



DRAFT SUBSEQUENT ENVIRONMENTAL
IMPACT REPORT FOR THE

Gateway-Main Street Specific Plan

State Clearinghouse No. 2024070432

PREPARED FOR:

City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95030

ATTENTION:

Jay Lee
Planning Director

April 2025

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LIST OF ABBREVIATIONS

°C	degrees Celsius
°F	Fahrenheit
2022 Scoping Plan	<i>Final 2022 Scoping Plan for Achieving Carbon Neutrality</i>
2022 SIP	2022 State SIP Strategy
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACC	Advanced Clean Cars
ACWD	Alameda County Water District
ADA	Americans with Disabilities Act
ADT	average daily trips
AFY	acre-feet per year
ALUCP	Airport Land Use Commission Plan
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
Basin Plan	San Francisco Bay Basin (Region 2) Water Quality Control Plan
BAWSCA	Bay Area Water Supply & Conservation Agency
BIOS	Biogeographic Information and Observation System
BMP	best management practice
CA MUTCD	<i>California Manual on Uniform Traffic Control Devices</i>
CA SDWA	California Safe Drinking Water Act
CAA	Clean Air Act
CAAA	federal Clean Air Act Amendments of 1990
CAAQS	California ambient air quality standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation

CBSC	California Building Standards Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CD	Community Design
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA Guide	BAAQMD's <i>2022 CEQA Guidelines</i>
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CGC	California Government Code
CH ₄	methane
CI	carbon intensity
CIP	Capital Improvement Program
CIR	Circulation
City	City of Milpitas
CIWMA	California Integrated Waste Management Act
CMA	Congestion Management Agency
CMP	Congestion Management Program
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CON	Conservation and Sustainability
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CTP	California Transportation Plan
CUPA	Certified Unified Program Agencies
CWA	Clean Water Act
CWC	California Water Code
dB	decibels
DHS	California Department of Health Services
diesel PM	exhaust from diesel engines
DOF	California Department of Finance
DOT	U.S. Department of Transportation

Draft SEIR	draft subsequent environmental impact report
DWR	California Department of Water Resources
ECA	Essential Connectivity Area
EO	Executive Order
EPA	US Environmental Protection Agency
EPAct	Energy Policy Act of 1992
ESA	Endangered Species Act
EV	electric vehicle
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FTA	Federal Transit Administration
General Plan Update EIR	Draft EIR for the Milpitas General Plan Update
General Plan	City of Milpitas General Plan 2040
GHG	greenhouse gas
GHGRP	greenhouse gas reduction plan
HAP	hazardous air pollutant
HRA	health risk assessment
HVAC	heating, ventilation, and air conditioning
Hz	hertz
I	Interstate
ICM	Integrated Catchment Modeling
IEPR	Integrated Energy Policy Report
in/sec	inches per second
IPaC	Information for Planning and Consultation
IWRP	integrated water resources planning study
LCFS	Low Carbon Fuel Standard
LDIGR	<i>Interim Local Development Intergovernmental Review</i>
L _{dn}	Day-Night Level
L _{eq}	Equivalent Continuous Sound Level
LID	Low Impact Development
L _{max}	Maximum Sound Level
LOS	level of service
loudness	amplitude

LRA	Local Responsibility Areas
LRT	light rail transit
LU	Land Use
MBTA	Migratory Bird Treaty Act
MCL	maximum contaminant level
Metro Plan	Milpitas Metro Specific Plan
MFD	Milpitas Fire Department
mgd	million gallons per day
Midtown SP EIR	Environmental Impact Report for the Midtown Specific Plan
MLD	most likely descendant
MMC	Milpitas Municipal Code
MMTCO ₂ e	million metric tons of carbon dioxide equivalent
mPa	micro-Pascals
MPD	Milpitas Police Department
MPO	metropolitan planning organization
MSI	Milpitas Sanitation, Inc.
MTC	Metropolitan Transportation Commission
MTC/ABAG	Metropolitan Transportation Association/Association of Bay Area Governments
MTIP	Metropolitan Transportation Improvement Program
MTP/SCS	metropolitan transportation plan/sustainable communities strategy
MUSD	Milpitas School District
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NFIP	National Flood Insurance Program
NO	nitric oxide
NO ₂	nitrogen dioxide
NOP	notice of preparation
NO _x	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWIC	Northwest Information Center at Sonoma State University
OO	Gateway Office Overlay
OPR	Governor's Office of Planning and Research
ozone	photochemical smog

