planned for demolition. This effort shall occur prior to the start of work to evaluate whether potential roost habitat occurs and to determine the type (i.e., maternity or nonmaternity) and status (i.e., active or inactive) of the roost. If an active maternity or special-status bat roost is found, removal of maternity roost trees or building shall be avoided during the maternity roosting season or until a qualified biologist determines the roost has been vacated. Felled trees without maternity or special-status roosts shall be allowed to lay on the ground for one night to allow any undetected roosting bats to leave the tree before it is chipped or taken off-site.

# Conclusion

As discussed above, all applicable mitigation measures from the previous FEIR would be required and implemented to ensure impacts are consistent with the previous FEIR.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **V. Cultural and Tribal Cultural Resources** *Would the project:* | | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5? | No impact | No | No | No | None |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | Less than significant impact with mitigation incorporated | No | No | No | Previous FEIR: MM CULT-1 |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | Less than significant impact with mitigation incorporated | No | No | No | Previous FEIR: MM CULT-1, MM CULT-2 |
| *Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:* | | | | | |
| d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public | Less than significant impact with mitigation incorporated | No | No | No | Previous FEIR: MM CULT-1, MM CULT-2 |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| Resources Code Section 5020.1(k), or | | | | | |
| e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe. | Less than significant impact with mitigation incorporated | No | No | No | Previous FEIR: MM CULT-1, MM CULT-2 |

# Discussion

## Cultural Resources

### a) Historical Resources

***Previous FEIR Conclusions***

The previous FEIR concluded that there are no known historical resources within the project boundaries. The records search, conducted at the Northwest Information Center (NWIC) on May 11, 2020, identified two historical resources within the 0.25-mile search radius, none of which were located within the project boundaries. Review of historic aerial photography dating back to 1948 shows the project area was used for agriculture and/or undeveloped until the early 1980s. Therefore, for the purposes of this analysis, and because there are no historical resources within the project boundaries, the previous FEIR concluded no impacts in relation to historical resources.

***Proposed Project Analysis and Conclusion***

The proposed project is located on the same site and is consistent with the findings of the previous FEIR. The updated records search results, conducted at the NWIC on March 21, 2025, identified three historical resources within the increased 0.5-mile search radius (Appendix C), none of which are located within the project boundaries. Additionally, a new pedestrian survey, conducted on May 2, 2025, did not identify any historical resources. The analysis did not reveal any significant changes from what was evaluated and disclosed in the previous FEIR. As such, no new impacts would occur, and the proposed project would not result in new or more severe adverse impacts that were not previously identified in the previous FEIR.

### b) Archaeological Resources

***Previous FEIR Conclusions***

The results of the previous NWIC records search identified three archaeological resources within the 0.25-miles search boundary, none of which address the project area. However, because the superficial geology of the project area consists entirely of Holocene alluvium deposits, in addition to the project site's proximity to the San Francisco Bay, the desktop archaeological sensitivity analysis determined a moderate sensitivity of encountering potentially significant archaeological resources during project-related ground-disturbing activities. Therefore, the previous FEIR concluded that project-related ground-disturbing activities could result in significant impacts to previously unidentified archaeological resources. As such, the previous FEIR determined that potentially significant impacts would be reduced to less than significant levels with implementation of MM CULT-1.

***Proposed Project Analysis and Conclusion***

The proposed project is located on the same site as the approved project. The results of the updated NWIC records search identified three pre-contact archaeological resources within the 0.5-mile search radius, none of which are located within the project site boundaries. Additionally, the pedestrian survey failed to identify any previously unrecorded archaeological resources. Consistent with the

previous FEIR, a buried site sensitivity analysis indicates that the proposed project site is underlain by Holocene age, alluvial fan deposits. Therefore, the analysis of the proposed project does not identify and significant changes or new information compared to the approved project. The proposed project is consistent with the findings of the previous FEIR regarding the potential encounter of significant archaeological resources during project-related ground-disturbing activities and the need for mitigation. Accordingly, implementation of MM CULT-1 would reduce any potential impacts to less than significant. As such, no new impacts would occur, and the proposed project would not result in new or more severe adverse impacts that were not previously identified in the previous FEIR.

### c) Burial Sites

***Previous FEIR Conclusions***

The previous FEIR background research determined that no human remains, or formal cemeteries have been identified within the project boundaries. Additionally, the land use designations for the project area do not include cemetery uses, and no known human remains exist within the project area. Therefore, the previously approved project was not anticipated to disturb any human remains.

However, because the previously approved project would have involved ground-disturbing activities, it is possible that such actions could unearth, expose, or disturb previously unknown human remains. If human remains were discovered during construction activities, impacts on the human remains would be significant if those remains were disturbed or damaged. The previous FEIR concluded that such potentially significant impacts would be reduced to a less than significant with the implementation of MM CULT-2.

***Proposed Project Analysis and Conclusion***

The proposed project is on the same site as the approved project. The updated NWIC records search results did not identify any changed circumstances or new information, such as burial sites, human remains, or formal cemeteries within the proposed project site or the 0.5-mile search radius. While no formal cemeteries or areas containing human remains are known to be in the project site's vicinity, the possibility always exists that construction-related ground disturbance may uncover previously undiscovered human remains. In the unlikely event such a discovery is made, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. Implementation of MM CULT-2, which details inadvertent discovery procedures, would reduce potential impacts to previously undiscovered human remains to a less than significant level. As such, the proposed project would be consistent with the previous FEIR, no new impacts would occur, and the proposed project would not result in new or more severe adverse impacts that were not previously identified in the previous FEIR.

## Tribal Cultural Resources

### d) Listed or Eligible Resources

***Previous FEIR Conclusions***

The previous records search conducted at the NWIC on May 11, 2020, did not identify any Tribal Cultural Resources (TCRs), within the project boundaries or the 0.25-mile radius that might be impacted by the previously approved project. Nevertheless, there remains a possibility that previously unrecorded archaeological deposits, including human remains, are present in the project area. If such deposits are present and were found to qualify as TCRs, as defined in Public Resources Code Section 21074, any potential impacts from the previously approved project on the resource would be potentially significant. Such potentially significant impacts would be reduced to less than significant with the implementation of MM CULT-1 and MM CULT-2.

***Proposed Project Analysis and Conclusion***

The proposed project is on the same site as the approved project and would have the same project boundaries. The results from the updated NWIC records search, conducted on March 21, 2025, did not identify any changed circumstances or new information. It failed to identify any listed or eligible for listing TCRs that may be adversely affected by the proposed project. Furthermore, the results from the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search results conducted on February 24, 2025, were negative for TCRs within the project boundaries. As such, no eligible or potentially eligible TCRs would be adversely affected by the proposed project. However, because the proposed project would result in similar ground disturbance as the approved project, in the event that undiscovered TCRs are encountered during project-related ground disturbance, the proposed project could result in significant impacts similar to those disclosed in the previous FEIR for the approved project. Accordingly, implementation of MM CULT-1 and MM CULT-2 would reduce any potential impacts to less than significant impact. As such, and consistent with the conclusion in the previous FEIR, no new impacts would occur, and the proposed project would not result in new or more severe adverse impacts that were not previously identified in the previous FEIR.

### e) Lead Agency Identified Resources

***Previous FEIR Conclusions***

The previous FEIR found a less than significant impact with respect to TCRs, as defined by Public Resources Code Section 21074. In certifying the previous FEIR, the City found that the background research and records search did not identify any resources in the project site or in the immediate vicinity that would be adversely impacted by the approved project. Nonetheless, the previous FEIR determined that the potential for unanticipated discovery could result in a potential impact and implemented MM CULT-1 and MM CULT-2 to reduce potential impacts to less than significant levels. As noted in the previous FEIR, no California Native American Tribes requested notification in conjunction with the proposed project.

***Proposed Project Analysis and Conclusion***

Public Resources Code Section 21074 defines a TCR as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.The proposed project is located on the same site as the approved project. Accordingly, the proposed project would have the same potential for unanticipated discovery as the approved project and would be subject to MM CULT-1 and MM CULT-2.

In order for the Lead Agency to determine significant impacts to TCRs, consultation under Senate Bill (SB) 18 and/or Assembly Bill (AB) 52 shall be initiated between Native American Tribes and the Lead Agency for the purpose of preserving or mitigating potential impacts to TCRs. However, consultation under SB 18 and/or AB 52 applies when a lead agency prepares an EIR, amendment of general plans or specific plans, or designation of open space. As such, it is not applicable to the preparation of this Addendum. Per the discussion above and with the implementation of MM CULT-1 and MM CULT-2, the proposed project would not result in new or more severe adverse impacts that were not previously identified in the previous FEIR.

# Mitigation Measures

**MM CULT-1 Unanticipated Discovery Protocol for Archaeological Resources**

If indigenous or historic era archaeological resources are encountered during proposed project development or operation, all activity within 100 feet of the find shall cease and the find shall be flagged for avoidance. The City and a qualified Archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archaeology, shall be immediately informed of the discovery. The qualified Archaeologist shall inspect the find within 24 hours of discovery and notify the City of their initial assessment. If the resource is indigenous, the City shall also contact relevant California Native American Tribes to assist in determining whether the resource may qualify as a Tribal Cultural Resource.

If the City determines, based on recommendations from the qualified Archaeologist and, if the resource is indigenous, relevant California Native American Tribes, that the resource may qualify as a historical resource or unique archaeological resource (as defined in CEQA Guidelines § 15064.5), or a Tribal Cultural Resource (as defined in Public Resources Code § 21074), the resource shall be avoided if feasible. Avoidance means that no activities associated with the proposed project that may affect cultural resources shall occur within the boundaries of the resource or any defined buffer zones. If avoidance is not feasible, the City shall consult with appropriate Native American Tribes (if the resource is indigenous), and other appropriate interested parties to determine treatment measures to avoid, minimize, or

mitigate any potential impacts to the resource pursuant to Public Resources Code Section 21083.2 and CEQA Guidelines Section 15126.4. This shall include documentation of the resource and may include data recovery or other measures. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource. The resource and treatment method shall be documented in a professional-level technical report to be filed with the California Historical Resources Information System. Work in the area may commence upon completion of approved treatment and under the direction of the qualified Archaeologist.

**MM CULT-2** **Unanticipated Discovery Protocol for Human Remains:** If human remains are uncovered during proposed project construction, all work shall immediately halt within 100 feet of the find and the Santa Clara County Coroner shall be contacted to evaluate the remains and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.5(e)(1). If the County Coroner determines that the remains are Native American, the City shall contact the Native American Heritage Commission (NAHC), in accordance with Health and Safety Code Section 7050.5(c) and Public Resources Code Section 5097.98. As required by Public Resources Code Section 5097.98, the City shall ensure that further development activity avoids damage or disturbance in the immediate vicinity of the Native American human remains, according to generally accepted cultural or archaeological standards or practices, until the City has conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

# Conclusion

As discussed above, all applicable mitigation measures from the previous FEIR would be required and implemented to ensure impacts are consistent with the previous FEIR.

The proposed project is consistent with the development evaluated in the certified previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1 No substantial changes are proposed in the project which will require major revisions of the previous FEIR.

2 No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.

3 No new information of substantial importance has been identified, which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.

4 No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **VI. Energy** *Would the project:* | | | | | |
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | Less than Significant Impact | No | No | No | None |
| b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency? | Less than Significant Impact | No | No | No | None |

# Discussion

**a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

### Previous FEIR Conclusions

In certifying the previous FEIR, the City determined that construction of the previously approved project would require energy for the manufacture and transportation of construction materials, preparation of the site for demolition, and construction of the creative industrial building. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. According to the previous FEIR, construction activities were not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the project. Energy usage on the project site

during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources.

Energy consumed by the previously approved project would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the project. The previously approved project would be constructed to California Green Building Standards Code (CALGreen) standards Tier I or Tier II, which would help to reduce energy and natural gas consumption. Therefore, the previous FEIR determined that the previously approved project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. As such, the previous FEIR found that construction and operation period impacts related to consumption of energy resources would be less than significant.

## Proposed Project Analysis and Conclusion

### *Construction*

The proposed project construction schedule is assumed to begin in October 2025 and conclude in December 2026. The proposed project would require demolition, grading, building construction, architectural coating, and paving. Like the previously approved project, the construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., demolition, site clearing, and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project would be substantially the same as those anticipated for the previously approved project and could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, front-end loaders, forklifts, and cranes. Construction equipment is estimated to consume a total of 20,031 gallons of diesel fuel over the entire construction duration (Appendix A).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; these trips include construction worker trips, haul truck trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB EMFAC mobile source emission model. The specific parameters used to estimate fuel usage are included in Appendix A. The proposed project is estimated to generate 988,646 VMT and a combined 80,038 gallons of combined gasoline and diesel for vehicle travel during construction. Table 10 shows the proposed project energy consumption during construction and operation.

While energy consumption was not quantified in the previous FEIR, the energy demand associated with the construction of the proposed project remains consistent with the analysis under the prior FEIR. The types of land uses, building square footage, and anticipated vehicle trips have not changed in a way that would substantially increase energy consumption. For example, the proposed building is slightly smaller (approximately 3,476 square feet) smaller than the approved project. Additionally,

advancements in construction technology and equipment standards may reduce fuel consumption and construction-related energy impacts compared to the assumptions utilized in the previous FEIR. Therefore, similar to the previously approved project, it is anticipated that the construction phase of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. The proposed project will not result in any new or more severe impacts related to energy consumption. As such, construction-related energy impacts remain less than significant.

***Operation***

The proposed project would consume energy as part of building operations and transportation activities. Project energy consumption is summarized in Table 11.

### Table 11: Estimated Project Construction and Operational Energy Consumption

| Energy Consumption Activity | Project Consumption |
|---|---|
| **Construction** | |
| Construction Equipment Fuel | 20,031 gallons of diesel |
| Construction Vehicle Fuel | 80,038 gallons of gasoline and diesel |
| **Operation** | |
| Operational Electricity Consumption | 5,392,128 kWh/year |
| Operational Natural Gas Consumption | 2,551,228 kBTU/year |
| Operational Fuel Consumption–Passenger Vehicles | 528,607 gallons of gasoline, 1,127 gallons of diesel, 188,337 kWh-hour of electricity and diesel/year |
| Operational Fuel Consumption–Trucks | 78,821 gallons of diesel, 24 gallons of gasoline, 8,990 gallons of compressed natural gas, and 10,925 kWh-hour of electricity per year |
| Operational Fuel Consumption–Transport Refrigerated Units | 3,824 gallons of diesel |
| Notes:<br>kBTU = kilo-British Thermal Unit<br>kWh = kilowatt-hour<br>VMT = Vehicle Miles Traveled<br>Source: Appendix A. | |

The proposed project's building would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards. The Building Energy Efficiency Standards have implemented increasingly stringent energy efficiency requirements as part of the State's ongoing efforts to reduce GHG emissions and promote sustainability. Each code cycle has introduced higher performance standards for residential and nonresidential buildings, incorporating advanced technologies and design practices to improve

energy conservation.[22] Therefore, the proposed project would be subject to higher energy efficiency standards than the previously approved project. These are widely regarded as the most advanced Building Energy Efficiency Standards and compliance would ensure that building energy consumption would not be wasteful, inefficient, or unnecessary.

In addition, the proposed project would be required to comply with CALGreen measures for 2022 (which, similar to the Building Energy Efficiency Standards, has more stringent sustainability requirements than the previous cycles) which require rooftop photovoltaics (PV) solar panels with battery storage for warehouses and heat pumps (in all climate zones) for office space in warehouses consistent with decarbonization strategies. Thus, the proposed project would incorporate renewable energy options thereby increasing reliance on renewable energy and improving energy conservation.

Therefore, similar to the previously approved project, energy consumption resulting from construction and operation of the proposed project would not conflict with Statewide goals and would not be considered wasteful, inefficient, or unnecessary. The proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

### Previous FEIR Conclusions

The previous FEIR determined that energy usage on the project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed project would be relatively small in comparison to the State's available energy sources and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impact to regional energy supplies would be minor, the City concluded that the previously approved project would not conflict with California's energy conservation plans as described in the California Energy Commission's (CEC) 2019 Integrated Energy Policy Report. Thus, the previously approved project would avoid or reduce the inefficient, wasteful, and unnecessary consumption of energy and would not result in any irreversible or irretrievable commitments of energy. Therefore, the previous FEIR determined that the previously approved project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation and the impact would be less than significant.

[22] California Energy Commission. 2024. Energy Commission Adopts Updated Building Standards Expanding Requirements for Heat Pumps and Electric-Ready Buildings. Website: https://www.energy.ca.gov/news/2024-09/energy-commission-adopts-updated-building-standards-expanding-requirements-heat. Accessed July 22, 2025.

## Project Analysis and Conclusions

### Senate Bill 100–100 Percent Renewable Energy Act

The proposed project's energy needs would be served by Silicon Valley Clean Energy, which has been serving the City of Milpitas since 2017.[23] In 2023, which is the latest year with available data, Silicon Valley Clean Energy Green Start program obtained 36.7 percent of its electricity from renewable energy sources, while the remaining electricity was sourced from nuclear (25.1 percent), large hydroelectric (38.1 percent), and unspecified power (0.1 percent).[24,25] Silicon Valley Clean Energy would be required to meet the future objective of 60 percent of electricity from renewable energy sources by 2030.

### 2023 Integrated Energy Policy Report

The 2023 Integrated Energy Policy Report (IEPR), which supersedes the 2019 Integrated Energy Policy Report analyzed in the previous FEIR, serves as a strategic framework guiding California's energy transformation—recommending actionable steps to integrate clean energy more rapidly, anticipate future energy needs, and uphold grid reliability while promoting climate equity and decarbonization.[26] The proposed project supports clean energy goals by incorporating or being solar- and battery-ready, enabling future interconnection to the grid. It aligns with California's shift toward electrification by installing EV charging infrastructure to support eventual translation to a zero-emission delivery fleet. These features also contribute to long-term energy demand forecasts and reduce reliance on natural gas, consistent with State decarbonization targets.

In support of the IEPR's clean transportation and reliability goals, the proposed project reduces vehicle miles traveled by being strategically located near service areas, minimizing delivery distances. Furthermore, the proposed project would be required to comply with Title 24, which contributes to grid reliability by reducing peak electricity demand through energy-efficient building systems, enabling load flexibility, and facilitating integration of rooftop solar and battery-ready infrastructure. Therefore, the proposed project would be consistent with the 2023 IEPR.

### Milpitas General Plan

The proposed warehouse building would be designed in accordance with Title 24, California's Energy Efficiency Standards for Nonresidential Buildings. These standards include minimum energy efficiency requirements related to building envelopes, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting. While several of these policies are voluntary or cannot be implemented by an individual development

[23] Silicon Valley Clean Energy. 2025. Your City of Milpitas Clean Energy Impact. February. Website: https://content.govdelivery.com/accounts/CAORGSVCE/bulletins/3d0f868. Accessed August 14, 2025.

[24] Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source.

[25] Silicon Valley Clean Energy. 2023. Power Content Label. Website: https://www.energy.ca.gov/filebrowser/download/7360. Accessed July 15, 2025.