PG&E	Pacific Gas and Electric Company
pitch	frequency
PM	particulate matter
PM ₁₀	respirable particulate matter with aerodynamic diameter of 10 micrometers or less
PM _{2.5}	fine particulate matter with aerodynamic diameter of 2.5 micrometers or less
PPV	peak particle velocity
PRC	Public Resources Code
PV	solar photovoltaic
RHNA	Regional Housing Need Allocation
RMS	root-mean-square
ROG	reactive organic gases
ROW	right-of-way
RPS	California's Renewable Portfolio Standard
RTP	regional transportation plan
RTP/SCS	Regional Transportation/Sustainable Communities Strategy
RWF	Regional Wastewater Facility
RWQCB	regional water quality control board
SAF Plan	State Alternative Fuels Plan
SB	Senate Bill
SBWR	South Bay Water Recycling
SCCLD	Santa Clara County Library District
SCS	sustainable communities strategy
SCVHP	Santa Clara Valley Habitat Plan
SCVURPPP	Santa Clara Valley Urban Runoff Prevention Program
SCVWD	Santa Clara Valley Water District
SDMP	Storm Drain Master Plan
SDWA	Safe Drinking Water Act
SEIR	subsequent environmental impact report
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SGMA	Sustainable Groundwater Management Act of 2014
SIP	State implementation plan
SJWC	San Jose Water Company
SMART	Simple Mobile Access to Reliable Transit
SO ₂	sulfur dioxide

SOI	Sphere of Influence
Specific Plan Area	Gateway-Main Street Specific Plan Area
Specific Plan	Gateway-Main Street Specific Plan
SPL	sound pressure level
SR	State Route
SSMP	sanitary sewer management plan
SVCE	Silicon Valley Clean Energy
SWRCB	State Water Resources Control Board
TAC	Toxic air contaminants
TAG	<i>City of Milpitas Transportation Analysis Guidelines</i>
TASP	Milpitas Transit Area Specific Plan
TCR	tribal cultural resource
TDM	Transportation Demand Management
TOD	Transit-Oriented Development
TPBMP	<i>City of Milpitas Trail, Pedestrian, and Bicycle Master Plan</i>
UPRR	Union Pacific Railroad
USFWS	US Fish and Wildlife Service
UWMP	City's 2020 Urban Water Management Plan
UWMPA	Urban Water Management Planning Act
VdB	vibration decibels
VMT Report	<i>Milpitas Gateway-Main Street Specific Plan: Vehicle Miles Traveled for the Environmental Review</i>
VMT	vehicle miles traveled
VTA	Santa Clara Valley Transportation Authority
VTP	<i>Santa Clara Valley Transportation Plan</i>
WMP	Water Master Plan
WSA	water supply assessment
WSCP	Water Shortage Contingency Plan
ZEV	zero-emission vehicle
ZWED	Zanker Organic Digester Facility

EXECUTIVE SUMMARY

ES.1 INTRODUCTION

This summary is provided in accordance with California Environmental Quality Act Guidelines (State CEQA Guidelines) Section 15123. As stated in Section 15123(a), “an EIR [environmental impact report] shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical.” As required by the guidelines, this chapter includes a summary description of the Gateway-Main Street Specific Plan (Specific Plan), a synopsis of environmental impacts and recommended mitigation measures (Table ES-1), identification of the alternatives evaluated and of the environmentally superior alternative, and a discussion of the areas of controversy associated with the project.

ES.2 SUMMARY DESCRIPTION OF THE PROJECT

ES.2.1 Project Location

The Gateway-Main Street Specific Plan Area (Specific Plan Area) is approximately 605 acres within the City. The City, located in northern Santa Clara County, within the South San Francisco Bay Area, is situated north of San Jose and east of Santa Clara, Sunnyvale, and Mountain View along State Route 237 (Highway 237) (Figure 2-1). The City is served by three major freeways: Interstate (I)-880, I-680, State Route 237 (Highway 237)/Calaveras Boulevard, and the County-managed Montague Expressway.

ES.2.2 Background and Need for the Project

The Midtown Plan, adopted in 2002 and updated in 2010, is the predecessor plan to the proposed Milpitas Gateway-Main Street Specific Plan. Its aim was to respond to a series of development activities in the Midtown area, including the construction of new housing, reinvestment in the Great Mall, and the future extension of the VTA Light Rail Transit line and BART to the area by creating a cohesive Specific Plan for Midtown.

The Milpitas General Plan Update, adopted in 2021, is the guiding, long-term plan and policy document for the physical development of the city through 2040. The City’s General Plan Land Use Element designates the adopted Midtown Plan area as Milpitas Gateway-Main Street Specific Plan (Specific Plan). The General Plan includes the following actions related to the development of the proposed Specific Plan: Action LU-2A to maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community ‘gathering place’ while maintaining needed industrial, service and commercial uses; and Action ED-3H to work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use.

The Specific Plan Area includes the historic commercial core of the city, centered on Main Street and the Calaveras Gateway. The proposed Specific Plan would update the vision, standards, and policies of the Midtown Plan. The project would implement the General Plan goals and policies to update the Midtown Plan with a focus on revitalizing Main Street as the city’s historic core and improving Calaveras Boulevard as a western gateway into the city.

ES.2.3 Project Objectives

The objectives are based on the proposed Specific Plan vision and are intended to achieve the following:

- ▶ Develop a center for the City composed of districts and neighborhoods organized around hubs of activity to improve the character of the area with high quality development, landscaping, and streetscape design.

- ▶ Integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes.
- ▶ Improve mobility and access for infill and mixed-use development in the community, through creation of complete streets, trails and transit improvements to support a walkable and bikeable urban community.
- ▶ Create diverse and meaningful public open space that builds on the assets of its location to support new public realm streetscape improvements, urban parks, plazas, special gathering places, and connected open space.

ES.2.4 Characteristics of the Project

Specific plans are a land use planning tool for the further implementation of the General Plan for individual development proposals in a defined geographic area. They give local land use agencies the ability to establish land use and design regulations to create development that is consistent with site-specific physical constraints and opportunities as well as available infrastructure. All subsequent development within the boundaries of the specific plan area is subject to the requirements of the specific plan. Sections 65450 through 65457 of the California Government Code grant authority to the City for the development and adoption of specific plans.

The purpose of the proposed Specific Plan is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbot District.

The Specific Plan proposes a new project area boundary, which includes additional areas that currently have other designations in the General Plan Land Use Element and removes areas south of Great Mall Parkway that were included in the Midtown Plan. The proposed Specific Plan Land Use Framework would implement the vision for the Specific Plan focus areas through Specific Plan Zoning Districts and existing Citywide Zoning Districts.

ES.3 ENVIRONMENTAL IMPACTS AND RECOMMENDED MITIGATION MEASURES

ES.3.1 Project-Specific Impacts

This Subsequent EIR (SEIR) has been prepared pursuant to the CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 1500, et seq.) to evaluate the physical environmental effects of the proposed Specific Plan. The City of Milpitas (City) is the lead agency for the project. The City has the principal responsibility for approving and carrying out the project and for ensuring that the requirements of CEQA have been met.

Table ES-1, presented at the end of this chapter, provides a summary of the environmental impacts for the project. The table provides the level of significance of the impact before mitigation, recommended mitigation measures, and the level of significance of the impact after implementation of the mitigation measures.