[26] California Energy Commission (CEC). 2023 Integrated Energy Policy Report. Website: https://www.energy.ca.gov/publications/2023/2023-integrated-energy-policy-report. Accessed August 14, 2025.

project, compliance with Title 24 standards and other applicable regulations would ensure that the proposed project would not conflict with any of the General Plan energy conservation policies related to the proposed project's building, mechanical systems, and indoor and outdoor lighting.

In accordance with California Code of Regulations, Title 13, Section 2485, the proposed project tenant would be required to comply with heavy-duty truck idling limitations while trucks unload and load goods to avoid fuel waste. The owners and operators of trucks and freight operations would be required to comply with the Sustainable Freight Action Plan and phase in zero-emission trucks. In addition, the proposed project would include electric vehicle (EV) charging parking stalls and carpool and vanpool parking stalls on the project site, which would reduce the need to use fossil fuel powered vehicles. Thus, the proposed project would not conflict with the State's goals to minimize fossil fuel reliance with respect to transportation fuel consumption.

Similar to the previous project, the proposed project will not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. There are no substantial changes to the proposed project that would cause conflicts with any State or local plan that would lead to a new or more significant impact.

## Mitigation Measures

None required.

## Conclusion

As found in the previous FEIR, the proposed project would not result in any impacts related to energy. No new impacts would occur and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **VII. Geology, Seismicity, and Soils** *Would the project:* | | | | | |
| a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | No impact | No | No | No | None |
| ii) Strong seismic ground shaking? | Less than significant impact | No | No | No | None |
| iii) Seismic-related ground failure, including liquefaction? | Less than significant impact | No | No | No | None |
| iv) Landslides? | No impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| b) Result in substantial soil erosion or the loss of topsoil? | Less than significant impact | No | No | No | None |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | Less than significant impact | No | No | No | None |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | Less than significant impact | No | No | No | None |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are | No impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| not available for the disposal of wastewater? | | | | | |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | Less than significant impact with mitigation incorporated | No | No | No | MM GEO-1 |

## Existing Conditions

Based on the 2014 Working Group on California Earthquake Probabilities research described in the previous FEIR, the probability of at least one earthquake of magnitude 6.7 or larger in the San Francisco Bay region is 72 percent, and for at least one earthquake of magnitude 7.0 or larger it is 51 percent.[27] The project site is not located within or adjacent to a California Geological Survey (CGS) Alquist-Priolo Earthquake Fault Zone. The site is located within a State liquefaction zone and is not located within a landslide hazard zone.[28] The native geologic formations on the project site have been mapped as Pleistocene and Holocene-aged alluvial deposits. Based on the Geotechnical Engineering Study prepared for the previous project, soils encountered in the subsurface of the project site generally consisted of mixtures of clays, silts, sands, and gravels typical of alluvial soil deposits. The predominantly fine-grained soils typically had medium stiff to very stiff consistencies. The predominantly coarse-grained materials were generally medium dense to dense, although zones of loose soils were present in the upper 8 feet of the project site.

As a part of the previous FEIR analysis of potential paleontological resources at the site, the native geologic formations on the project site were mapped as Pleistocene and Holocene-aged alluvial deposits. The results of a search of paleontological localities in the fossil collections database maintained by the University of California Museum of identified five localities (including two

[27] United States Geological Survey (USGS). Earthquake Outlook for the San Francisco Bay Region 2014–2043. Website: https://pubs.usgs.gov/fs/2016/3020/fs20163020.pdf. Accessed April 29, 2025.

[28] California Geological Survey (CGS). CGS Information Warehouse: Regulatory Maps. Earthquake Zones of Required Investigation Milpitas Quadrangle. January 1, 1982, and October 19, 2004 (Revised Official Maps). Website: https://gis.data.ca.gov/datasets/cadoc::cgs-information-warehouse-regulatory-maps/explore?location=37.418033%2C-121.890934%2C15.81. Accessed April 29, 2025.

invertebrate, one microfossil, and two unidentified types of localities) in Holocene geologic formations and 14 localities (including 12 vertebrate and two invertebrate localities) in Pleistocene geologic formations within Santa Clara County, including a bison fossil found in Milpitas.

The geological conditions at the site have not changed since the preparation of the previous FEIR.

# Discussion

### a) Earthquakes

#### i. Surface Fault Rupture

***Previous FEIR Conclusions***

The previous FEIR concluded that development facilitated by the previously approved project would result in no impact related to surface fault rupture. As described above, the project site is not within or adjacent to an Alquist-Priolo Earthquake Fault Zone. As the project site is not within an established earthquake fault zone, no impact would occur.

***Proposed Project Analysis and Conclusion***

The project site's geological conditions have not changed since the certification of the previous FEIR. Additionally, as shown in Table 1, the proposed project would be substantially the same as the approved project, developing a single-story warehouse and office building similar in scale and mass to the previously approved project but with an overall reduction in square footage. While the proposed building would be slightly taller than the previously approved project (see Table 1), the increase in building height would not cause geologic impacts. As such, the modifications included in the proposed project are within the scope of and consistent with the analysis in the previous FEIR. The project site is not within or adjacent to an Alquist-Priolo Earthquake Fault Zone. No changes have occurred that would alter the conclusion of the previous FEIR. As such, the proposed project would have no impact related to surface fault rupture and would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

#### ii. Strong Seismic Ground Shaking

***Previous FEIR Conclusions***

The previous FEIR concluded that impacts related to strong seismic ground shaking would be less than significant. The previous FEIR indicated the site is susceptible to seismic ground shaking and that the nearest active faults include the San Andreas Fault, the Hayward Fault, and the Calaveras Fault, which are respectively located approximately 15.5 miles to the southwest, 1.7 miles to the northeast and 4.9 miles to the northeast. The Monta-Vista Shannon Fault is located approximately 11.4 miles southwest of the site.[29] The previous FEIR concluded that the City of Milpitas Building Safety and Housing Department reviews project plans to ensure that design plans are developed in

[29] California Department of Conservation (DOC). Fault Activity Map of California. Website: https://maps.conservation.ca.gov/cgs/fam/. Accessed April 30, 2025.

accordance with the current version of the California Building Standards Code (CBC) structural specifications, which would ensure that structures associated with the previously approved project would be designed to withstand strong seismic ground shaking. Impacts were concluded to be less than significant.

***Project Analysis and Conclusion***

No changes to the site's geological conditions described above have occurred that would alter the conclusion of the previous FEIR. The distances of the nearest active faults from the project site have not changed since 2020, when the previous EIR was prepared.[30] The proposed development would be required to comply with the most current CBC structural specifications (as reviewed by the Milpitas Building Safety and Housing Department) that would reduce impacts from strong seismic shaking to a less than significant level. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### iii. Seismic-related Ground Failure, Including Liquefaction

***Previous FEIR Conclusions***

The previous FEIR concluded that impacts associated with seismic-related ground failure, including liquefaction, would be less than significant. The previous FEIR indicated that the project site is located within a liquefaction hazard zone, as described above. The Geotechnical Engineering Study prepared for the project site, which included a liquefaction/settlement analysis, calculated expected liquefaction-related settlements that could occur during a seismic event to be approximately 2.0 inches, and there is a low likelihood of surface manifestation potential.

The previous FEIR indicated that the site's Geotechnical Engineering Study includes recommendations for site preparation and grading, compaction of native soil and engineered fill material, and the design and construction of foundations (conventional footings) which account for potential liquefaction-related settlements. The previous FEIR concluded that the previously approved project would be required to adhere with the mandatory CBC structural specifications, as well as to comply with the recommendations in the Geotechnical Engineering Study. The previous FEIR also concluded that compliance with the above CBC specifications and Geotechnical Engineering Study recommendations would result in a building that resists adverse effects related to estimated liquefaction settlements. As such, impacts would be less than significant.

In addition, the previous FEIR concluded that, due to the depths of the liquefiable soils and the fact that there are no open creek channels crossing or bordering the project site, the potential for lateral spreading to occur within the project site is low. As such, impacts related to lateral spreading would be less than significant.

[30] United States Geological Survey (USGS). The San Andreas and Other Bay Area Faults. Website: https://earthquake.usgs.gov/earthquakes/events/1906calif/virtualtour/bayarea.php. Accessed April 29, 2025.

***Project Analysis and Conclusion***

No changes to the site's geological conditions have occurred that would alter the conclusion of the previous FEIR. Consistent with the previous FEIR conclusions, the proposed project would be required to comply with current CBC structural specifications and recommendations in the site's Geotechnical Engineering Study. As such, impacts related to seismic-related ground failure would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### iv. Landslides

***Previous FEIR Conclusions***

The previous FEIR concluded that the previously approved project would not result in any impacts related to seismically induced landslides. The previous FEIR concluded that the project site and surrounding area are relatively flat and are not designated as a landslide hazard zone. As such, the proposed project would have no impacts related to seismically induced landslides.

***Proposed Project Analysis and Conclusion***

No changes to the site's geological conditions have occurred that would alter the conclusion of the previous FEIR. As stated in the above environmental setting discussion, the project site is not located in a landslide hazard zone. As such, there would be no impacts related to seismically induced landslide hazards and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## b) Soil Erosion or Topsoil Loss

***Previous FEIR Conclusions***

The previous FEIR concluded that impacts related to soil erosion or topsoil loss would be less than significant. The previous FEIR indicated that soil erosion could occur during project grading and construction. As described in the previous FEIR, compliance with the State Water Resources Control Board's Construction General Permit, including preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), would ensure that the previously approved project would result in less than-significant impacts related to erosion or loss of topsoil during construction. The previous FEIR indicated that during operation of the previously approved project, the site's surface would be covered by a building, pavement surfaces, and landscaping and therefore would not be susceptible to substantial erosion or loss of topsoil. As such, impacts related to soil erosion or loss of topsoil were considered less than significant.

***Proposed Project Analysis and Conclusion***

Similar to the previously approved project, the proposed project would be subject to BMPs to reduce soil erosion (identified in Section 10 of this Addendum) and would comply with the California State Water Resources Control Board's (State Water Board's) Construction General Permit, including preparation and implementation of a SWPPP. While the proposed project includes greater impervious surfaces than the previously approved project, it would be subject to the same regulations, including a

SWPPP and Best Management Practices (BMPs). Consistent with the previously approved project, during the proposed project's operations, the site would be covered by a warehouse/office building, paved surfaces, and landscaping that would not include exposed soils; as such, the site would not be susceptible to substantial erosion or loss of topsoil during project operation. Therefore, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### c) Unstable Geologic Unit or Soils

***Previous FEIR Conclusions***

The previous FEIR concluded that impacts related to being located on a geologic unit or soil that is unstable would be less than significant. The previous FEIR concluded that lateral spreading and landslides are not a concern for the previously approved project because of the relatively flat topography of the area and because there are no open creek channels crossing or bordering the site. Additionally, the previously approved project was designed in accordance with the CBC and recommendations of the site's Geotechnical Engineering Study, which include measures to address the potential for liquefaction and seismically induced settlement impacts related to unstable soils.

The previous FEIR indicated that subsidence or collapse could result from the removal of subsurface water resulting in either catastrophic or gradual depression of the surface elevation of a site. The only removal of subsurface water that was identified as potentially occurring as part of the previously approved project was temporary dewatering of excavations during construction. The temporary dewatering of excavations would not cause significant ground subsidence or collapse as the dewatering would be limited and localized to the area of the excavation. Therefore, the impact related to subsidence or collapse is considered less than significant.

Based on the previous FEIR conclusions and the site's Geotechnical Engineering Study, the potential for static settlement to occur at the site (i.e., the consolidation of soils) would be reduced given the light structural loads that were proposed for the previously approved project. Anticipated static settlements of the on-site native soils were in the order of 1.5 inches, with a differential settlement of 0.75-inch.

In addition, the previous FEIR concluded that previously approved project would adhere to the City's mandatory building code structural specifications, as well as adherence to the recommendations in the Geotechnical Engineering Study. As such, impacts were determined to be less than significant.

***Proposed Project Analysis and Conclusion***

No changes in the site's geological conditions have occurred that would alter the conclusion of the previous FEIR. As stated above, the potential for lateral spreading and landslides to occur on-site is low. Similar to the previously approved project, the proposed project may require temporary dewatering if groundwater is encountered during construction. As described above, the temporary dewatering of excavations would not cause significant ground subsidence or collapse as the dewatering would be limited and localized to the area of the excavation.

Based on the site's Geotechnical Engineering Study, anticipated static settlements of the on-site native soils (i.e., consolidation of soils) are in the order of 1.5 inches, with a differential settlement of 0.75-inch, which, consistent with the conclusions of the previous FEIR, would not result in significant impacts related to static or differential settlement. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact, related to unstable geologic units or soils, that was not identified in the previous FEIR.

### d) Expansive Soils

#### *Previous FEIR Conclusions*

The previous FEIR concluded that impacts related to expansive soils would be less than significant. Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. The results of plasticity index tests, completed as a part of the Geotechnical Engineering Study, on samples of the upper soils from the project site indicate that the soils have a low expansion potential. The previously approved project would be required to adhere to the City's mandatory building code structural specifications, as well as adherence to the recommendations pertaining to imported fill in the Geotechnical Engineering Study. As such, the previously approved project's impacts related to expansive soils would be less than significant.

#### *Proposed Project Analysis and Conclusion*

The existing soils on-site have not changed since the certification of the previous FEIR. As described above, the soils on-site have a low expansion potential. In addition, the proposed project would comply with the Geotechnical Engineering Study's recommendations related to imported fill (including recommendations for us of non-expansive fill). As such, impacts related to expansive soils would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### e) Wastewater Disposal Systems

#### *Previous FEIR Conclusions*

The previous FEIR concluded that the previously approved project would not include septic tanks or alternative wastewater disposal systems; as such, no impact would occur with regards to the use of a septic system or alternative wastewater disposal system.

#### *Proposed Project Analysis and Conclusion*

The proposed project would connect to the City sewer system and would not utilize a septic tank or alternative wastewater disposal system. As such, no impact would occur and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## f) Destruction of Paleontological Resources or Unique Geologic Feature

***Previous FEIR Conclusions***

The previous FEIR indicated that the potential to disturb paleontological resources during the previously approved project's construction depended on the types of geologic units (and their fossil-bearing characteristics) that would be encountered. The previous FEIR concluded that disturbing artificial fill materials (which have been identified as the uppermost materials covering the site) during project construction would not impact paleontological resources because, given the disturbed nature of artificial fill, intact fossils are not generally found or well-preserved in these materials.

However, it was indicated the previously approved project would involve subsurface construction activities which would extend below fill material and into native geologic formations. The previous FEIR determined the project site is situated on Pleistocene and Holocene-aged alluvial deposits based on geologic mapping. A record search from the University of California Museum of Paleontology (UCMP) Locality Search Online Database was utilized and identified five fossil localities associated within Holocene geologic formations. In addition, 4 localities were uncovered in Pleistocene geologic formations where 12 of those localities were associated with vertebrates, including a bison fossil found in Milpitas.

Therefore, the previous FEIR concluded that significant impacts to paleontological resources could occur during excavation into native geologic formations below existing fill material, where fossils may be buried, and physical destruction of fossils could occur. The previous FEIR determined that the implementation of MM GEO-1, which includes measures to be implemented in the event that paleontological resources are discovered during construction, impacts would be less than significant.

***Proposed Project Analysis and Conclusion***

The Santa Clara Valley region is underlain by undifferentiated quaternary alluvium of Holocene age where several Pleistocene-age vertebrates have been uncovered, potentially indicating Pleistocene-aged rock units to be present at shallow depths. A records search request was submitted to the UCMP on April 8, 2025, to determine whether any specimen from any fossil localities were uncovered on or in proximity to the project site. The records search was completed on April 29, 2025, and determined no significant paleontological resources to be located directly on the project site. However, a right molar from a bison was uncovered approximately 2 miles northeast of the project site in the drainage channel of Coyote Creek. The specimen was unearthed from 2 feet in depth within a sandy layer with an estimated relative geologic age of recent to Pleistocene. The record search results show that Pleistocene rock units may be situated at shallow depths in the region.

The proposed project would not require any new ground disturbance that was not analyzed in the previous FEIR. Mitigation Measure GEO-1 from the previous FEIR would still be applicable to the proposed project, which would reduce potential impact to paleontological resources. Implementation of the proposed project would not change the need for or prohibit the implementation of MM GEO-1. A clarification has been added to MM GEO-1 to identify the timing regarding when the project applicant shall notify its contractors of the sensitivity for paleontological resources in the project area (addition

of the following text: “Prior to conducting ground disturbing activities”). This change has been implemented to refine the mitigation measure and is not required due to a new or more severe impact. Overall, the impact would be less than significant with the implementation of mitigation and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## Mitigation Measures

**MM GEO-1 Paleontological Resources Sensitivity**

Prior to conducting ground disturbing activities, the applicant shall inform its contractor(s) of the sensitivity of the project area for paleontological resources and shall include the following directive in the appropriate contract documents. The City shall verify that the following directive is included in the appropriate contract documents:

The subsurface of the construction site may be sensitive for paleontological resources. The contractor shall provide information to construction crews on how to recognize paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet of the find shall be redirected and the City and a qualified Paleontologist contacted to paleontological resources. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as animal tracks.

The City and a qualified Paleontologist shall make recommendations for the treatment of the discovery. If found to be significant, and project activities cannot avoid the paleontological resources, adverse effects to paleontological resources shall be mitigated. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, preparation of a technical report, and providing the fossil material and technical report to a paleontological repository, such as the University of California Museum of Paleontology (UCMP). Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review.

## Conclusion

As discussed above, all applicable mitigation measures from the previous FEIR would be required and implemented to ensure impacts are consistent with the previous FEIR.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **VIII. Greenhouse Gas Emissions** *Would the project:* | | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | Significant and unavoidable impact | No | No | No | None |
| b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | Less than significant impact with mitigation incorporated | No | No | No | None |

# Discussion

### a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

### Previous FEIR Conclusions

According to the previous FEIR, the land-use sector GHG emissions from operation of the previously approved project were evaluated based on an average service population of 150 employees. As shown in Table 12 from the previous FEIR, the previously approved project's estimated $CO_2e$ emissions per service population would be above the interim 2030 GHG efficiency threshold for the year 2030. According to the previous FEIR, the largest GHG contributions would be from mobile emissions and energy use, which accounted for 90 percent and 6 percent of the total project GHG emissions, respectively. Among the mobile emissions, vehicles associated with goods movements such as vans and heavy trucks would be the primary contributor to the previously approved project's GHG emissions due to sizes of the vehicles and the associated VMTs. According to the previous FEIR the previously approved project does not demonstrate substantial progress toward meeting the

Statewide 2030 GHG reduction target under SB 32. As such, it was concluded that impacts related to the generation of GHG emissions were potentially significant.