ES.3.2 Significant-and-Unavoidable Impacts and Cumulative Impacts

As documented throughout Chapter 3 (Sections 3.1 through 3.12) and Chapter 4, "Cumulative Impacts," of this Draft SEIR, after implementation of the recommended mitigation measures, all of the impacts associated with the project would be reduced to a less-than-significant level or remain significant and unavoidable as identified in the General Plan Update EIR, with the exception of the following impacts identified for the proposed Specific Plan that would be significant and unavoidable:

- ▶ Impact 3.4-1 (Cause a Substantial Adverse Change in the Significance of a Historical Resource)
- ▶ Impact 3.4-2 (Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources)
- ▶ Impact 3.4-3 (Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource)
- ▶ Impact 3.8-2 (Generate a Substantial Increase in Long-Term Transportation Noise Levels)
- ▶ Cumulative Impact 4.4.4-1 (Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources)
- ▶ Cumulative Impact 4.4.8-2 (Contribute to Cumulative Traffic Noise Impacts)
- ▶ Cumulative Impact 4.4.11-1 (Contribute to Cumulative Impacts Related to Vehicle Miles Traveled)

ES.4 ALTERNATIVES TO THE PROPOSED PROJECT

The following provides brief descriptions of the alternatives evaluated in this Draft SEIR.

- ▶ **Alternative 1: No Project Alternative** assumes that the existing Midtown Plan and the associated General Plan land use designations and zoning would remain. No specific plan document would be adopted.
- ▶ **Alternative 2: Increased Residential Development for Main Street and Crossroad Districts Alternative** consists of the proposed Specific Plan modified that would apply the Specific Plan development incentives identified in Section 2.4.4, "Development Incentives," of Chapter 2, "Project Description," to the Main Street and Crossroad Districts to increase residential development beyond the proposed Specific Plan.

ES.5 AREAS OF CONTROVERSY

State CEQA Guidelines Section 15123 requires the summary section of a Draft EIR to identify the areas of controversy known to the lead agency, including issues raised by agencies and the public. State CEQA Guidelines Section 15123 requires the summary section of a Draft EIR to identify issues to be resolved related to the proposed project.

A notice of preparation (NOP) was distributed for the Specific Plan SEIR on July 15, 2024, to responsible agencies, interested parties, and organizations, as well as private organizations and individuals that may have an interest in the project. A virtual public scoping meeting was held on August 1, 2024. The purpose of the NOP and the scoping meeting was to provide notification that an SEIR for was being prepared for the Specific Plan and to solicit input on the scope and content of the environmental document. The NOP and responses to the NOP are included in Appendix A of this Draft AEIR. Key concerns and issues that were expressed during the scoping process included the following:

- ▶ Construction and operational traffic impacts of the Specific Plan in combination with other anticipated development in the area;
- ▶ Request to prepare a Water Supply Assessment to evaluate the proposal's consistency with the City's Urban Water Management Plan and available water supplies to serve the development; water conservation measures; sufficient water supplies.
- ▶ Concerns related to Valley Water-owned fee title property and easements for Valley Water's Milpitas Pipeline and Lower Penitencia Creek within the Specific Plan Area as it relates to Valley Water encroachment permit requirements;
- ▶ Concerns related to stream resources including mainstems, tributaries, drainages and floodplains associated with Penitencia Creek that may require notification to the LSA Program., migratory birds, fully protected species.
- ▶ Concerns related to nesting bird surveys, bats, Crotch's bumble bee, and the Western Burrowing Owl;
- ▶ Concerns related to City and County of San Francisco owned in fee several parcels, and one easement, within the Specific Plan Area; San Francisco Public Utilities Commission (SFPUC) Right of Way parcels; consistency with SFPUC land use policies; and

- ▶ Concerns related to cultural and tribal cultural resources and compliance with AB 52 and SB 18 requirements.
- ▶ These issues are each addressed in this Draft SEIR.

ES.6 ISSUES TO BE RESOLVED

Section 15123 of the State CEQA Guidelines requires the summary section of a Draft EIR to identify issues to be resolved in the EIR, including the choice among alternatives and whether or how to mitigate the significant project effects. The following issues, in addition to the areas of controversy, are identified to be resolved:

- ▶ whether the proposed Specific Plan should be approved, modified, or denied;
- ▶ whether the is consistent with the City of Milpitas General Plan; and
- ▶ whether the mitigation measures identified in the Draft SEIR should be applied to the proposed Specific Plan.

Table ES-1 Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Aesthetics			
Impact 3.1-1: Have a Substantial Adverse Effect on a Scenic Vista	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.1-2: Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality in an Urbanized Area	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.1-3: Light and Glare Impacts	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Air Quality			
Impact 3.3-1: Conflict with or Obstruct Implementation of the Applicable Air Quality Plan, or Result in a Cumulatively Considerable Net Increase of Criteria Pollutants	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-2: Expose sensitive receptors to substantial TAC concentrations	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-3: Result in Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Biological Resources			
Impact 3.3-1: Substantially Affect Special-Status Plant Species Either Directly or Through Habitat Modifications	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.3-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-3: Substantially Affect any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, or Regulations or by CDFW or USFWS	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-4: Interfere with or Impede the Use of Wildlife Nurseries	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-5: Have A Substantial Adverse Effect on State or Federally Protected Wetlands and Waters	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-6: Conflict with Local Policies and Ordinances	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

Cultural, and Tribal Cultural Resources

Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource	PS	<p>Mitigation Measure 3.4-1a: Conduct Project-Specific Level Surveys Prior to altering or otherwise affecting a building or structure 50 years old or older and has not been previously evaluated as a potential historic resource, the City shall require the project applicant to retain a qualified architectural historian to evaluate and record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation. Its significance shall be assessed by a qualified architectural historian and evaluated against NRHP, CRHR, and local criteria. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance. For buildings or structures that do not meet significance and integrity criteria, no further mitigation is required.</p> <p>Mitigation Measure 3.4-1b: Historical Resources Documentation Prior to the alteration or demolition of any building or structure that qualifies as a historical resource, a qualified architectural historian, the project applicant, and the City</p>	SU, more severe compared to the General Plan Update EIR
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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>shall consult to consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. If the project cannot avoid modifications to a historic building or structure that would result in a substantial adverse change the City shall ensure that the project applicant have a qualified architectural historian thoroughly documents the building and associated landscaping and setting. If the historic building or structure is eligible or listed on the NRHP, documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the City, the Milpitas Historical Society, and the Milpitas Library. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.</p>	
<p>Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources</p>	<p>PS</p>	<p>Mitigation Measure 3.4-2a: Prepare and Implement Worker Training Program A training program will be provided to all construction personnel active on a given project site prior to implementation of earth moving activities. A qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall prepare the program and provide the training to all construction personnel. The program will include relevant information regarding archaeological resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance as well as the actions that need to be taken after a find is made.</p> <p>Mitigation Measure 3.4-2b: Identify and Protect Unknown Archaeological Resources During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall hire a qualified archaeologist to determine the potential for the project to result in significant impacts. At a minimum, the effort shall include the following steps:</p> <ul style="list-style-type: none"> (i) Record’s search – The qualified archaeologist shall request a record’s search of the entire project area plus a one-half mile buffer from the Northwest Information Center at Sonoma State University. (ii) Surface survey exposed soil – The qualified archaeologist shall complete a pedestrian survey of any exposed soils on the project site. (iii) Reporting – The qualified archaeologist shall complete a report/memo that summarizes the results of the record search and pedestrian survey as well as provides 	<p>SU, more severe compared to the General Plan Update EIR</p>