### Table 12: Project GHG Emissions from Land-Use Sectors

| Emission Source | $CO_2e$ (MT/year) | $CO_2e$ (MT/year/SP) | Overall Contribution |
|---|---|---|---|
| Construction | 17.5 | 0.12 | 0.2% |
| Operation–Area | <0.1 | <0.01 | <0.1% |
| Operation–Energy | 564.5 | 3.76 | 6.2% |
| Operation–Mobile | 8,184.4 | 54.56 | 89.9% |
| Operation–Waste | 232.1 | 1.55 | 2.5% |
| Operation–Water | 127.6 | 0.85 | 1.4% |
| Total Project Emissions | 9,109 | 60.7 | — |
| Interim 2030 GHG Threshold | — | 2.9 | — |
| Threshold Exceedance? | — | Yes | — |

Notes:
MT = metric tons
SP = service population
"—" = not applicable
Source: WRA Environmental Consultants. 2020. 1000 Gibraltar Drive Environmental Impact Report SCH #2020069024. December.

The previous FEIR implemented MM GHG-1 to reduce GHG emissions to the maximum extent feasible. It requires a GHG Reduction Plan to demonstrate that the project's GHG emissions per employee would be below the interim 2030 GHG threshold (2.9 metric tons carbon dioxide equivalent per service population) with the implementation of GHG reduction measures.

According to the previous FEIR, implementation of this mitigation measure would reduce the previously approved project's GHG emissions to the maximum extent feasible and would be likely to reduce GHG emissions to below the applicable thresholds with the purchase of carbon credits. GHG reduction features in this mitigation measure would also make project operation more consistent with the State-level plans and policies, such as the Sustainable Freight Action Plan and the recent executive orders on carbon neutrality and Zero-Emission Vehicles (ZEVs). With the implementation of these GHG reduction features, especially the additional light-duty vehicle charging stations and pre-wiring for future use of heavy- and medium-duty electric trucks, the previous FEIR determined that the previously approved project went beyond the 2019 Building Energy Efficiency Standards and municipal requirements to accommodate anticipated increases in the use of ZEVs.

Nevertheless, the previous FEIR determined that the full implementation of this mitigation measure hinges on the availability of carbon credits. There remains uncertainty of availability of sufficient

carbon offset opportunities as well as uncertainty of reliability with carbon credit purchases through a third party. Therefore, the successful implementation of MM GHG-1 was considered speculative at the time the previous FEIR was published. Thus, the previously approved project's GHG emissions impact on the environment was conservatively considered significant and unavoidable.

## Proposed Project Analysis and Conclusion

### *Project Construction*

Like the previously approved project, the proposed project would emit GHG emissions during construction from the off-road equipment, worker vehicles, vendor trucks, and haul trucks. Appendix A includes detailed construction assumptions used in estimating the construction GHG emissions.

For the purpose of the analysis, the construction of the proposed project is estimated to begin in October 2025 and end in December 2026. Note that the proposed project would include later construction schedule compared to the previously approved project. The later schedule does not alter the scope, location, or intensity of construction activities. Nor does it influence the types of equipment, construction methods, and overall footprint. The proposed project would remain consistent with that evaluated in the previous FEIR. Additionally, a later construction start may reduce certain impacts due to improvements in construction technology, such as cleaner-burning engines, lower-emission equipment, and enhanced dust control measures. Compliance with updated requirements may further reduce environmental effects.

The proposed project's construction emissions are presented in Table 12. As vehicle and equipment fuel efficiencies and emission control standards continue to incrementally improve with each year, project construction emissions are likely to decrease nominally from what is shown in Table 12, should the construction schedule move to later years. Therefore, the construction GHG emissions contained in Table 13 represent a conservative assessment of project construction emissions. CalEEMod outputs, which detail the GHG emissions during each construction phase, are provided in Appendix A.

### Table 13: Proposed Project Construction GHG Emissions

| Construction Year | Total MT $CO_2e$ per year (approx.) |
|---|---|
| 2025 | 468 |
| 2026 | 521 |
| **Entire Construction Duration (2025-2026)** | |
| **Total** | **990** |
| ***Amortized over 30 years*** | ***33*** |

Source: Appendix A

The proposed project would generate approximately 990 metric tons of carbon dioxide equivalents (MT $CO_2e$) during construction. These consist of emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. The Bay Area Air District does not provide a construction-related GHG emissions threshold. Considering GHG emissions from construction would be temporary and not represent recurring annual emissions, the proposed project would not present a potentially significant impact from construction-related GHG emissions.

***Project Operation***

Operational or long-term emissions occur over the life of a project. Proposed project operations were modeled for the 2026 operational year, immediately following the completion of construction. Sources for operational emissions are summarized below:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and trucks that would travel to and from the project site.
- **Area Sources:** These emissions refer to those produced during activities such as landscape maintenance.
- **Energy–Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the project.
- **Energy–Natural gas:** These emissions refer to those generated by natural gas use. Note that the proposed project would use electricity for space heating, water heating, and vehicle charging. However, because the proposed project could include natural gas plumbing, emissions from natural gas use are provided for conservation analysis purposes.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the project.
- **Refrigerant:** Fugitive GHG emissions from refrigerants used in air conditioning and refrigeration equipment.
- **Stationary source:** These emissions refer to those generated by the diesel emergency fire pump.

Table 14 presents the estimated annual GHG emissions from the proposed project's operational activities. As shown in Table 13, the proposed project would generate approximately 6,012 MT $CO_2e$ per year after the inclusion of amortized 33 MT $CO_2e$ per year from project construction. CalEEMod outputs, which detail the GHG emissions during operation, are provided in Appendix A.

### Table 14: Operational Greenhouse Gas Emissions

| GHG Emissions Source | GHG Emissions (MT $CO_2e$ per year) |
|---|---|
| Mobile | 5,478 |
| Transport Refrigerated Units | 39 |
| Area | 7 |
| Energy–Electricity | 5 |
| Energy–Natural Gas | 136 |
| Water | 154 |
| Waste | 143 |
| Refrigerant | 3 |
| Stationary (Emergency Fire Pump) | 14 |
| Amortized Construction Emissions | 33 |
| Total Annual Project Emissions | 6,012 |

Notes:
MT $CO_2e$ = metric tons carbon dioxide equivalent
Source: Appendix A.

The proposed project would add approximately 363 employees to the site. Therefore, the proposed project would have a GHG emissions per employee of 16.6 $CO_2e$ (MT/year/SP). [31] As such, the proposed project would be within the scope of, but would result in fewer GHG emissions than what was analyzed in the previous EIR (Table 14). The primary difference in GHG emissions per service population is attributable to the proposed project generating significantly fewer truck trips as a last-mile delivery operation.

### Table 15: Proposed Project GHG Emissions per Service Population Compared to Prior EIR

| Previous FEIR | Proposed Project |
|---|---|
| 60.7 $CO_2e$ (MT/year/SP) | 16.6 $CO_2e$ (MT/year/SP) |

Since the certification of the previous FEIR, the Bay Area Air District has adopted the 2022 CEQA Guidelines. The Bay Area Air District's 2022 CEQA Air Quality Guidelines provides recommended significance thresholds for GHGs for land use development projects and plans. The new thresholds state that, if a project would contribute its "fair share" of what will be required to achieve California's long-term climate goal of carbon neutrality by 2045, then a reviewing agency can find that the impact

[31] 6,012 MT of $CO_2e$ divided by 363 employees equals 16.6 MT of $CO_2e$ per service population.

would not be significant because the project would help to solve the problem of global climate change. One of the pathways to establish a less than significant GHG impact is that the project must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

The City of Milpitas updated its Climate Action Plan (2022 CAP) in August 2022. The 2022 CAP builds upon previous versions of the City's CAPs to align with the reduction targets established in SB 32. The City's 2022 CAP sets a mitigation-only target of reducing the City's GHG emissions by 36 percent below 2019 levels by 2030 (reduction to 283,817 MT $CO_2e$ in 2030), 80 percent below 2019 levels by 2040 (a reduction to 94,606 MT $CO_2e$ in 2040), as well as a goal of carbon neutrality by 2045.32 The 2022 CAP meets the requirements under Section 15183.5 of the State CEQA Guidelines as a qualified plan for the reduction of GHG emissions for use in cumulative impact analysis pertaining to new development projects.

In conjunction with the 2022 CAP, the purpose of the CAP Consistency Checklist is to implement GHG reduction measures from the 2022 CAP that apply to new discretionary development projects. New development that demonstrates consistency with relevant 2022 CAP strategies and the City's General Plan 2040 and would not conflict with the City's ability to achieve the identified GHG reduction targets through implementation of applicable measures. Projects that are consistent with the 2022 CAP, as determined through the use of this Checklist, may rely on the 2022 CAP and its associated CEQA documentation for the cumulative impact analysis of GHG emissions.

As demonstrated in the CAP Checklist prepared by the applicant (included as Appendix A), the proposed project would be consistent with all applicable measures in the City's 2022 CAP. Accordingly, the project would not conflict with the City's ability to achieve its GHG reduction targets. Because the proposed project is consistent with and does not conflict with the 2022 CAP, it would be deemed to have a less than significant GHG impact.

Overall, while the previous FEIR identified the need for MM GHG-1 to reduce GHG impacts, the proposed project would result in a less than significant impact related to GHG emissions as a result of 2022 CAP consistency. Therefore, no mitigation is required and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

**b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

## Previous FEIR Conclusions

According to the previous FEIR, the City's 2013 CAP (the applicable CAP at the time) included a development checklist to assist project applicants and City staff to determine whether a project complies with the 2013 CAP and contains applicable measures that will be implemented as part of

[32] City of Milpitas. 2022. Milpitas Climate Action Plan Update. August. Website: https://www.milpitas.gov/DocumentCenter/View/3124/Milpitas-Climate-Action-Plan-Update-2022. Accessed July 22, 2025.

the project to demonstrate consistency with the 2013 CAP. Applicable actions included Measure 2.1, Energy Efficiency in New Development, Action D, Leadership in Energy and Environmental Design (LEED®) requirement for new nonresidential construction; and Measure 4.2, Tiered Water Rates, Action C, Implementation of water-efficient landscaping ordinance and the water conservation ordinance. The development checklist with details on the previously approved project's consistency with the 2013 CAP's action is in Appendix F of the previous FEIR.

The previous FEIR determined that the previously approved project was consistent with the applicable actions from the 2013 CAP and would incorporate some of the recommended actions in the GHG Reduction Plan, required by MM GHG-1. Overall, the previous FEIR found that the mitigated previously approved project would implement GHG reduction measures consistent with the 2013 CAP and, therefore, would have a less than significant impact related to conflict with the applicable plan, policy and regulations.

### Proposed Project Analysis and Conclusion

As discussed in Section VIII a), the proposed project would be consistent with Milpitas' 2022 CAP. Therefore, the proposed project would not conflict with applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gases and impacts would be less than significant. As such, no mitigation is required and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## Mitigation Measures

None required.

## Conclusion

As discussed above, the proposed project would result in a less than significant GHG impact and similar or reduced impacts compared to the previously approved project; therefore, the previous FEIR's MM GHG-1 is not required to reduce project impacts to less than significant levels.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.

3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **IX. Hazards and Hazardous Materials** *Would the project:* | | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | Less than significant impact | No | No | No | None |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | Less than significant impact with mitigation incorporated | No | No | No | Previous FEIR: MM HAZ-1 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | No impact | No | No | No | None |
| d) Be located on a site which is included on a list of hazardous | Less than significant impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | | | | | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | No impact | No | No | No | None |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | Less than significant impact | No | No | No | None |
| g) Expose people or structures, either directly or indirectly | No impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| to a significant risk of loss, injury or death involving wildland fires? | | | | | |

# Discussion

### a) Transport, Use, or Disposal of Hazardous Materials

***Previous FEIR Conclusions***

The previous FEIR concluded that impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant. Although small quantities of commercially available hazardous materials could be used during project construction activities (e.g., oil, gasoline, paint) and for landscape maintenance within the project site, these materials would not be used in sufficient quantities to pose a threat to human or environmental health. Therefore, it was concluded that the previously approved project's impacts would be less than significant in this regard.

***Proposed Project Analysis and Conclusion***

The proposed project would consist of warehouse and distribution uses located on the same site as contemplated in the previous FEIR. Like the previously approved project, the proposed project may use small quantities of commercially available hazardous materials during project construction activities (e.g., oil, gasoline, paint) and for landscape maintenance within the project site. However, these materials would not be used in sufficient quantities to pose a threat to human or environmental health. As such the proposed project would not result in significant impacts related to routine transport, use, or disposal of hazardous materials. As shown in Table 1, the proposed project is similar in size and scope to the previously approved project. It includes minor design modifications compared to the previously approved project but does not involve significant changes to the circumstances under which the project would be implemented. Impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### b) Hazardous Material Upset or Accident

***Previous FEIR Conclusions***

The Phase I Environmental Site Assessment (Phase I ESA) provided as part of the previous FEIR indicated that there are no Recognized Environmental Conditions (RECs) in connection with the

project site. However, it did indicate that elevated levels of arsenic concentrations were present in on-site soils and asbestos-containing materials (ACMs) were present at the project site.

Soils from one location on the project site were reported to contain elevated levels of arsenic. Because of historic agricultural activities in the area, it was indicated that most surrounding soils contain similarly elevated levels of arsenic and the on-site arsenic levels reported were considered to be similar to background levels. As reported in the previous FEIR, regulatory authorities did not require further investigation or removal of the soil. It was noted that a soils management plan would be required for future development/excavation of the site.

Separately, the Phase I ESA reported several materials on-site containing ACMs, including flooring, ceiling, and cement piping, noting that as long as the materials were kept in good condition, no further action was needed.

Hazardous materials found on-site consisted of treatment chemicals associated with heating, ventilation, and air conditioning (HVAC) equipment and batteries associated with a power supply systems. Such materials were scheduled to be removed in January 2015. Neither the Phase I ESA nor the previous FEIR further identified the status of these chemicals on-site.

The previous FEIR concluded that due to the existing on-site hazardous materials and chemicals, impacts would be potentially significant. Therefore, implementation of MM HAZ-1, requiring a soil management plan would be required and would reduce impacts to less than significant in this regard.

***Proposed Project Analysis and Conclusion***

Consistent with the approved project, the proposed project would require the demolition of all on-site buildings and structures and, as such, would have the potential to result in similar potentially significant impacts related to arsenic contamination soils, ACMs, and other on-site chemicals as those already identified in the previous FEIR. The proposed project would be required to comply with federal, State and local regulations regarding the proper removal and disposal of contaminated soils, ACMs, and other on-site chemicals. Furthermore, soils on-site with elevated levels of arsenic are likely to still be present and, therefore, similar to the previously approved project, a soil removal and disposal plan would be required. MM HAZ-1 from the previous FEIR would require implementation of a soil management plan, inclusive of soil disposal methods, and therefore would reduce impacts to less than significant. There are no changes with respect to the modifications identified in the proposed project that would result in increased or different impacts compared to the previously approved project. Additionally, there have not been any changes in circumstances that would result in any changes to the impact conclusion in the previous FEIR with respect to hazards. Therefore, the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### c) Hazardous Materials in Proximity to Schools

***Previous FEIR Conclusions***

The previous FEIR concluded that because there are no public schools within 0.25 mile of the project site and because any on-site potentially hazardous materials would be handled in compliance with applicable laws and regulations, no impacts related to the use of hazardous materials in proximity to schools would occur.

***Proposed Project Analysis and Conclusion***

The proposed project would consist of a warehouse building, similar to what was contemplated in the previous FEIR and on the same site previously analyzed. Although there remain no public schools within 0.25 mile of the project site, as noted in the previous FEIR, the Stratford School, a private preparatory high school, is located approximately 0.3 miles southwest of the project site. However, potential impacts would remain less than significant. Similar to the previously approved project, any on-site potentially hazardous materials (including those being distributed) would be handled in compliance with applicable laws and regulations. As a warehouse and distribution facility, any such materials used on-site would be minimal in quantity and consist of standard items used for cleaning, landscaping, and pesticide control. Furthermore, proposed operations do not include emissions of hazardous materials. As such, no impacts related to the release of hazardous materials within proximity to a school would occur. The proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### d) Hazardous Materials Sites

***Previous FEIR Conclusions***

The previous FEIR concluded that because the project site is not included on the list of hazardous material sites complied pursuant to Government Code Section 65962.5, the previously proposed project would not create a hazard to the public or environment through location on a hazardous materials site. As such, impacts would be less than significant.

***Proposed Project Analysis and Conclusion***

The proposed project is located on the same site as the previously approved project and there have been no identified changes in circumstances related to hazards. According to the California Department of Toxic Control's EnviroStor database, the project site continues to not be included on the list of hazardous material sites complied pursuant to Government Code Section 65962.5.[33] As such, impact would continue to be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

[33] California Department of Toxic Substance Control (DTSC). 2025. EnviroStor. Website: https://www.envirostor.dtsc.ca.gov/public/map/ Accessed July 5, 2025

## e) Airports

### *Previous FEIR Conclusions*

The previous FEIR concluded that the project site is not located within an Airport Safety Zone or Airport Influence Area. Therefore, the previous FEIR concluded that no impacts related to airport hazards would occur.

### *Proposed Project Analysis and Conclusion*

The proposed project is on the same site as the approved project. Consistent with the conclusions in the previous FEIR, the project site is located approximately 4.5 miles southwest of the San José Mineta International Airport and 4.4 miles southeast of the Regional Medical Center heliport. The project site is not located within the Airport Safety Zone or Airport Influence Area.[34] As such, no impact would occur and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR

## f) Emergency Response Evacuation

### *Previous FEIR Conclusions*

The previous FEIR indicated that the City of Milpitas Fire Department Office of Emergency Services coordinates the City's preparedness efforts to mitigate, plan for, respond to, and recover from natural and technological disasters. In addition, the County of Santa Clara Office of Emergency Services coordinates countywide emergency response efforts including the preparation and implementation of the County of Santa Clara Emergency Operations Plan (EOP). The previous FEIR concluded that because the previously approved project would not be expected to alter or block adjacent roadways, it would not be expected to impair the function of nearby emergency evacuation routes. Therefore, it was concluded that the proposed project would have a less than significant impact on the implementation of an adopted emergency response plan or emergency evacuation plan.

### *Proposed Project Analysis and Conclusion*

Per the City of Milpitas website, Milpitas Fire Department's Office of Emergency Management (note the minor name change) coordinates the City's preparedness efforts to mitigate against, plan for, respond to and recover from natural and technological disasters.[35] Consistent with the previously approved project, the proposed project would not be expected to alter or block adjacent roadways and therefore it would not be expected to impair the function of nearby emergency evacuation routes. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

[34] Santa Clara County Airport Land Use Commission. 2024. Airport Land Use Compatibility Plan, Santa Clara County, San José Mineta International Airport. March 24.

[35] City of Milpitas. Office of Emergency Management. Website: https://www.milpitas.gov/172/Office-of-Emergency-Management. Accessed July 5, 2025.

### g) Wildland Fires

***Previous FEIR Conclusions***

The previous FEIR concluded that because the project site is within a developed area and is not within or adjacent to a wildland fire hazard area, a State Responsibility Area for fire service, or a very high fire hazard severity zone, the previously proposed project would not expose people or structures to a significant loss, injury, or death involving wildland fires. No impact would occur.

***Proposed Project Analysis and Conclusion***

The proposed project is on the same site as the approved project. The project site continues to be located within a developed area and remains outside of wildland fire hazard areas, State and Local Responsibility Areas for fire service, and very high fire hazard severity zones.[36,37] As such, the proposed project would not expose people or structures to a significant loss, injury, or death involving wildland fires and no impact would occur. The proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## Mitigation Measures

**MM HAZ-1 Soil Management Plan**

A Soil Management Plan (SMP) shall be prepared by a qualified environmental professional to outline soil management protocols that would be implemented during project construction to ensure that construction workers, the public, future site occupants, and the environment would not be exposed to hazardous materials (e.g., arsenic) that may be present in soil at the project site. The SMP shall be submitted to the City for review and approval prior to issuance of demolition or grading permits. The SMP shall include, but not be limited to, the following:

- Procedures for soil management, including identification and testing of contaminants, soil stockpiling procedures, soil reuse guidelines, and soil disposal methods.
- Requirements for notification to the City and any applicable regulatory agency(ies) of previously unknown hazardous materials found in soil during development.
- Guidelines for controlling dust during excavation and grading.

[36] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Fire Hazard Severity Zones in State Responsibility Area. Website: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed July 22, 2025.

[37] California Department of Forestry and Fire Protection (CAL FIRE). Compare Old (2007-2011) with New (2025) Recommended FHSZ in LRA. 2025. Website: https://experience.arcgis.com/experience/5065c998b4b0462f9ec3c6c226c610a9/page/Compare-old-and-new-LRA-FHSZ#data_s=id%3Awidget_114_output_config_default_geocode_0_0%3A0. Accessed July 22, 2025.

All recommendations included in the SMP shall be implemented during the demolition, grading, and construction phase of the project. Prior to the City's approval of building occupancy, the applicant shall provide the City with a report prepared by a qualified environmental professional documenting that soils on the project site were managed in accordance with the SMP during demolition, grading, and construction, and that appropriate safeguards (e.g., capping of remaining arsenic impacted soil with clean fill or hardscape materials) have been incorporated into the project design, as necessary, to ensure that the public, future site occupants, and the environment would not be exposed to unacceptable health risks from residual hazardous materials in the subsurface of the project site.

# Conclusion

As discussed above, all applicable mitigation measures from the previous FEIR would be required and implemented to ensure impacts are consistent with the previous FEIR.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **X. Hydrology and Water Quality** *Would the project:* | | | | | |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? | Less than significant impact | No | No | No | None |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | Less than significant impact | No | No | No | None |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a | Less than significant impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| manner which would: | | | | | |
| (i) result in substantial erosion or siltation on- or off-site; | Less than significant impact | No | No | No | None |
| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; | Less than significant impact | No | No | No | None |
| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | Less than significant impact | No | No | No | None |
| (iv) impede or redirect flood flows? | Less than significant impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | Less than significant impact | No | No | No | None |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | Less than significant impact | No | No | No | None |

# Existing Conditions

For informational purposes, the below discussion includes updates to the hydrology and water quality regulatory background and to the description of the City's storm drainage system based on the City's Storm Drain Master Plan adopted in October 2021.[38] The discussion also includes updates based on information from the General Plan EIR (certified in 2021). Additionally, updates to the site's existing impervious surfaces and pervious surfaces data have been included. However, no substantial changes to the existing hydrology and water quality setting have occurred since the certification of the previous FEIR.

The San Francisco Bay Regional Water Quality Control Board (RWQCB) issued the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) in 2009 by Order R2-2009-0074 (and reissued in 2015) to regulate stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara Counties. Until July 2023, Provision C.3 of the MRP required post-construction stormwater control in project designs for new development and redevelopment projects that would replace more than 10,000 square feet of impervious surfaces. The MRP now requires new development and redevelopment projects that would replace more than 5,000 square feet of impervious surfaces to comply with

[38] City of Milpitas. Storm Drain Master Plan. October 1, 2021. Website: https://www.milpitas.gov/DocumentCenter/View/3432/2021-Storm-Drain-Master-Plan-PDF?bidId=. Accessed May 12, 2025.

Provision C.3 post-construction stormwater control requirements.[39] Under the C.3 requirements, the development projects are required to prepare and submit a Stormwater Control Plan (SCP) that discusses the design elements and implementation measures necessary to meet the post-construction stormwater control requirements of the MRP. In particular, SCPs must include LID design measures to reduce water quality impacts. LID design measures include preserving and recreating natural landscape features, minimizing imperviousness, and using stormwater as a resource, rather than a waste product.

The City of Milpitas is a part of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which assists cities and towns across the County with complying with the MRP by providing guidance and staff training and by implementing public outreach and water quality monitoring. Based on the SCVURPPP Local Hydromodification Applicability Map for the City, the site is located within area that consists of catchments and subwatersheds in an area that 65 percent impervious or greater.[40] The project site consists of 876,485 square feet of impervious surfaces and 384,816 square feet of pervious surfaces (i.e., landscaping and grassland areas); 69 percent of the site's surfaces are impervious. As described in the previous FEIR, stormwater runoff from the project site is conveyed through underground storm drains/culverts located beneath Gibraltar Drive and South Milpitas Boulevard which discharge to Wrigley Ditch (an engineered channel) approximately 1,500 feet northwest of the project site. Wrigley Ditch merges with other engineered channels prior to discharging into the engineered channel of Lower Penitencia Creek. Lower Penitencia Creek discharges into Coyote Creek Slough, which discharges into southern San Francisco Bay.

As described in the General Plan EIR, tsunamis and seiches are standing waves that occur in the ocean or relatively large bodies of water that can follow seismic, landslide, and other events from local sources. Seiches occur most frequently in enclosed or semi-enclosed basins such as lakes, bays, or harbors. The site does not contain and is not adjacent to enclosed bodies of water. In addition, the project site is outside of the CGS tsunami hazard area.[41] As shown in the General Plan EIR, Figure 3.9-3, Anderson Dam and Reservoir, Coyote Dam and Reservoir, and Sandy Wool Lake dam inundation areas are located within the Milpitas Planning Area. The site is not located within a dam inundation area.

[39] San Francico Bay Regional Water Quality Control Board (San Francisco Bay RWQCB). Municipal Regional Stormwater NPDES Permit – Municipalities and Flood Management Agencies in Alameda County, Contra Costa County, San Mateo County, Santa Clara County, and Solano County – Reissuance of NPDES Permit. 2022. Website: https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/MRP/mrp5-22/MRP_3%20Supp.pdf. Accessed May 14, 2025.

[40] Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). 2025. Local Hydromodification Management Applicability Maps – Milpitas. Website: https://scvurppp.org/hmp-maps/. Accessed May 12, 2025.

[41] California Geological Survey (CGS). Tsunami Hazard Area Map. 2022. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/#data_s=id%3AdataSource_3-1918f9f263a-layer-15%3A9. Accessed May 12, 2025.

# Discussion

## a) Water Quality Standards

***Previous FEIR Conclusions***

The previous FEIR concluded that impacts related to water quality would be less than significant. The previous FEIR concluded that during construction of the previously approved project, sediment and potential contaminants that may be in the soil (from any chemicals spilled or leaked onto the ground) could be entrained in stormwater runoff and potentially reduce the quality of the receiving waters. The previous FEIR indicated the previously approved project would disturb greater than 1 acre of land and, therefore, would be required to obtain coverage under the Construction General Permit. In accordance with the Construction General Permit, the previous FEIR indicated a SWPPP would be prepared for the previously approved project. The SWPPP would identify all potential pollutants and their sources, including erosion, sediments, and construction materials and must include a list of BMPs to reduce the discharge of construction-related stormwater pollutants. The previous FEIR concluded that compliance with the requirements of the Construction General Permit would ensure that construction activities do not adversely affect runoff water quality that could result in a violation of water quality standards.

The previous FEIR indicated that groundwater dewatering may be required during construction activities involving excavation. Dewatering effluent may have high turbidity and could contain contaminants. The previous FEIR also indicated that turbid and/or contaminated groundwater could cause degradation of the receiving water quality if discharged directly to storm drains without treatment. The previous FEIR concluded that any groundwater dewatering for the previously approved project would be limited in duration (i.e., during construction) and the discharge of dewatering effluent would be subject to permits from the City of San José (which manages and operates the San José-Santa Clara Regional Wastewater Facility, which treats wastewater from the project site) or the Regional Water Board, depending if the discharge were to the sanitary sewer or storm drain system, respectively.

As indicated in the previous FEIR, during the operational phase of the previously approved project, pollutants associated with truck and vehicle parking would have the potential to be deposited on pavement surfaces thereby contributing petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters. Debris and particulates that gather on impervious surfaces such as paved areas and roofs of buildings can also add metals and sediment to the pollutant load in runoff. It was concluded that long-term degradation of runoff water quality from the project site could adversely affect water quality in the receiving waters.

The previous FEIR indicated that the previously approved project would involve the replacement of over 10,000 square feet of impervious surface and would include alteration of over 50 percent of the existing impervious surface at the project site, and therefore stormwater treatment systems would be designed and sized to treat stormwater runoff from the entire project site, as required by Provision C.3 of the MRP. The previous FEIR indicated that the previously approved project would add 1.2

acres of impervious surfaces (i.e., approximately 52,270 square feet of impervious surfaces) to the site. As indicated in the previous FEIR, an SCP is required and shall include the design elements and implementation measures to meet the requirements of the Municipal Regional Stormwater NPDES Permit requirements. An SCP was prepared for the previously approved project and indicated that it would include the use of bioretention treatment areas to manage and treat stormwater runoff from the project site.

As described in the previous FEIR and in accordance with Required Action 4.d-A-11 of the City of Milpitas General Plan and the SCVURPPP Stormwater C.3. Handbook, the previously approved project would be required to submit a Stormwater Control Operation and Maintenance Plan (O&M Plan). Furthermore, all stormwater management facilities would be inspected and maintained according to the SCVURPPP Stormwater C.3. Handbook and the approved O&M Plan.

Overall, the previous FEIR concluded that compliance with existing regulations, as described above, would ensure that the previously approved project's construction and operational impacts to water quality would be less than significant.

***Proposed Project Analysis and Conclusion***

*Construction Water Quality Impacts*

Similar to the previously approved project, construction activities associated with the proposed project would cause disturbance of soil during excavation work, which could adversely impact water quality. The overall construction disturbance area would be similar to that of the previously approved project (see Table 1 for demolition area and impervious surface area). Construction methods and vehicle types would also be substantially similar to those of the previously proposed project. Contaminants from construction vehicles and equipment, as well as sediment from soil erosion during construction activities (including dewatering), could increase the pollutant load in runoff being transported to receiving waters during development. Since, like the previously approved project, construction of the proposed project would disturb more than 1 acre of land (i.e., 28.96 acres of land), the proposed project would be required to comply with the NPDES Construction General Permit.

Consistent with permit requirements, the proposed project, like the previously approved project, would be required to contract a certified Qualified SWPPP Developer to prepare a SWPPP, which would identify all potential pollutants and their sources, including erosion, sediments, and construction materials and include a list of BMPs to reduce the discharge of construction-related stormwater pollutants. The proposed project, like the previously approved project, would implement the BMPs, thereby reducing construction-related water quality impacts. BMPs that the proposed project would implement during construction include, but are not limited to, using straw wattles to trap sediment and reduce erosion, using drop inlet sediment filter bags, utilizing rock barrier bags, watering or covering stockpiles of soil or other similar materials, and replanting of vegetation in disturbed areas or as otherwise indicated in the SWPPP.

Consistent with the conclusions of the previous FEIR, with the compulsory implementation of the above construction BMPs, as required by a NPDES General Construction Permit, the proposed

project would result in less than significant construction-related water quality impacts and the proposed project would not result in a new or more severe adverse construction-related water quality impact that was not identified in the previous FEIR.

*Post-Construction Water Quality Impacts*

The proposed project would add 105,527 square feet of impervious surfaces to the existing 876,485 square feet on-site, which would result in a total of 982,012 square feet of impervious surfaces. The previously approved project would have added approximately 52,270 square feet of impervious surfaces to the site (Table 1). Since the proposed project would add more than 5,000 square feet of impervious surfaces to the site, like the previously approved project, the proposed project would be required to comply with the NPDES MRP provisions. In compliance with Provision C.3 of the MRP, Provision C.3 of the MRP the proposed project would implement LID source control, site design, and stormwater treatment. The proposed project would include bioretention treatment and pervious pavement (self-retaining) areas which would allow stormwater runoff from the project site to infiltrate the ground surface and treat as well as reduce runoff from the site. Stormwater runoff would be treated, then directed to the City's stormwater system. In addition, an SCP demonstrates that the proposed project will include the use of bioretention treatment areas to manage and treat stormwater runoff from the project site. The SCP would be reviewed by the City to ensure the proposed project complies with the NPDES permit provisions and that the proposed project's post-construction water quality impacts would be less than significant. As such, operation related water quality impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### b) Groundwater

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to groundwater would be less than significant.

As described in the previous FEIR, Santa Clara Valley Water District's (Valley Water's) 2016 Groundwater Management Plan[42] indicated that recharge within the Santa Clara Subbasin generally occurs along the margins and southern portion of the sub-basin where coarse-grained sediments predominate and high permeability surface soils allow water to infiltrate the aquifers. As indicated in the Groundwater Management Plan, the project site is located west of a recharge area of the Santa Clara Subbasin and is within the confined area of the sub-basin where a low permeability aquitard restricts the vertical flow of groundwater and contaminants. It was therefore concluded that the previously approved project would have a less than significant impact on groundwater recharge.

The previous FEIR concluded that the previously approved project's LID stormwater management systems, including bioretention treatment areas, would allow much of the stormwater runoff from the project site to infiltrate the ground surface.

[42] Valley Water. Groundwater Management Plan for the Santa Clara Llagas Subbasins. November 2016.

The previous FEIR indicated the previously approved project would not use groundwater. However, the previous FEIR indicated there could be some dewatering required during construction depending on the depths of excavations and groundwater at the time. The dewatering would be temporary and limited to the uppermost shallow groundwater zone. As such, it was concluded that the previously approved project would have a less than significant impact related to the depletion of groundwater supplies.

***Proposed Project Analysis and Conclusion***

Valley Water updated the Groundwater Management Plan for the Santa Clara and Llagas Subbasins was updated in November 2021. As discussed in the 2021 Groundwater Management Plan,[43] the Santa Clara Plain has two hydrogeologic areas, the recharge (unconfined) and confined areas. The project site is located within a confined area, which consists of low permeability clays and silts that separate shallow and principal aquifers. The confined area consists of low permeability aquitard which restricts the vertical flow of groundwater. Furthermore, the project site is not located within a Santa Clara Plain recharge area shown in the 2021 Groundwater Management Plan. The proposed project would include bioretention treatment and retaining areas which would treat stormwater runoff from the site which could infiltrate into the groundwater. Treated stormwater runoff from the site would also be directed to the site's storm drains and then directed to the City's stormwater system for further treatment and release. For the above reasons and consistent with the previous FEIR conclusions, the proposed project would have a less than significant impact on groundwater recharge.

Depth to ground levels at the site could range from eight to 18 feet below the ground surface.[44] The proposed project would not use groundwater for potable water purposes. The proposed project would, however, include excavation and trenching for utilities. Temporary dewatering could be required during excavation; however, similar to the previously approved project, dewatering would be limited to the areas of the excavation in the uppermost shallow groundwater zone. Therefore, the project would not include substantial groundwater pumping.

Overall, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. The proposed project would have a less than significant impact related to groundwater supplies and recharge and would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

[43] Santa Clara Valley Water District (Valley Water). Groundwater Management Plan for the Santa Clara Llagas Subbasins. 2021. Website: https://www.valleywater.org/your-water/where-your-water-comes/groundwater/sustainable. Accessed May 13, 2025.

[44] Earth Systems Pacific. 2019. Geotechnical Engineering Study. 1000 Gibraltar Drive Warehouse. March

## c) Alter Existing Drainage Pattern

### i) Drainage Resulting in Erosion

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to drainage pattern resulting in erosion would be less than significant. The previous FEIR concluded that the proposed project would not alter the course of a stream or a river and that compliance with the Construction General Permit during construction activities would ensure that the previously proposed project would not result in substantial erosion or siltation during construction. It was determined that, during operation of the previously approved project, the ground surface of the project site would be covered by the building and pavement surfaces as well as landscaped areas and there would not be exposed soil surfaces that could be susceptible to erosion. Additionally, the previous FEIR concluded that compliance with Provision C.3 of the Municipal Regional Permit would ensure that the stormwater treatment systems at the project site would be designed and maintained to prevent siltation of stormwater control and drainage systems.

As described in the previous FEIR, Provision C.3.g of the MRP pertains to hydromodification management and requires that stormwater discharges shall not cause an increase in the erosion potential of the receiving stream over the existing condition. As described in the existing setting above, according to the hydromodification applicability map presented in the MRP for areas under SCVURPPP jurisdiction, the project site is located within an area exempt from hydromodification management requirements because the stormwater catchment area is already at least 65 percent impervious. Therefore, the previous FEIR concluded that potential increases in stormwater runoff from the previously approved project would not be expected to result in substantial erosion or sedimentation in receiving waters due to hydromodification. Therefore, the previously approved project was determined to have a less than significant impact related to substantial erosion or siltation on- or off-site associated with changing the drainage pattern of the project site.

***Proposed Project Analysis and Conclusion***

Similar to the previously approved project, the proposed project would not alter the existing drainage pattern through the alternation of the course of a stream or a river. As described above, the proposed project would add 105,527 square feet of impervious surfaces to the site. The proposed project would comply with the NPDES SWPPP and construction BMPs described above, which would reduce the proposed project's impact on construction water quality and erosion to less than significant. In addition, the project site would be covered by the proposed warehouse/office building, paved surfaces, as well as landscaped areas, which would not have exposed soil surfaces that could be susceptible to erosion. As such, impacts related to drainage resulting in erosion would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### ii) Drainage Resulting in Flooding

***Previous EIR Conclusions***

The previous FEIR concluded that impacts related to drainage resulting in flooding would be less than significant. The previous FEIR indicated that the previously approved project would increase the amount of impervious surface area at the project site; however, the proposed stormwater control and treatment systems were designed to manage and treat stormwater runoff from the entire project site in accordance with the requirements of Provision C.3 of the MRP. Additionally, the previous FEIR concluded that management of stormwater runoff using the bioretention treatment areas would result in a decrease in stormwater runoff from the project site compared to existing conditions. Therefore, the previous FEIR concluded that the previously approved project would result in a less than significant impact related to flooding on- or off-site as a result of increasing impervious surface area.

***Proposed Project Analysis and Conclusion***

The proposed project would add 105,527 square feet of impervious surfaces to the site compared to existing conditions and 95,261 square feet compared to the previously approved project (Table 1). Like the previously approved project, the proposed project would include on-site stormwater control measures such as detention basins, bioretention basins, pervious pavement (self-retaining) areas, and storm drains that would connect to existing 15- to 18-inch storm drains on-site and in Gibraltar Drive. Additionally, like the previously approved project, the proposed project would comply with the post-construction NPDES MRP requirements (including the implementation of bioretention treatment and pervious pavement [self-retaining] areas) to reduce the discharge of pollutants from stormwater runoff and the amount of runoff generated by proposed project.

As such, the proposed project would not increase the rate or amount of surface runoff in a manner which would result in flooding. Therefore, the proposed project's impacts related to flooding from stormwater runoff would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### iii) Existing or Planned Stormwater Drainage Systems Capacity or Additional Sources of polluted runoff

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to storm drainage systems capacity and polluted runoff would be less than significant. The previous FEIR indicated that although the previously approved project would increase the area of impervious surface on-site, the management of stormwater runoff using bioretention treatment areas would result in a decrease in stormwater runoff from the project site compared to existing conditions. Therefore, it was concluded that the previously approved project would have a less than significant impact related to exceeding the capacity of stormwater drainage systems. Furthermore, compliance with existing stormwater regulations ,including the Construction General Permit and MRP, would ensure that the previously approved project would have a less than significant impact related to contributing additional sources of polluted runoff.

***Proposed Project Analysis and Conclusion***

The proposed project would add more impervious surfaces to the site (compared to the previously approved project), as described in the response to Impact X(c)(i). However, the proposed project would comply with the NPDES MRP provisions and include bioretention treatment and pervious pavement (self-retaining) areas that would reduce the amount of stormwater runoff generated by the project and reduce the discharge of pollutants from stormwater runoff. As such, the proposed project would not create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, the proposed project's impacts related to storm drainage system capacity and sources of polluted runoff would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### iv) Impede or Redirect Flood Flows

***Previous EIR Conclusions***

The previous FEIR concluded impacts related to impeding or redirecting flood flows would be less than significant. The project site is not located within a 100-year flood hazard zone (i.e., areas where there is a 0.1 percent chance of flooding in a given year) as mapped by the Federal Emergency Management Agency (FEMA).[45] The previous FEIR indicated that the project site is, however, located in a 500-year flood hazard zone and, therefore, the chance of flooding at the project site in any given year is 0.2 percent. Because of the low risk of flooding at the project site, it was concluded that the previously approved project would result in less than significant impacts related to impeding or redirecting flood flows.

***Proposed Project Analysis and Conclusions***

The project site continues to be located outside a 100-year flood hazard zone but within a 500-year flood hazard zone. The site is not located within a FEMA Special Flood Hazard Area; as such, there is a low risk of flooding at the site. In addition, as described in the responses to Impact X(c)(i) and (c)(ii), and similar to the previously approved project, with NPDES MRP provisions to reduce stormwater runoff generated from the site, stormwater runoff from the proposed project would not result in flooding or cause an exceedance in the City's stormwater drainage systems capacity. As such, the impacts related to impeding or redirecting flood flows would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## d) Flood, Tsunami, or Seiche Zone

***Previous FEIR Conclusions***

The previous FEIR concluded that impacts related to flooding, tsunami, or seiche zone would be less than significant. Because of the low risk of flooding at the project site, the previous FEIR concluded

[45] Federal Emergency Management Agency (FEMA). 2025. FEMA's National Flood Hazard Layer (NFHL) Viewer. Website: https:// hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed May 30, 2025.

that the previously approved project would have a less than significant impact associated with the potential release of pollutants due to storm-related flooding.

As detailed in the previous FEIR, the project site is located approximately five miles inland from a mapped tsunami inundation area along Coyote Creek Slough. Therefore, flooding impacts associated with tsunamis would not be expected to occur.

The previous FEIR indicated that while the site is in proximity to the San Fransico Bay, due to the basin geometry and dimensions, seiches pose a negligible hazard to the San Francisco Bay Area and the project site. Therefore, it was concluded that seiches would not pose a risk of inundation for the project site.

Furthermore, the previous FEIR indicated that the project site is not located within a dam failure inundation area. The previous FEIR indicated that there are no other water bodies located near or upgradient to the project site that could pose a risk of inundation for the project site. As such, impacts were determined to be less than significant.

***Proposed Project Analysis and Conclusions***

As described in response to Impact X(c)(iv), consistent with the previous FEIR conclusions, the project site is not located within a Special Flood Hazard Area and there is a low risk of flooding at the site. The site is not located in a tsunami hazard area, as discussed in the existing setting. Given that the site does not contain and is not adjacent to enclosed or semi-enclosed bodies of water, the site is not located in a seiche zone. Chemicals stored or used on the site could include maintenance chemicals, herbicides, and pesticides for landscape maintenance, cleaning supplies, petroleum hydrocarbons, and diesel fuel. However, the proposed project would be required to comply with applicable federal, State, and local regulations regarding the storage, use, and transport of such materials as well as the NPDES MRP Permit provisions to reduce the discharge of pollutants from stormwater runoff. As such, the proposed project's impacts related to the risk of the release of pollutants in a flood hazard zone would be less than significant. There would be no impacts related to the release of pollutants in a tsunami or seiche zone (given the site is not located in these zones). Therefore, the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### e) Conflict with a Water Quality Control Plan

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to conflicts with a water quality control plan or sustainable groundwater management plan would be less than significant. As discussed, the previous FEIR concluded that stormwater and groundwater quality during construction and operation of the previously approved project would be controlled through required compliance with the existing stormwater control regulations. Therefore, it was concluded that the previous project would not conflict with or obstruct the implementation of a Water Quality Control Plan.

The previous FEIR indicated that construction of LID stormwater management systems, including proposed bioretention treatment areas, would allow much of the stormwater runoff from the project site to infiltrate the ground surface and recharge groundwater and the project site is located outside of the recharge area of the Santa Clara subbasin; therefore, the previous FEIR concluded that increasing impervious surface area at the project site would have less than significant impacts on groundwater recharge. As discussed above, compliance with Provision C.3 of the MRP would ensure that stormwater runoff is appropriately treated prior to infiltration, which would protect groundwater quality. Therefore, the previous FEIR concluded that the previously approved project would not conflict with or obstruct implementation of the Groundwater Management Plan for the Santa Clara subbasin.

***Proposed Project Analysis and Conclusion***

Consistent with the previous FEIR, the proposed project would comply with existing stormwater control regulations. The NPDES permit is designed, in part, to implement the water quality objectives and beneficial uses identified in the applicable Water Quality Control Plans. As described above, the proposed project would comply with the NPDES Construction General Permit, including implementing a SWPPP and construction BMPs that would reduce the project's impact on water quality during construction. The proposed project would also comply with NPDES MRP provisions by including bioretention treatment areas that would reduce the impacts on water quality post-construction.

The proposed project's bioretention treatment areas would allow much of the stormwater runoff from the project site to infiltrate the ground surface and recharge groundwater. Furthermore, the project site is located outside of the recharge area of the Santa Clara subbasin; therefore, increasing the impervious surface area at the project site would have less than significant impacts on groundwater recharge. Additionally, compliance with Provision C.3 of the MRP would ensure that stormwater runoff is appropriately treated prior to infiltration, which would protect groundwater quality. As previously discussed, the proposed project would not include substantial groundwater pumping. The maximum depth of excavation for the proposed project would be 8 feet below the ground surface. Temporary dewatering could be required during excavation; however, similar to the previously approved project, would be limited to dewatering may be required during construction/excavation. Dewatering would be temporary and would not result in the depletion of groundwater supplies. As described in the existing setting, the City does not rely on groundwater to meet water demands under normal conditions and reserves groundwater supply for emergencies. As such, it is not anticipated that the use of groundwater would be required for the proposed project. Consistent with the previous FEIR conclusions for the previously approved project, compliance with existing stormwater control regulations would ensure that the proposed project would not conflict with or obstruct implementation of the Groundwater Management Plan for the Santa Clara subbasin.

In conclusion, the proposed project's impacts related to conflict with a Groundwater Management Plan or Water Quality Control Plan would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## Mitigation Measures

No mitigation is required.

## Conclusion

The proposed project would not result in any significant impacts related to Hydrology and Water Quality, as found in the previous FEIR. No new impacts are found and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XI. Land Use and Planning** *Would the project:* | | | | | |
| a) Physically divide an established community? | No impact | No | No | No | None |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | Less than significant impact | No | No | No | None |

# Discussion

### a) Division of an Established Community

***Previous FEIR Conclusions***

The previous FEIR concluded that the previously approved project would have no impacts related to physically dividing an established community. The previous FEIR indicated that the previously approved project is located within an urban area on an existing industrial development site. The previous FEIR concluded that since construction would consist of a new creative industrial building in an area zoned M2 for heavy industrial use, the previously approved project would not physically divide an established community and no impact would occur.

***Proposed Project Analysis and Conclusion***

As previously discussed, the proposed project would construct a warehouse building with office space on the same site as the approved project. As described in the previous FEIR, the project site remains surrounded by similar industrial and office uses. In addition, consistent with the approved project, the proposed project would not construct any roadways or infrastructure that would physically divide the surrounding land uses. For the above reasons, consistent with the previous FEIR conclusions, the

proposed project would not physically divide an established community and no impact would occur. The proposed project would not result in a new more severe impact that was not identified in the previous FEIR.

### b) Conflict with Applicable Land Use Plans, Policies, or Regulations

***Previous FEIR Conclusions***

The previous FEIR concluded that because the proposed project does not substantially conflict with the intent of the City's General Plan or zoning regulations, it would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and this impact would be less than significant. As such, the previous FEIR concluded impacts related to conflicts with applicable land use plans, policies, or regulations would be less than significant

***Proposed Project Analysis and Conclusion***

Similar to the previously approved project, and as evaluated in the previous FEIR, the proposed project would demolish all existing on-site buildings would develop a warehouse with office space including truck docks, trailer parking, passenger vehicle parking, backup generator, landscaping, and stormwater facilities. Such use would be consistent with the General Plan designation of MFG and M2 zoning both of which are intended for uses such as office, research, general manufacturing, warehousing, and distribution.

The proposed project's FAR of 0.38 would be the same as the previous project's FAR (see Table 1). As such, the proposed project would continue to be below the 1.0 FAR allowed by the MFG designation as well as the 1.0 FAR allowed by the M2 zoning. The proposed project would also be consistent with M2 zoning development standards such as front, side, street, and rear yard setbacks and maximum building height. The proposed building would be 46.5 feet tall at the top of the parapet wall. The City of Milpitas' industrial zone general development standards (XI-10.7.03) requires a determination for any structure proposed in the M2 zone that exceeds 35 feet that it would not be detrimental to the light, air, or privacy of any other structure or use currently existing or anticipated. Because of the distance to adjacent structures and their general commercial uses, no new land use impacts related to the increase in height are expected. Therefore, because the proposed project would not substantially conflict with the intent of the City's General Plan or zoning regulations, it would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and this impact would be less than significant. As such, the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## Mitigation Measures

No mitigation is required.

# Conclusion

The proposed project would not result in any significant impacts related to Land Use and Planning, as found in the previous FEIR. No new impacts are found and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XII. Mineral Resources** *Would the project:* | | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? | No impact | No | No | No | None |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | No impact | No | No | No | None |

# Existing Conditions

Mineral resources of significance found and extracted in Santa Clara County include construction aggregate deposits and, to a lesser extent, salts derived from evaporation ponds at the edge of San Francisco Bay, as described in the General Plan EIR. The Milpitas Planning Area includes four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. These areas contain sandstone deposits and are located within the foothills outside the City limits. Three of the sites are located west of the Ed Levin Park along Tularcitos and Loa Caches creeks (approximately 2.5 miles east of the project site), and the fourth site is located along Scott Creek at the County line, more than 3 miles north of the site.

The California Office of Mine Reclamation periodically publishes a list of qualified permitted aggregate mines regulated under the Surface Mining and Reclamation Act of 1975 (SMARA), as described in the General Plan EIR. There are five aggregate mines in Santa Clara County that are regulated under

SMARA. The five mines are located within hillsides and none of the mines are located within the Milpitas Planning Area. The nearest active mine is the Curtner Quarry, approximately 3.25 miles northeast of the project site.

The Milpitas Planning Area does not contain sites designated as locally important mineral resource recovery sites by the General Plan. The Santa Clara County General Plan identifies important mineral resources within its Planning Area, which includes the hillside areas within the Milpitas Sphere of Influence.

# Discussion

### a, b) Loss of Minerals Resources of Statewide or Local Importance

***Previous FEIR Conclusions***

The previous FEIR concluded there would be no impacts related to loss of mineral resources of statewide or local importance. The project site is not in or adjacent to any important mineral resources. The project site is within a developed industrial area and does not contain any known or designated mineral resources. The previous FEIR concluded that the four mineral resource areas within the Milpitas Planning Area are located in the foothills, outside City limits. Therefore, it was determined that development of the previously approved project would not result in the loss of availability of a known mineral resource of value to the region or residents of the State and there would be no impact related to the availability of mineral resources.

***Proposed Analysis and Conclusion***

The proposed project is on the same site as the previously approved project and there have been no changes in identification of mineral resources since the previous FEIR was certified. The project site remains located approximately 2.5 miles from the nearest mineral resource of regional significance, which is located outside city limits. Based on the General Plan EIR, the Milpitas Planning Area (including the project site) does not contain sites with aggregate mines regulated under SMARA or a locally important mineral resource recovery site delineated by the General Plan. The site is not located within or adjacent to a Milpitas Sphere of Influence (SOI) hillside area that contains mineral resources designated by the Santa Clara County General Plan.

Therefore, consistent with the previous FEIR conclusions, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to residents of the region or State or a locally important mineral resource recovery site delineated in a local general plan or specific plan. As such, no impact would occur and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

# Mitigation Measures

No mitigation is required.

# Conclusion

The proposed project would not result in any impacts related to Mineral Resources, as found in the previous FEIR. No new impacts are found and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XIII. Noise** *Would the project:* | | | | | |
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | Less than significant impact | No | No | No | None |
| b) Generation of excessive groundborne vibration or groundborne noise levels? | Less than significant impact | No | No | No | None |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or | Less than significant impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| working in the project area to excessive noise levels? | | | | | |

# Discussion

**a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

## Previous FEIR Conclusions

The previous FEIR concluded that construction would last less than one year, and although construction noise would exceed ambient levels by more than 5 dBA $L_{eq}$, the impact would be less than significant. No mitigation was required, though standard construction best management practices were recommended.

Regarding operational stationary sources, the previous FEIR concluded that noise levels from rooftop mechanical equipment would be up to 35 dBA at the nearest residential receptor, which is well below existing ambient noise levels. Truck deliveries and truck trips were also found to increase local roadway noise levels by less than 1 dBA. As a result, stationary source and truck delivery noise impacts were determined to be less than significant, and no mitigation was required.

The previous FEIR concluded that implementation of the project would not increase traffic noise levels by more than 3 dB on any roadway segment in the project vicinity. Therefore, traffic noise impacts were determined to be less than significant, and no mitigation was required.

## Proposed Project Analysis and Conclusion

### *Construction Noise Impacts*

The proposed project would involve the same general construction activities as the previously approved project but would have a slightly smaller building footprint and larger impervious surface footprint. Construction duration is expected to be equal to or shorter than what was previously analyzed, and the types of equipment and proximity to nearby sensitive receptors would remain the same or slightly improved based on the building's reduced footprint. Given that construction duration would remain under one year and equipment usage and receptor distances are consistent with prior

modeling, construction noise impacts would be the same or less than those disclosed in the previous FEIR. Therefore, impacts would be less than significant, and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR. The construction activities for the proposed project remain the same as those analyzed in the previous FEIR and would not result in any new or substantially more severe impacts.

### *Operational Stationary Noise Impacts*

#### Mechanical Equipment Operations

The proposed project would result in the same types and a similar or reduced amount of rooftop mechanical equipment as analyzed in the previous FEIR. In addition, based on the proposed site plan, none of the proposed mechanical equipment systems would be located any closer to off-site receptors than what was previously analyzed as the reasonable worst-case scenario for the previously approved project. As such, operational noise levels from stationary sources would be comparable to or less than those analyzed in the previous FEIR. Therefore, mechanical equipment operational noise impacts would be less than significant, and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

#### Truck Delivery Operations

The proposed project would result in 2 projected peak hour truck trips,[46] compared to the 13 peak hour truck trips analyzed in the previous FEIR.[47] In addition, based on the proposed site plan, none of the proposed truck loading/unloading areas would be located any closer to off-site receptors than what was identified in the previous FEIR. As such, operational noise levels from truck delivery noise sources would be comparable to or less than those analyzed in the previous FEIR. Therefore, truck delivery operational noise impacts would be less than significant, and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### *Operational Traffic Noise Impacts*

The updated traffic study for the proposed project estimates approximately 3,812 daily vehicle trips, including 260 AM peak hour trips and 245 PM peak hour trips.[48] These volumes are similar to those evaluated in the previous FEIR, which estimated 3,680 daily trips, 359 AM peak hour trips, and 101 PM peak hour trips. In addition, under existing conditions without the project there are 167 AM and 142 PM peak hour trips on Gibraltar Drive adjacent to the project site, and 916 AM and 1,271 PM trips on South Milpitas Boulevard adjacent to the project site. Typically, a doubling of the traffic volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which is the lowest change that can be perceptible to the human ear in outdoor environments. Although the proposed project's average daily trips and the PM peak hour trips would be slightly higher than the trips analyzed in the previous FEIR, the overall trip generation would not double the existing traffic volumes along South Milpitas Boulevard and Gibraltar Drive. Therefore, traffic volume increases with implementation of the proposed project would not result in a perceptible increase in traffic noise

[46] NV5. 2025. Local Transportation Analysis for 1000 Gibraltar Drive Delivery Center, July 9.

[47] Fehr & Peers. 2020. Local Transportation Analysis Report 1000 Gibraltar Industrial Project. October.

[48] NV5. 2025. Local Transportation Analysis for 1000 Gibraltar Drive Delivery Center, July 9.

levels. Traffic-related noise impacts would be less than significant, and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

**b) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

### Previous FEIR Conclusions

The previous FEIR concluded that construction vibration levels would not exceed the applicable threshold of 0.3 in/sec peak particle velocity (PPV) at the nearest structures. As a result, construction vibration impacts were determined to be less than significant, and no mitigation was required.

### Proposed Project Analysis and Conclusion

The proposed project would involve similar construction activities as those evaluated in the previous FEIR and would occur at the same location with a slightly smaller development footprint. Overall, the proposed project's site plan is substantially similar to the previously approved project's site plan in terms of building and infrastructure location. As such, the types of equipment used and the distance to the nearest structures would be comparable. Construction-generated vibration levels would not be expected to exceed the previously applied threshold of 0.3 in/sec PPV at the nearest structures. Therefore, construction vibration impacts would be less than significant, and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

**c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

### Previous FEIR Conclusions

The San José Mineta International Airport is a public-use airport located approximately 4 miles southwest of the project site. The previous FEIR concluded that the project site is well outside the projected 60 dBA CNEL noise contour of the San José Mineta International Airport, based on data from the City's Airport Master Plan EIR. Therefore, the proposed project would not be exposed to significant aircraft-related noise. This impact would be less than significant and no mitigation was required.

### Proposed Project Analysis and Conclusion

The proposed project would occupy the same site as the previously approved project. As such, its location relative to the San José Mineta International Airport remains unchanged and it would continue to be located well outside the 60 dBA CNEL noise contour. As such, exposure to aircraft-related noise would be the same as previously evaluated. Therefore, consistent with the previous FEIR, impacts would remain less than significant, and no mitigation would be required. Airport-related noise impacts would be less than significant, and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## Mitigation Measures

None required.

## Conclusion

The proposed project would not result in any significant impacts related to Noise, similar to what was identified in the previous FEIR. No new impacts are found, and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XIV. Population and Housing** *Would the project:* | | | | | |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | Less than significant impact | No | No | No | None |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | No Impact | No | No | No | None |

# Existing Conditions

According to the California Department of Finance, as of May 2025 the City of Milpitas had a population of 81,725. The average number of persons per household was 3.21 and there were approximately 25,183 housing units.[49] As of March 2025, the City of Milpitas had approximately 40,800 jobs and 39,600 employed residents.[50]

[49] California Department of Finance. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020–2025. Website: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2025/. Accessed April 23, 2025.

[50] City of Milpitas. Demographics. Website: https://www.milpitas.gov/1007/Demographics. Accessed April 23, 2025.

# Discussion

## a) Population Growth

### *Previous FEIR Conclusions*

The previous FEIR concluded there would be a less than significant impact related to population growth in the City, based on the conclusions in the previous FEIR. The previous FEIR concluded that the previously approved project would not induce substantial population growth in the area, either directly or indirectly. The previous FEIR also concluded that the previously approved project would be consistent with the industrial uses allowed under the existing M2 zoning and that its approximately 330 jobs (based on an employee density of 0.67 employees per thousand square feet) would not substantially alter the jobs per employed resident ratio. Therefore, it was concluded that impacts would be less than significant.

### *Proposed Project Analysis and Conclusion*

The proposed project would develop similar uses on the same site as those evaluated in the previous FEIR. As shown in Table 1, the proposed project is similar to the approved project but would result in an additional 33 employees compared to the previously approved project. There have been no changes with respect to zoning or to existing uses on-site since certification of the previous FEIR. Therefore, similar to the previously approved project, the proposed project would not be expected to substantially alter the jobs per employed resident ratio. The proposed project does not include housing nor would it remove any housing. It would not extend roadways or other infrastructure that could induce population growth.

The proposed project is consistent with the uses allowed under the General Plan MFG land use designation. Based on the General Plan FEIR, at full buildout, the General Plan could yield a total of up to 33,401 housing units; a population of 113,530 people; 47,807,536 square feet of nonresidential building square footage; and 84,333 jobs within the Milpitas Planning Area. Given that the proposed project is consistent with the site's General Plan land use assumptions and is a small portion of expected jobs within the Milpitas Planning Area (0.4 percent),[51] the proposed project would not exceed the General Plan's job growth projections for the site. For the above reasons, the proposed project would not induce substantial population growth in an area, either directly or indirectly. Therefore, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## b) Displacement of People or Housing

### *Previous FEIR Conclusions*

The previous FEIR concluded there would be no impact related to the displacement of substantial numbers of existing people or housing based on the conclusions in the previous FEIR. The previous

[51] The proposed project's 363 employees would represent 0.43 percent of the expected jobs within the Milpitas Planning Area, whereas the previously approved project's 330 employees would have represented 0.39 percent, a minor difference.

FEIR indicated that the project site contains vacant office buildings and is within an M2 Zoning District (i.e., within an area zoned for industrial purposes) and would not cause any housing to be demolished. Therefore, the previously approved project would not displace existing housing, necessitating the construction of replacement housing elsewhere, nor would it displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. As such, it was concluded there would be no impact related to the displacement of people and housing.

***Proposed Project Analysis and Conclusion***

The project site consists of vacant office buildings and no employees or residents occupy the site. There is no housing on or directly adjacent to the site. As described in the previous FEIR, the project site is zoned for industrial uses. For these reasons, the proposed project would have no impact related to the displacement of people or housing and would not necessitate construction of housing elsewhere. As such, the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

# Mitigation Measures

No mitigation is required.

# Conclusion

The proposed project would not result in any significant impacts related to Population and Housing, as found in the previous FEIR. No new impacts are found and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous FEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XV. Public Services** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:* | | | | | |
| a) Fire protection? | Less than significant impact | No | No | No | None |
| b) Police protection? | Less than significant impact | No | No | No | None |
| c) Schools? | Less than significant impact | No | No | No | None |
| d) Parks? | Less than significant impact | No | No | No | None |
| e) Other public facilities? | Less than significant impact | No | No | No | None |

# Existing Conditions

The City's existing public services have not substantially changed since the preparation of the previous FEIR. The below existing setting includes a discussion of the current number of personnel, response times, and services information pertaining to the Milpitas Fire Department (Fire Department) and Police Department. The existing setting also includes updated information regarding the number of parks and recreational facilities and notes the number of trails within the City. An updated reference to the Milpitas Unified School District boundary map and the distance of the nearest library has also been included in the discussion below.

The City of Milpitas Fire Department provides fire protection services to the project area, as described in the previous FEIR. The Fire Department is also responsible for emergency medical services, rescue services, hazardous and toxic materials emergency response, enforcement of fire and life

safety codes, coordination of citywide disaster response efforts, and enforcement of State and federal hazardous materials regulations.[52] The Fire Department has approximately 82 full time personnel [53] and operates four stations within its service area. As indicated in the previous FEIR, the nearest fire station to the site is Fire Station No. 1 located at 777 South Main Street, approximately 0.6 miles west of the site. The Fire Department's response time goal for fire and emergency medical services is four minutes or less for all urban service areas. The site is located within the City's urban service area.

Police services are provided by the City of Milpitas Police Department. As described in the previous FEIR, police services in the City, including the project area, are provided from one central station located at 1275 North Milpitas Boulevard, which is approximately 2.25 miles northwest of the project site. The Police Department has approximately 128 employees, including 94-sworn and 34 non-sworn personnel. Police response times are typically measured from the time a police dispatcher receives a call to the time a police officer arrives at the incident location. The Police Department's response time goal for emergency calls is three minutes or less.[54]

The project site is located within the Milpitas Unified School District boundaries,[55] and the nearest library to the site is Santa Clara County Library District Milpitas Library located on 160 North Main Street, approximately 1.1 miles northwest of the site.

Parks, trails, and recreational facilities in the City are managed by the Recreation and Community Services Department and maintained by the Public Works Department. The City owns 34 public parks, which is a total of approximately 190 acres, that include amenities such as softball fields, tennis, basketball, handball, bocce ball, and volleyball courts, horseshoe pits, par courses, and barbecue areas. The previous FEIR indicated the nearest park was Creighton Park, approximately 0.5 miles. The nearest City-owned park is currently Bob McGuire Park, located at 791 Garden Street, approximately 785 feet south of the site.[56,57]

The City also owns six recreational facilities, including Alviso Adobe, Higuero Adobe, Milpitas Community Center, Barbara Lee Senior center, Sal Cracolice Recreational Facility, and Milpitas

[52] City of Milpitas. About the Fire Department. Website: https://www.milpitas.gov/329/About-the-Fire-Department. Accessed May 7, 2025.

[53] City of Milpitas Fire Department. Organizational Structure. Website: https://www.milpitas.gov/DocumentCenter/View/3296/Fire-Organization-Chart-Fiscal-Year-23-24-pdf. Accessed May 7, 2025.

[54] City of Milpitas Police Department. Crime and Incident Data: Response Times. Accessed May 7, 2025. https://www.milpitas.gov/1107/Crime-and-Incident-Data#:~:text=Response%20Times&text=The%20City%20of%20Milpitas%20has%20committed%20to%20responding%20to,within%203%20minutes%20or%20less.

[55] Milpitas Unified School District. District Boundary Map. Website: https://www.musd.org/district-boundary-map.html. Accessed May 7, 2025.

[56] City of Milpitas. Facilities. Website: https://www.milpitas.gov/Facilities?clear=False. Accessed May 8, 2025.

[57] City of Milpitas. Parks, Trees & Landscape Maintenance. Website: https://www.milpitas.gov/635/Parks-Trees-Landscape-Maintenance. Accessed May 8, 2025.

Sports Center. The nearest recreational facility is Sal Cracolice Recreational Facility, which is located at Bob McGuire Park.

In addition, the City includes one regional trail, Coyote Creek Trail, and two City trails, Berryessa Creek Trail and Penitencia Creek Trail; these trails provide access to City parks and link neighborhoods with employment centers, shopping districts, schools, and transit facilities. The nearest trail is Berryessa Creek Trail, approximately 400 feet east of the site.

# Discussion

### a) Need for New or Altered Fire Protection Facilities

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to fire protection facilities and services would be less than significant. Given that the previously approved project would not permanently increase the existing residential population in the City, the previous FEIR concluded that the previously approved project would not result in a long-term increase in the demand for public services or require construction of new governmental facilities. The previous FEIR indicated that the Fire Department would continue providing services to the project site and construction of a new or expanded fire station would not be required as a result of the previously approved project. As such, the previous FEIR concluded the previously approved project would not result in a significant impact on the physical environment due to the incremental increase in demand for fire protection and life safety services, and the potential increase in demand for services is not expected to adversely affect existing responses times to the site or within the City. Therefore, the impact was concluded as less than significant.

***Proposed Project Analysis and Conclusion***

The proposed project does not include residential uses; as such, the proposed project would not result in the permanent increase in the population of residents. Similar to the previously approved project, the proposed project would consist of a warehouse/office building which would add employees to the site, albeit with a slight increase of 33 employees (see Table 1). Similar to the previously approved project, the proposed project would result in an incremental increase in demand for fire protection services due to on-site operations. However, as indicated in the previous FEIR, this type of project on this site would not result in the need for the construction of a new or expanded fire station. In addition, consistent with General Plan Action SA-4b, the City's Public Works Department and Fire Department are required to review the project's site plans to ensure that the proposed project facilitates adequate fire services, access, and fire prevention measures. As such, consistent with the previous FEIR, impacts related to fire protection facilities and services would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## b) Need for New or Altered Police Protection Facilities

### *Previous FEIR Conclusions*

The previous FEIR concluded that impacts related to police protection services would be less than significant. The previous FEIR indicated that the previously approved project would not permanently increase the existing residential population in the City, the project would not result in a long-term increase in the demand for public services or require construction of new Police Department facilities. Development of the previously approved project would increase daytime and nighttime population on the project site and therefore incrementally increase demand for emergency police services to the project site. However, the previous FEIR concluded that the Police Department would continue to provide services to the project site and construction of new or expanded police facilities would not be required. As such, the impacts related to fire protection facilities and services were concluded to be less than significant.

### *Proposed Project Analysis and Conclusion*

As illustrated in Table 1 and described under the response to Impact XV(a), the proposed project would add approximately 363 employees to the site, a slight increase from the previously approved project's expected 330 employees. Similar to the previously approved project, the proposed project would result in an incremental increase in demand for police protection services due to on-site operations. However, as indicated in the previous FEIR, this type of project on this site would not result in the need for the construction of a new or expanded fire station. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact related to police protection services and facilities that were not identified in the previous FEIR.

## c) Need for New or Altered School Facilities

### *Previous EIR Conclusions*

The previous FEIR concluded impacts related to school services and facilities would be less than significant. The previous FEIR indicated that, given the previously approved project would not permanently increase the population of residents in the City, the previously approved project would not result in a long-term increase in the demand for public services or require construction of new governmental facilities (including school facilities). The previous FEIR also concluded that, as a nonresidential development, the previously approved project would not create additional demand for school services. Therefore, it was concluded there would be a less than significant impact related to the need for new or altered school facilities.

### *Proposed Project Analysis and Conclusion*

Consistent with the previously approved project, the proposed project would include warehouse and office uses and no residences are proposed. As such, the proposed project would not create additional demand for school services or facilities. The proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## d) Parks

### *Previous EIR Conclusions*

The previous FEIR concluded impacts related to park services would be less than significant. It indicated that, given the previously approved project would not permanently increase the existing population of residents in the City, the project would not result in a long-term create additional demand for park services. Therefore, the previous FEIR concluded that construction and operation of the previously approved project would have a less than significant impact related to parks.

### *Proposed Project Analysis and Conclusions*

Similar to the previously approved project, the proposed project would include warehouse and office uses, and no residences are proposed as a part of the proposed project. As such, the proposed project would not create a significant demand for park and recreational facilities. Furthermore, an increase in the employee population, from the implementation of the proposed project, would not result in a substantial increase in usage of local parks or recreational facilities. Although future employees may use nearby parks, recreational facilities, or trails, employees would not result in the substantial physical alteration of these facilities. Therefore, the project's impacts related to park and recreational facilities would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## e) Other Public Facilities

### *Previous EIR Conclusions*

The previous FEIR concluded impacts related to other public facilities would be less than significant. It indicated that, given the previously approved project would not permanently increase the existing residential population in the City, the project would not result in a long-term increase in the demand for public services or require construction of new governmental facilities (including library facilities). The previous FEIR concluded that as a nonresidential development, the previously approved project would not create additional incremental demand for other public facilities, such as libraries. Therefore, the previous FEIR concluded that the construction and operation of the previously approved project would have a less than significant impact on library services or facilities (i.e., other public facilities).

### *Proposed Project Analysis and Conclusions*

Similar to the previously approved project, the proposed project consists of a warehouse and office building. As such, the proposed project would not create a significant demand for other public facilities, such as libraries. Furthermore, an increase in the employee population from the implementation of the proposed project would not result in a substantial increase in usage of other public facilities such as libraires. Although future employees may use nearby public facilities, employees would not result in the substantial physical alteration of these facilities. Therefore, similar to the previously proposed project, the proposed project would have less than significant impacts public facilities such as libraries and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## Mitigation Measures

No mitigation is required.

## Conclusion

The proposed project would not result in any significant impacts related to Public Services, as found in the previous FEIR. No new impacts are found, and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous EIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XVI. Recreation** *Would the project:* | | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | No impact | No | No | No | None |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | No impact | No | No | No | None |

# Existing Conditions

The City owns 34 public parks, totaling approximately 190 acres, as well as six recreational facilities and various trails, as described in Section 15, Public Services.

Note that in the previous FEIR, the City evaluated potential effects on parks under both the Recreation and Public Services sections, consistent with the CEQA Guidelines. While both sections reference parks, they apply different impact thresholds and evaluate distinct types of environmental effects. The Public Services section concluded that the project would not create a need for new or expanded public park facilities to maintain acceptable service levels, and therefore impacts were

determined to be less than significant. By contrast, the Recreation section evaluated whether the project would lead to physical deterioration of existing parks requiring the development of new recreational amenities as a direct environmental effect. Since the City found that the project would not increase park use to a level that would result in substantial wear or degradation of facilities, the EIR identified no impact under the Recreation threshold. Considered together, the findings provide a complete assessment of potential park-related impacts through both lenses.

# Discussion

### a, b) Effects of Increased Use of Parks and Effects from Provision of Parks or Recreational Facilities

***Previous EIR Conclusions***

The previous FEIR concluded that the previously approved project would result in no impacts related to the increase in the use of existing parks or recreational facilities or construction/expansion of recreational facilities. It indicated that the previously approved project's industrial use would not generate population growth that would result in an increase in the use existing neighborhood and regional parks or other recreational facilities. The previous FEIR concluded that the previously approved project would not require the expansion of existing recreational facilities or construction of additional recreational facilities elsewhere. Therefore, the previous FEIR concluded that no impacts to parks or recreational facilities would occur as a result of the previously approved project.

***Proposed Project Analysis and Conclusion***

The proposed project would construct a warehouse and office building and would not include residential uses. Similar to the previously approved project, the proposed project's employees could use nearby neighborhood parks, trails, and recreational facilities on weekdays. However, such increased use would be minimal and would not result in the substantial physical deterioration of these facilities. Therefore, consistent with the previous FEIR, the proposed project would result in no impacts pertaining to the substantial physical deterioration of parks or other recreational facilities.

Given that the proposed project would not increase the population of residents within the City, it would not require the construction or expansion of recreational facilities to achieve the City's adopted standard for park space acreage at 5 acres for every 1,000 residents.[58] The proposed warehouse and office building does not include recreational facilities. Therefore, the proposed project would result in no impact related to the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. As such, no impacts would occur and the proposed

[58] The City's General Plan Policy PROS-1.3 requires the City to "achieve and maintain a minimum overall citywide ratio of 5 acres of park land for every 1,000 residents outside of the Midtown Specific Plan Area and Transit Area Specific Plan Area. Within these Specific Plan Areas, achieve and maintain the parks standards and ratios specified in the specific plan, with an emphasis on publicly accessible spaces and facilities." The project site is outside the aforementioned Specific Plan areas.

project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## Mitigation Measures

No mitigation is required.

## Conclusion

The proposed project would not result in any impacts related to Recreation, as found in the previous FEIR. No new impacts are found and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous EIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XVII. Transportation** *Would the project:* | | | | | |
| a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities? | Less than significant impact | No | No | No | None |
| b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? | Significant and unavoidable impact | No | No | No | MM TRANS-1 |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | Less than significant impact | No | No | No | None |
| d) Result in inadequate emergency access? | Less than significant impact | No | No | No | None |

The following section is based on the information provided in the Local Transportation Analysis (LTA) (July 9, 2025), and the Vehicle Miles Traveled (VMT) Analysis (July 17, 2025) prepared for the proposed project by NV5 Engineers and Consultants.[59,60]

# Discussion

### a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?

#### Previous FEIR Conclusions

According to the previous FEIR, the project was expected to generate a total of approximately 3,303 new daily vehicle trips. However, the previous FEIR found that vehicle trips generated by the project would not cause conflicts with the relevant planning documents addressing the local and regional circulation system, including the City of Milpitas General Plan, the VTA's planning documents, and the Metropolitan Transportation Commission's Plan Bay Area 2040. The project was also expected to generate demand for bus and Bay Area Rapid Transit (BART) trips in the project vicinity. According to the previous FEIR, employees working on the project site who use BART may choose to walk or bike to the site or take the bus. As described in the previous FEIR, there is a continuous sidewalk connection and continuous bicycle lanes between the Milpitas BART station and the project site. Additionally, bus stops are located on South Milpitas Boulevard at Ames Avenue (north of the intersection in the northbound direction, and south of Ames Avenue in the southbound direction). Thus, the previous FEIR determined that there was adequate pedestrian, bicycle and transit infrastructure and service in place to serve trips by these modes to and from the project site. According to the previous FEIR, the project also did not propose any off-site infrastructure changes which would cause conflicts with programs, plans, policies, or ordinances addressing off-site transit, roadway, bicycle, or pedestrian facilities. Based on this assessment, the previous FEIR found this impact to be less than significant with no mitigation required.

#### Proposed Project Analysis and Conclusion

##### *Vehicle Circulation*

The proposed project would result in similar changes to circulation as those considered in the previous FEIR, including additional employee and truck traffic trips. Note that the proposed project includes four driveways whereas the previous project included five.

According to the LTA prepared for the proposed project, the proposed project would be expected to generate approximately 3,812 net new daily trips compared to the previously approved project's 3,303 net new daily trips. This equates to an increase of 509 daily trips (Table 16). Note that while the

[59] NV5 Engineers & Consultants. 2025. Local Transportation Analysis for 1000 Gibraltar Drive Delivery Center. July 9.

[60] NV5 Engineers & Consultants. 2025 Vehicle Miles Traveled (VMT) Analysis for 1000 Gibraltar Drive Delivery Center. July 17.

proposed project's daily trips are more than the previously approved project, the trips consist of significantly fewer truck trips due to the facility's status as a last-mile delivery operation.

### Table 16: Difference in Trip Generation from the Previously Approved Project

| Project | AM Peak-hour Trips | PM Peak-hour Trips | Net New Daily Trips |
|---|---|---|---|
| Previously Approved Project | 348 | 88 | 3,303 |
| Proposed Project | 260 | 245 | 3,812 |
| **Difference** | **-88** | **+157** | **+509** |

The LTA prepared for the proposed project analyzed 12 intersections in the vicinity of the project site to determine the proposed project's effects on intersection delay, LOS and queueing. These intersections are listed below and fall under two categories; intersections designated under the Santa Clara VTA CMP and those that fall outside of the CMP network.

CMP Intersections:

- West Calaveras Boulevard and Abel Street
- E Calaveras Boulevard and Milpitas Boulevard
- Montague Expressway and South Milpitas Drive
- Great Mall Parkway/East Capitol Avenue and Montague Expressway
- Montague Expressway and McCandless Drive/Trade Center Boulevard
- Montague Expressway and South Main Street/Oakland Road

Non-CMP Intersections:

- South Milpitas Boulevard and Yosemite Drive
- South Milpitas Boulevard and Ames Avenue/Driveway 1
- South Milpitas Boulevard and Driveway 2
- South Milpitas Boulevard and Gibraltar Drive
- Gibraltar Drive and Driveway 3
- Gibraltar Drive and Driveway 4

Intersections were analyzed under Existing (2024), No-Build (2026), Build (2026), Future No Build (2040), Future Build (2040), and Future Build Conditions with Mitigation (2040) scenarios. According to the LTA prepared for the proposed project, traffic operations at intersections outside of the CMP operate acceptably under Existing conditions. All non-CMP intersections are anticipated to operate at LOS B or better under both the 2026 and 2040 scenarios, with the exception of the South Milpitas Boulevard and Yosemite Drive intersection, which is projected to operate at LOS E under both 2040 No-Build and Build PM conditions. However, according to the analysis, since there is no change in critical delay or volume-to-capacity ratio between scenarios, the proposed project would not result in

an adverse effect at this location, and no mitigation is warranted per CMP guidelines. No additional improvements were recommended as part of the LTA, and its results indicated that the surrounding transportation network would adequately accommodate the traffic generated by the proposed project. As such, like the previously approved project, the proposed project would not be expected to conflict with relevant planning documents addressing the local and regional circulation system, including the City of Milpitas General Plan, the VTA's planning documents, and the Metropolitan Transportation Commission's Plan Bay Area 2040. Therefore, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

***Bicycle Access and Circulation***

Bicycle infrastructure exists in the immediate vicinity of the project site and remains as described under the previous FEIR. Bicycle facilities are categorized according to the California Department of Transportation (Caltrans) classification system, which defines the following four facility types:

- Class I–Shared-Use Path (Bike Path): A completely separated facility for the exclusive use of bicycles and pedestrians, located off-street within its own right-of-way.
- Class II–Bike Lane: A designated on-street lane for bicycle use, typically marked by striping and signage, located adjacent to vehicle travel lanes on priority corridors.
- Class III–Bike Route: A shared roadway facility identified by signage and/or pavement markings, where bicyclists and motor vehicles operate within the same travel lane.
- Class IV–Separated Bikeway (Protected Bike Lane or Cycle Track): An on-street bicycle facility physically separated from motor vehicle traffic by curbs, parked cars, posts, or other physical barriers.

There are no existing Class I or Class IV bike facilities within the vicinity of the project site. Class II bike facilities are available on Abel-Main Street south of Calaveras Boulevard, Great Mall Parkway, Capitol Avenue, South Milpitas Boulevard, Trade Zone Boulevard-McCandless Drive, and Yosemite Drive. There are also Class III bike facilities on Calaveras Boulevard and Abel Street north of Corning Avenue.

The proposed project does not include any modifications to existing bicycle facilities in the vicinity of the project site, consistent with the previously approved project, and would not include any off-site infrastructure changes that would conflict with existing or planned facilities. Additionally, as per General Plan Action CIR-4l which requires that developers promote multimodal transportation, the proposed project would provide 24 bicycle parking stalls adjacent to the proposed office space. Bicycle circulation on-site would be provided via on-site pedestrian sidewalks, which would provide access to the Class II bike facilities on South Milpitas Boulevard. The proposed project would not cause conflicts with programs, plans, policies, or ordinances addressing bicycle facilities, as existing facilities would remain unchanged and unobstructed, and bicycle parking would be provided on-site to support bicycle transportation on-site. As such, impacts would be less than significant and the

proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

***Pedestrian Access and Circulation***

Existing pedestrian access on the project site and directly surrounding areas has not changed significantly since certification of the previous FEIR. Like the previously approved project, pedestrian paths of travel would be demarcated throughout the project site and would connect to the existing sidewalk along South Milpitas Boulevard and Gibraltar Drive. Unlike the previously approved project, the proposed project would also construct crosswalks and curb ramps at the northern and western leg of the South Milpitas Boulevard and Ames Avenue intersection, as well as connect existing pedestrian pathways along South Milpitas Boulevard to its internal network of sidewalks to provide adequate pedestrian access to the project site. While these project components were not analyzed in the previous FEIR, their construction and implementation have been considered throughout this Addendum. Such improvements would serve to enhance pedestrian access and circulation and be consistent with applicable plans, ordinances or policies. As such, the proposed project would support access to local pedestrian infrastructure and would not cause conflicts with programs, plans, policies, or ordinances addressing pedestrian facilities. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

***Transit Facilities***

As analyzed in the previous FEIR, the proposed project would generate demand for bus and BART trips. The nearest BART station is located approximately 0.57 mile south of the project site. Additionally, there are bus stops servicing Alameda Contra-Costa Transit located on South Milpitas Boulevard at Ames Avenue (north of the intersection in the northbound direction, and south of Ames Avenue in the southbound direction), similar to the conditions considered in the previous FEIR. There are adequate pedestrian facilities available connecting the project site to these existing facilities, and the proposed project would not include any infrastructure that would obstruct or deny access to these existing facilities. As such, the proposed project would not cause conflicts with programs, plans, policies, or ordinances addressing transit facilities. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

**b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

## Previous FEIR Conclusions

To determine impacts related to VMT, the previous FEIR utilized procedures and metrics, and significance criteria consistent with the guidance provided by the Office of Land Use and Climate Innovation (LCI) (formerly the Office of Planning and Research [OPR]), the Santa Clara County VTA, and the City of Milpitas. According to the previous FEIR, the OPR Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) sets forth guidance regarding metrics that may be calculated to evaluate VMT impacts from three types of land uses: residential, office/employment,

and retail. The project use type was employment, therefore regarding metrics, the advisory recommends that home-based work vehicle trips and home-based work vehicle trips per employee would be appropriate metrics for employment uses. This captures the employee commute trips to and from the employment site. In addition, the project's effect on total regional VMT under cumulative conditions was also evaluated to assess whether regional total VMT would increase with the project. This metric captures the effects of land use interactions and was considered a more wholistic evaluation of the previously approved project's effect on regional VMT. According to the previous FEIR's analysis, the three-county region encompassing Santa Clara, Alameda, and San Mateo Counties was included, to ensure that the full effect of project vehicle and truck trip lengths was captured.

The previous FEIR analyzed four scenarios regarding VMT:

- Existing Conditions: Represents current home-based work VMT per employee.
- Existing with Project Conditions: Adds Project-generated VMT to Existing Conditions.
- Cumulative Conditions: Represents expected home-based work VMT per employee in 2040 assuming various foreseeable land use developments in the study area and planned/funded roadway improvements. It adds 2040 traffic forecasts for the study area developed using the VTA Travel Demand Model.
- Cumulative with Project Conditions: Adds Project-generated VMT to Cumulative Conditions.

The previous FEIR analyzed VMT impacts against two metrics: Project Home-based Work VMT per Employee, and Total Boundary VMT. The previous FEIR determined that the previously approved project would have a significant impact on Home-based Work VMT per employee. This is because the Existing with Project VMT per employee of 16.19 did not meet the significance criteria of 15 percent below the Santa Clara countywide average of 14.31 and exceeded the threshold by 13 percent. The previous FEIR implemented MM TRANS-1, which requires a Travel Demand Management (TDM) program, a VMT Strategy Report, and project monitoring, to reduce impacts associated with Home-based Work VMT per employee. However, even with mitigation incorporated, the previously approved project was found to have a significant and unavoidable impact related to Home-based Work VMT per employee.

The previous FEIR determined that Total Boundary VMT[61] for the three-county region would be 95,534,150 under the Existing with Project Scenario, as compared to the existing condition of 95,533,346. The previous FEIR, however, found that the project would have a less than significant impact on Total Boundary VMT, as even though the project was found to increase Total Boundary VMT within the three-county region, the effect is considered to be within the travel demand model

[61] The previous FEIR indicates that Total Boundary VMT is a metric measure for the total VMT for all trips within the region expected to be affected by project trips. With the previous FEIR, this region was defined as Santa Clara, Alameda, and San Mateo counties.

margin of error (0.0008 percent), and the Total Boundary VMT per service population is unchanged when calculated to two decimal places.

### Proposed Project Analysis and Conclusion

According to the VMT Analysis prepared for the proposed project, the VMT for the delivery center can be viewed in three parts:

- On-site employees who commute to the site (Employee Commute VMT)
- Private carrier commuting to the site; drivers must use their own vehicles to make deliveries (Private Carrier VMT)
- VMT associated with the delivery of goods and packages to the customer (Delivery VMT).

The proposed project's VMT calculations can be seen in Table 16 below.

**Table 17: Proposed Project VMT Calculations by Category**

| Category | VMT per Day | VMT per Person per Day |
|---|---|---|
| Employee Commute VMT | 5,960 | 16.42 |
| Private Carrier Commute VMT | 8,358 | 16.42 |
| Delivery VMT | -15,034 | -0.79 |
| **Total** | **-716** | **-0.52** |

The VMT Analysis estimated the VMT for delivery vehicles by finding the distance from the site to the furthest point within the delivery zone and multiplying by the number of vehicles bound for those zones. Additionally, some of the future customers that would be served by the proposed project are currently being served by an existing delivery center. The VMT Analysis accounted for the shifting of business from two other similar delivery centers, as well as an expanded service area. The Delivery VMT to and from the two existing delivery centers and the 46 zip codes they collectively serve is 49,185 per day. The estimated Delivery VMT to from the new delivery center in Milpitas (proposed project) and 118 zip codes (expanded service area) would be 34,151. Therefore, after locating a new delivery center closer to the user's customers, as well as serving an expanded geographic area, there would be 15,034 fewer VMT per day than there is currently. This explains the negative value in Table 18.

The City of Milpitas adopted a Transportation Analysis Policy in May 2021 that includes VMT Analysis for many discretionary development projects. Consistent with CEQA Guidelines Section 15064.7, Thresholds of Significance, the City of Milpitas adopted the Santa Clara CMP baseline average and thresholds set at 85 percent of the citywide baseline averages for determining whether a project's VMT would be significant. The citywide baseline average for VMT per employee is 17.54. The 85 percent (15 percent below) citywide baseline average is 14.91 VMT per employee per day. Projects

that exceed these thresholds may have a significant effect on the environment and may require project revisions and/or mitigation measures may be implemented to reduce the impact to less than significant.

Table 17 illustrates the VMT thresholds compared to the project's VMT. As shown, the proposed project's VMT is less than the targeted citywide VMT, resulting in a less than significant overall impact on VMT.

### Table 18: VMT Significance

| | Project VMT per Capita per Day | City of Milpitas Threshold | Compared to Threshold | Impact Significance |
|---|---|---|---|---|
| **Commuter Trips** | **16.42** | **14.91** | **10% higher** | **Potentially Significant** |
| Delivery Trips | -0.79 | 14.91 | 100% lower | Less than Significant |
| **TOTAL** | **-0.52** | **14.91** | **100% lower** | **Less than Significant** |

While the overall VMT per day would be reduced, it is recognized that the proposed project' s VMT per person per day would be 16.42, which is slightly higher than the previously approved project's VMT per employee of 16.19.

The Employee Commute VMT and Private Carrier Commute VMT (shown as commuter trips in Table 17) for the proposed project is 16.42 per person per day. While, like the previously approved project, the number is higher than the citywide desired threshold of 14.91, it is still less than the citywide average VMT of 17.54. Nonetheless, consistent with the previous FEIR, the VMT Analysis recommends Transportation Demand Management Measures (TDMs) such as carpool matching programs, transit passes, and guaranteed rides home to reduce potential impacts. Therefore, like the previously approved project, the proposed project would be required to implement MM TRANS-1 to reduce potential impacts resulting from commuter VMT .According to the VMT Analysis, if 20 percent of daytime shift employees (6:00 a.m., 11:00 a.m., and 3:00 p.m. shifts) arrived by transit or carpooled, that would equate to a commuter VMT of 14.57 per day, which would be under the citywide significance level. With implementation of recommended TDM measures and MM TRANS-1, VMT impacts resulting from the proposed project would be less than significant, and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

### Previous FEIR Conclusions

The previous FEIR determined that because the previously approved project would be subject to the City of Milpitas permitting process, which includes design review, there is no reason to expect that the site's proposed driveway designs would not conform to City requirements. Based on this assessment,

the previous FEIR found that the previously approved project would have a less than significant impact with respect to hazards due to a design feature or incompatible uses, and no mitigation was required.

### Proposed Project Analysis and Conclusion

The proposed project would include four driveways (one less than the previously approved project) with widths ranging between 32 and 50 feet wide (whereas the previously approved project's driveways ranged from 30 to 50 feet wide). Unlike the previously approved project, the proposed project would include upgrades to existing infrastructure along South Milpitas Boulevard, including operational upgrades to traffic signals at intersections of Ames Avenue and Gibraltar Avenue. The proposed improvements would also include City-standard sidewalk additions along South Milpitas Boulevard and Gibraltar Drive, as well as replacement of existing curb ramps along South Milpitas Boulevard and Gibraltar Drive. While these project components were not analyzed in the previous FEIR, their construction and implementation have been considered throughout this Addendum. Such improvements would serve to enhance pedestrian access and circulation, be consistent with applicable plans, ordinances, or policies, and would not be expected to result in an increased hazard. On the contrary, these additional improvements would be designed for safe pedestrian and vehicular movement in the project vicinity. Similar to the previously approved project, the proposed project plans would be subject to the City of Milpitas permitting process, which includes design review; therefore, it is reasonable to assume that the site driveway and roadway improvement designs, as well as off-site circulation improvements, would conform to City requirements. As such, the proposed project would have a less than significant impact with respect to hazards due to a design feature or incompatible uses and would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### d) Result in inadequate emergency access?

### Previous FEIR Conclusions

According to the previous FEIR, the project did not propose any off-site roadway network changes and therefore would not adversely affect emergency vehicle circulation on surrounding roadways. It was determined that the previously approved project's two driveways on South Milpitas Boulevard and three on Gibraltar Drive, emergency vehicle access to all sides of the project building would be accommodated. Based on this assessment, the previous FEIR determined that the previously approved project would not impede emergency vehicle circulation along the project frontages or access to and from the project's on-site buildings, and therefore, the project would have a less than significant impact on emergency access. No mitigation measures were required.

### Proposed Project Analysis and Conclusion

The proposed project would provide four driveways, with two along South Milpitas Boulevard, and two along Gibraltar Drive. All project driveways would provide an adequate turning radius for emergency vehicles and internal roadways on the project site would accommodate emergency vehicle circulation on all sides of the project building. Similar to the previously approved project, the proposed project

would not include any off-site roadway network changes and therefore would not adversely affect emergency vehicle circulation on surrounding roadways. Furthermore, while the proposed project would include road construction on South Milpitas Boulevard and Gibraltar Drive, it would be temporary and would not be expected to impede emergency access to the site or surrounding areas. As such, like the previously approved project, the proposed project would have a less than significant impact on emergency vehicle access and would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR

## Mitigation Measures

**MM TRANS-1** The project applicant shall implement a travel demand management program for all employees with the goal of reducing the use of single-occupant vehicles for commuting. The measures most likely to be effective given the project's location and expected use type include the following (measures are identified with the California Air Pollution Control Officers (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* (August 2010) measure number and VMT reduction effectiveness range):

- Implement a commute trip reduction program with required implementation and monitoring (CAPCOA measure TRT-2, effectiveness range 4.2 percent–21.0 percent);
- Provide ride sharing programs (CAPCOA measure TRT-3, effectiveness range 1–15 percent);
- Implement subsidized or discounted transit program (CAPCOA measure TRT-4, effectiveness range 0.3 percent–20 percent);
- Provide end-of-trip facilities (CAPCOA measure TRT-5, effectiveness based on effectiveness of measures TRT-2 and TRT-3);
- Implement commute trip reduction marketing (CAPCOA measure TRT-7, effectiveness range 0.8 percent–4.0 percent);
- Implement car-sharing program (CAPCOA measure TRT-9, effectiveness range 0.4 percent–0.7 percent);
- Restripe Green Bike lanes along property frontage; and
- Bike locker subsidy.

***(a) VMT Strategy Report***

- Prior to the issuance of an occupancy permit (Tenant to provide after 90 days of occupation), the project applicant (or project site operator) shall prepare a VMT Strategy Report that includes the following items:
- Identification of a baseline project home-based work VMT per employee estimate, which shall be determined using project-specific information derived from location-based data services such as StreetLight data which can estimate the trip generation, trip lengths, and VMT for the site. This shall be supplemented/verified by driveway counts, employee commute mode surveys, and employee residence

data which can provide a second VMT estimate to verify the StreetLight estimate. Other methods may be approved by City staff if new data sources and methods become available by the time the project is occupied.

- Identification of the Santa Clara County regional home-based work VMT per employee, also derived from StreetLight data to provide an apples to apples comparison to the project-specific baseline.
- Identification of the percent reduction in VMT needed to achieve the target of 15 percent below the regional average.
- Identification of selected transportation demand management strategies per the above list, and others if appropriate.
- Demonstration of how the TDM strategies in the VMT Strategy Report would reduce the home-based work VMT per employee generated by the project to 15 percent below the countywide average home-based work VMT per employee.
- After implementing the transportation demand management strategies selected in the VMT Strategy Report upon occupancy of the project, the effectiveness of these measures relative to the performance target noted previously must be monitored, as follows.

***(b) Project Site VMT Monitoring Approach Monitoring***

- The project shall be monitored by the City or by the project application/operator on an annual basis to determine the efficacy of the selected transportation demand management strategies in achieving the performance target of 15 percent below the regional average. The monitoring shall include project-generated VMT estimates compatible with the methodology used to estimate project baseline VMT so that performance comparisons can be made. The methodology for setting the baseline VMT and measuring the annual performance shall be defined in the VMT Strategy Report.
- An annual monitoring memorandum shall be submitted to City staff. If the project site is found not to be in compliance with the mitigation measure, the project must incorporate additional transportation demand management strategies to meet the performance target. The project applicant/operator may propose new strategies that develop over time to further reduce project-generated VMT if substantial evidence is provided to support the efficacy of the strategy. If a 15 percent VMT reduction is achieved for 3 consecutive years, the project will no longer need to provide annual reporting.

***(c) Alternative Monitoring Approach***

- The City of Milpitas may develop a citywide VMT monitoring program to allow global monitoring of City VMT, which may provide cost efficiencies and be a more effective way to track VMT generation by various uses in the City. The monitoring program could make use of emerging technologies including location-based

services on cell phones and in vehicles to track trip lengths, along with traditional technologies such as driveway traffic counts. If such a program is developed, the project could participate in the monitoring and demonstrate performance relative to the project's VMT target.

## Conclusion

As discussed above, all applicable mitigation measures from the previous FEIR would be required and implemented to ensure impacts are consistent with the previous FEIR.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous EIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XVIII. Utilities and Service Systems** *Would the project:* | | | | | |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | Less than significant impact | No | No | No | None |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | Less than significant impact | No | No | No | None |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the | Less than significant impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous EIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | | | | | |
| d) 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? | Less than significant impact | No | No | No | None |
| e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste? | Less than significant impact | No | No | No | None |

# Discussion

### a) Construction of Expansion of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities

***Previous EIR Conclusions***

The previous FEIR concluded impacts related to the construction or expansion of new or expanded water, wastewater, stormwater, electric, natural gas, or telecommunications facilities would be less

than significant. The previous FEIR concluded that the previously approved project would be consistent with the site's zoning and would not substantially increase demand for water compared to the previous on-site uses and would therefore not exceed the capacity of existing water treatment facilities. Similarly, the previously approved project would not require the construction of new water treatment facilities, or the expansion of existing facilities, other than those already planned as part of the City's Water Master Plan. The previously approved project would include connections to the existing electrical and gas infrastructure in the vicinity of the project site and would not require any new infrastructure aside from project-specific tie-ins and lines to serve the previously approved project.

***Proposed Project Analysis and Conclusion***

No changes have occurred that would alter the conclusion of the previous FEIR. The proposed project would be consistent with the site's zoning and would result in a 3,476-square-foot reduction in total square footage as compared to the previously approved project. The similar proposed use type, along with the reduced square footage, would indicate that the proposed project's utility demands would be substantially similar to that of the previously approved project. Accordingly, the proposed project's demand for water, wastewater, or stormwater drainage utilities would be consistent with the previous FEIR and would not necessitate new or expanded facilities. Similarly, the proposed project would not result in increased demand for electric power, natural gas, or telecommunications facilities beyond that considered in the previous FEIR. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## b) Water Supply

***Previous EIR Conclusions***

The previous FEIR concluded impacts related to water supply would be less than significant. The City of Milpitas provides water to the project site. The project site is within the San Francisco Public Utilities Commission (SFPUC) wholesale distribution area. The SFPUC supply is predominantly snowmelt from the Sierra Nevadas, delivered through the Hetch Hetchy aqueducts, but also includes treated water produced by SFPUC from its local watersheds and facilities in Alameda County. Historically, the SFPUC has met demand in its service areas during all year types from its watersheds. The previously approved project was consistent with the site's zoning. Accordingly, the previous FEIR concluded that the City would have sufficient water supply to support the previously approved project and its implementation would not require new or expanded entitlements for water supplies and, therefore, the impacts related to water supply would be less than significant.

***Proposed Project Analysis and Conclusion***

No changes have occurred that would alter the conclusion of the previous FEIR. As previously mentioned, the proposed project would be consistent with the existing zoning and would represent a reduction in total building square footage as compared to the previously approved project. Due to the similar on-site use as compared to the previously approved project, the proposed project's demand for water resources would be similar or slightly reduced as a result of reduced square footage. As

such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### c) Wastewater Capacity

***Previous EIR Conclusions***

The previous FEIR concluded impacts related to wastewater capacity would be less than significant. The City of Milpitas owns and operates its municipal wastewater collection system containing 179 miles of gravity pipe and 5 miles of force main. The system also includes two pump stations: the Venus Station, which lifts wastewater from the low-lying Pines neighborhood, and the Main Sewer Pump Station, which pumps all City sewage through dual 2.5 mile force mains to the San José/Santa Clara Water Pollution Control Plant (WPCP) located in San José at 700 Los Esteros Road for treatment. The WPCP treats an average of 110 million gallons of wastewater per day (mgd), about 65 percent of its 167 mgd capacity, which includes service to the project site. The previously approved project would generate domestic wastewater, treated by the WPCP. It was concluded that the previously approved project was consistent with the site's zoning and the City has sufficient capacity to serve the proposed project. Furthermore, the previous FEIR states, the City requires the completion of sewer system modeling to demonstrate adequate conveyance capacity based on the current discharge allocation. Therefore, wastewater generated from the proposed project would not cause the WPCP to violate any wastewater treatment requirements and this impact would be less than significant.

***Proposed Project Analysis and Conclusion***

Like the previously approved project, and consistent with the analysis in the previous FEIR, the proposed project is consistent with the site's zoning and General Plan designation. Furthermore, the proposed project would have a slightly smaller footprint than the previously approved project (see Table 1). The similar proposed use type, along with the reduced square footage and similar employee numbers (which drives wastewater production), would indicate that the proposed project's utility demands would be substantially similar to that of the previously approved project. As a result, anticipated wastewater generation is expected to be comparable to or less than the volume generated under the previously approved project. Finally, as indicated by the previous FEIR, the proposed project would be required to complete sewer system modeling to demonstrate adequate conveyance capacity based on the current discharge allocation. Overall, no changes have occurred that would alter the conclusion of the previous FEIR in regard to wastewater. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### d) Solid Waste Capacity

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to solid waste capacity would be less than significant. Solid waste and recycling pickup and disposal in the City of Milpitas is provided by Republic Services. The solid waste is disposed of at the Newby Island Landfill and recycling facility located

approximately 3.2 miles northwest of the project site on Dixon Landing Road. The Newby Island Landfill has a capacity of 57.5 million cubic yards and a remaining capacity of 21.2 million cubic yards, and can accept 4,000 tons per day. The previous FEIR concluded that the Newby Island Landfill has adequate capacity to serve the previously approved project. Furthermore, solid waste generated during the demolition, construction, and operational phase of the would be recycled to maximum extent feasible. As such, it was concluded that the previously approved project would be served by a landfill with sufficient capacity to accommodate the project's waste disposal needs and impacts associated with the disposition of solid waste would be less than significant.

#### *Proposed Project Analysis and Conclusion*

Like the previously approved project, the proposed project is consistent with the site's zoning and General Plan designation. Furthermore, the proposed project's footprint would be slightly smaller than the previously approved project (see Table 1). The similar proposed use type, along with the reduced square footage, would indicate that the proposed project's utility demands would be substantially similar to that of the previously approved project. As a result, anticipated solid waste generation is expected to be comparable to or less than the volume generated under the previously approved project. Finally, as indicated by the previous FEIR, the proposed project would be required to recycle solid waste generated during the demolition, construction, and operational phase to maximum extent feasible. No changes have occurred that would alter the conclusion of the previous FEIR. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### Solid Waste Reduction Goals and Regulations Consistency

#### *Previous EIR Conclusions*

The previous FEIR concluded impacts related to solid waste reduction goals and regulations consistency would be less than significant. Solid waste generated during the demolition, construction, and operational phase of the project would be properly disposed of or recycled in a nearby landfill or approved disposal facility with capacity to receive the waste. Any materials used during demolition and construction would be properly disposed of in accordance with federal, State, and local regulations. Therefore, it was concluded that impacts related to solid waste facilities, statutes, and regulations would be less than significant.

#### *Proposed Project Analysis*

No changes have occurred that would alter the conclusion of the previous FEIR. The proposed project would be required to comply with applicable solid waste disposal and recycling regulations. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## Mitigation Measures

No mitigation is required.

# Conclusion

The proposed project would not result in any significant impacts related to Utilities and Services Systems, as found in the previous FEIR. No new impacts are found and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous EIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XIX. Wildfire** *If located in or near State Responsibility Areas or lands classified as very high fire hazard severity zones, would the project:* | | | | | |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | Less than significant impact | No | No | No | None |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | Less than significant impact | No | No | No | None |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or | Less than significant impact | No | No | No | None |

| Environmental Issue Area | Conclusion in Previous EIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| ongoing impacts to the environment? | | | | | |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | Less than significant impact | No | No | No | None |

# Discussion

### a) Emergency Response/Evacuation Plan Consistency

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to emergency response and evacuation plan consistency would be less than significant. The project site is flat, outside the Wildland Urban Interface, and is not located in a High Severity Zone for wildfire. The City of Milpitas Fire Department Office of Emergency Services coordinates the City's preparedness efforts to mitigate, plan for, respond to, and recover from natural and technological disasters. In addition, the County of Santa Clara Office of Emergency Services coordinates countywide emergency response efforts including the preparation and implementation of the County of Santa Clara EOP. It was concluded that development of the previously approved project would not impair the implementation of, or physically interfere with, an adopted emergency response plan and would thus have a less than significant impact.

***Proposed Project Analysis and Conclusion***

Consistent with the analysis in the previous FEIR, the project site continues to be located outside the Wildland Urban Interface and is not located in a High Severity Zone for wildfire.[62,63] Like the previously approved project, it would be served by the Milpitas Fire Department and subject to the County of Santa Clara EOP. The proposed project is located on the same site as the previously approved project and does not alter the site's physical characteristics or its relationship to surrounding areas susceptible to wildfire hazards. As such, the potential for wildfire risk based on factors including proximity to wildland areas, prevailing climatic conditions, and emergency response accessibility remains unchanged from the analysis in the previous FEIR. Because of the substantial similarities in project size as compared to the previously approved project as well as the proposed project's consistency with zoning, it would not be expected to substantially impair an adopted emergency response plan or emergency evacuation plan. No changes have occurred that would alter the conclusion of the previous FEIR and. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

**b) Expose Project Occupants to Pollutant Concentrations from Wildfire**

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to the exposure of project occupants to pollutant concentrations from wildfire would be less than significant. The project site is flat and is bound by existing development on all sides. The project site is outside the Wildland Urban Interface and is not considered a High Severity Zone for wildfire. Therefore, it was concluded the previously approved project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, and this impact would be less than significant.

***Proposed Project Analysis and Conclusion***

The proposed project is located on the same site as evaluated in the previous FEIR, and there have been no changes with respect to land designation. The site continues to be outside the Wildland Urban Interface and is not designated as a High Severity Zone for wildfire. The project site is not located in an area containing slope, prevailing winds, or other factures (such as significant vegetation) that would exacerbate wildfire risks and related pollutant exposure. Overall, no changes have occurred that would alter the conclusion of the previous FEIR. As such, impacts would be less than

[62] California Department of Forestry and Fire Protection (CAL FIRE). 2024. Fire Hazard Severity Zones in State Responsibility Area. Website: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed July 22, 2025.

[63] California Department of Forestry and Fire Protection (CAL FIRE). Compare Old (2007-2011) with New (2025) Recommended FHSZ in LRA. 2025. Website: https://experience.arcgis.com/experience/5065c998b4b0462f9ec3c6c226c610a9/page/Compare-old-and-new-LRA-FHSZ#data_s=id%3Awidget_114_output_config_default_geocode_0_0%3A. Accessed July 22, 2025.

significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### c) Infrastructure that Exacerbates Fire Risk

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to infrastructure that would exacerbate wildfire risk would be less than significant. The project site is outside the Wildland Urban Interface and is not considered a High Severity Zone for wildfire. Therefore, it was concluded that the previously approved project would not require the installation or maintenance of associated infrastructure and this impact would be less than significant.

***Proposed Project Analysis and Conclusion***

As discussed above, the proposed project is not located within a very high fire hazard severity zone. As with the approved project, the proposed project does not include or require the installation or maintenance of for the purposes of wildfire safety. Installation and maintenance of infrastructure such as utility lines, would occur primarily on-site or within the roadway rights-of-way directly adjacent where the risk of wildfire is minimal. Therefore, the proposed project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or may result in a temporary or ongoing impact to the environment and impacts would be less than significant. As such, the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

### d) Flooding and Landslide Hazards Due To Post-fire Slope Instability/Drainage Changes

***Previous FEIR Conclusions***

The previous FEIR concluded impacts related to flooding and landslide hazards due to post-fire instability and drainage changes would be less than significant. The project site is flat and is not located within very high fire hazard severity zone. Therefore, it was concluded the previously approved project would not expose people or structures to significant risks as a result of post-fire slope instability or drainage and runoff changes.

***Proposed Project Analysis and Conclusion***

The proposed project is located on the same site as the approved project. Conditions at the project site have not changed related to lack of significant slope or potential for flooding. No changes have occurred that would alter the conclusion of the previous FEIR. As such, impacts would be less than significant and the proposed project would not result in a new or more severe adverse impact that was not previously identified in the previous FEIR.

## Mitigation Measures

No mitigation is required.

# Conclusion

The proposed project would not result in any significant impacts related to Wildfire, as found in the previous FEIR. No new impacts are found and no mitigation is required.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

Further environmental analysis is not required because:

1. No substantial changes are proposed in the project which will require major revisions of the previous FEIR.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous FEIR.
3. No new information of substantial importance has been identified which results in a significant effect not discussed in the previous FEIR or an impact which is more severe than shown in the previous FEIR.
4. No new mitigation measures are necessary.

| Environmental Issue Area | Conclusion in Previous EIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| **XX. Mandatory Findings of Significance** | | | | | |
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | Less than significant with mitigation incorporated | No | No | No | MM BIO-1, MM CULT-1, MM CULT-2 |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the | Significant and unavoidable | No | No | No | MM TRANS-1 |

| Environmental Issue Area | Conclusion in Previous EIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | Mitigation Measures |
|---|---|---|---|---|---|
| incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | | | | | |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | Potentially significant impact | No | No | No | None |

# Discussion

### a) Potential Environmental Degradation

### Previous FEIR Conclusions

The previous FEIR concluded that the incorporation of biological and cultural mitigation measures would reduce related potential impacts to less than significant.

### Proposed Project Analysis and Conclusion

As previously discussed herein, the proposed project would have the potential to disturb active nests if trees or vegetation are removed during nesting season and therefore would have the potential to threaten to eliminate a plant or animal community. However, as indicated, with the implementation of MM BIO-1 from the previous FEIR, the proposed project's impacts would be reduced to less than significant.

Also previously discussed herein, the proposed project would have the potential to result in inadvertent discovery of archaeological resources or burial sites during construction and therefore would have the potential to eliminate important examples of the major periods of California history or prehistory. However, as indicated, with the implementation of MM CULT-1 and -2 from the previous FEIR, the proposed project's impacts would be reduced to less than significant.

Therefore, impacts would be less than significant, and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### b) Cumulatively Considerable Impacts

## Previous FEIR Conclusions

#### *Air Quality*

The previous FEIR concluded that the previously approved project could contribute to cumulative environmental impacts when combined with the effects of past, present and future projects related to regional air quality (criteria pollutants). Implementation of MM AIR-1 would reduce criteria pollutant impacts but was deemed difficult to enforce and therefore it was concluded that significant impacts on regional air quality would be significant and unavoidable. Therefore, the project's contribution would be cumulatively considerable.

#### *Greenhouse Gas Emissions*

The previous FEIR concluded that the previously approved project could contribute to cumulative environmental impacts when combined with the effects of past, present and future projects related to the generation of greenhouse gases. Implementation of MM GHG-1 would reduce greenhouse gas emissions to the maximum extent feasible and would have likely reduced the previously approved project's emissions to below the applicable threshold with the purchase of carbon credits. However, the full implementation of MM GHG-1 hinges on the availability of carbon credits. Therefore, due to the uncertainty of carbon credit opportunities, successful implementation of MM GHG-1 was considered speculative and impacts were conservatively considered significant and unavoidable. Accordingly, it was concluded that the previously approved project would have cumulatively considerable impacts related to greenhouse gas emissions.

#### *Transportation*

The previous FEIR concluded that the previously approved project could contribute to cumulative environmental impacts when combined with the effects of past, present and future projects related to conflicts with CEQA Guidelines Section 15064.3, subdivision (b) (VMT). The previously approved project would have resulted in a VMT per employee exceeding the applicable significance threshold.

Implementation of MM TRANS-1 would require the implementation of a TDM program. However, it was recognized that the effectiveness of the MM could not be assured and, as such, it was concluded that impacts related to VMT would be significant and unavoidable. Therefore, the previously approved project's contribution would be cumulatively considerable.

## Proposed Project Analysis and Conclusion

The project changes identified in Table 1 do not contribute to new cumulative environmental impacts. The proposed uses are consistent with local zoning and general plan policies and do not materially alter the regional cumulative scenario considered in the previous FEIR. Project design features, mitigation measures and compliance with regulatory requirements continue to address cumulative concerns related to air quality, greenhouse gases, and transportation.

### *Air Quality*

As previously discussed herein, the proposed project would not result in construction or operation impacts related to criteria pollutants. In comparison to the conclusions in the previous FEIR, the proposed project would result in similar construction impacts but would result in less operation impacts (due to a significant reduction in project truck trips). As such, the proposed project's criteria pollutant impacts would be less than significant, would not require mitigation and would not be cumulatively considerable. Therefore, the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### *Greenhouse Gas Emissions*

As previously discussed herein, unlike the previously approved project, the proposed project would result in a less than significant impact related to GHG emissions as a result of 2022 CAP consistency. Therefore, no mitigation is necessary and impacts would not be cumulatively considerable and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

### *Transportation*

As discussed herein, the proposed project would be consistent with the analysis in the previous FEIR and, like the previously approved project, would exceed the applicable VMT per employee threshold. As such, implementation of previous MM TRANS-1 would be required. Like the previously approved project, because the effectiveness of the MM cannot be assured, impacts would remain significant and unavoidable and cumulatively considerable. Therefore, the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## c) Adverse Effects on Human Beings

## Previous FEIR Conclusions

The previous FEIR concluded that the proposed project could cause adverse effects on human beings, either directly or indirectly. Because the previous FEIR concluded that there would be significant unavoidable impacts, and because those impacts related to air quality and greenhouse gas emissions could directly and indirectly impact human beings, impacts would be significant and unavoidable in this regard.

### Proposed Project Analysis and Conclusion

Based on the information provided throughout this Addendum, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly, because, unlike the previously approved project, the project's potential impacts would be mitigated to a less than significant level including those related to air quality and greenhouse gas emissions. Emergency access, noise conditions, and public service and utility demands remain within the scope originally analyzed. Therefore, impacts would be less than significant, and the proposed project would not result in a new or more severe adverse impact that was not identified in the previous FEIR.

## Mitigation Measures

Implement MM AIR-3, MM BIO-1, MM CULT-1, MM CULT-2, and MM TRANS-1.

## Conclusion

Consistent with the previous FEIR, the proposed project would result in significant impacts related to Mandatory Findings with respect to VMT. However, no new impacts are found.

The proposed project is consistent with the development evaluated in the previous FEIR and would not result in any new impacts or increase the severity of any previously identified impacts as compared to what was already identified and disclosed, either individually or cumulatively.

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