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		<p>recommendations for additional study and/or mitigation measures to protect and/or reduce significant impacts to archaeological resources, as needed. If indigenous materials are identified, the associated tribe(s) will be contacted by the City and will be given the opportunity to review the report and provide input for consideration.</p> <p>(iv) Preservation in place – The project applicant shall consult with the qualified archaeologist to consider means of avoiding or reducing ground disturbance within the archaeological site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. If avoidance or substantial preservation in place is not possible, the project applicant shall implement Mitigation Measure 3.4-2(e).</p> <p>Mitigation Measure 3.4-2c: Identify and Protect Known Unique Archaeological Resources During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall define each project’s area of effect for archaeological resources. The project applicant shall determine the potential for the project to result in cultural resources impacts, based on the extent of ground disturbance and site modification anticipated for the project. The project applicant shall implement the following steps where it has been determined under Mitigation Measure 3.4-2b(iv) that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with the City, and Native American tribe(s) as applicable, shall:</p> <ol style="list-style-type: none"> 1) Retain a qualified archaeologist to conduct a subsurface investigation of the archaeological site, to ascertain whether buried archaeological materials are present and, if so, the extent of the deposit relative to the project’s area of effects. The project applicant shall be responsible for facilitating access to the archaeological site if it is paved at the moment of testing. If an archaeological deposit is discovered, the archaeologist shall prepare a site record and a written report of the results of investigations and filed with the appropriate Information Center of the California Historical Resources Information System. The archaeological resource shall be evaluated by a qualified archaeologist, who shall determine whether it qualifies as a historical resource or a unique archaeological resource under the criteria of CEQA Guidelines § 15064.5. 2) If the resource does not meet the criteria of CEQA Guidelines § 15064.5, then it shall be noted in the environmental document and no further mitigation is required unless there is a discovery during construction. In the event of a discovery Mitigation Measure 3.4-2e below shall be implemented. However, the archaeological resource may be identified as a tribal cultural resource regardless even if it is determined that it 	

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		<p>is not a unique archaeological resource (See Mitigation Measures 3.4-3b and 3.4-3c below for further information).</p> <p>3) If archaeological material within the project’s area of effects is determined to qualify as a historical resource or a unique archaeological resource (as defined by CEQA), the project applicant shall consult with the qualified archaeologist to prepare a research design and archaeological data recovery plan for the recovery that will capture those categories of data for which the site is significant and implement the data recovery plan prior to or during development of the site. The archaeologist shall prepare a written report of the results of the data recovery and filed with the appropriate Information Center of the California Historical Resources Information System.</p> <p>4) If, in the opinion of the qualified archaeologist and tribe(s) as applicable and in light of the data available, the significance of the site is such that data recovery cannot capture the values of the resource, the project applicant shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, the project applicant shall implement Mitigation Measure 3.4 2d.</p> <p>Mitigation Measure 3.4-2d: Retain Archaeological Monitor During project-specific environmental review of development under the Specific Plan, the project applicant shall retain an archaeological monitor for projects where an archaeological resource cannot be preserved or avoided. The archaeological monitor shall be retained prior to the commencement of any ground-disturbing activities (e.g., tree removals, boring, excavation, drilling, and trenching) for the future projects within 100 feet from all known archaeological resources that have been determined eligible or listed in the CRHR and NRHP, California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. A copy of the executed monitoring agreement shall be submitted to the project applicant and the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries. Monitor logs will identify and describe any discovered archaeological resource. Copies of monitor logs will be provided to the project applicant.</p>	

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		<p>Mitigation Measure 3.4-2e: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-2b and 3.4-2c, in the event that any precontact or historic era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, the project applicant shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. Mitigation Measure 3.4-2b(iv) or Mitigation Measure 3.4-2c and Mitigation Measure 3.4-2d shall be implemented.</p>	
<p>Impact 3.4-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource</p>	<p>PS</p>	<p>Mitigation Measure 3.4-3a: Conduct Tribal Cultural Resources Awareness Training During project-specific environmental review for development under the Specific Plan, the City shall coordinate with California Native American tribe(s) to prepare tribal cultural resource awareness and sensitivity training. All crew members and contractors shall be trained in the protection of tribal cultural resources and sensitive archaeological resources that the tribe(s) deems important. Workers will be trained to halt work if tribal cultural resources or sensitive archaeological resources are encountered and the construction method consists of physical disturbance of land surfaces (e.g., soil disturbance). The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values. The tribe(s) shall determine the most appropriate method of training (e.g., in person, brochure, or archaeological consultant).</p> <p>Mitigation Measure 3.4-3b: Identify and Protect Unknown Tribal Cultural Resources During project-specific environmental review under the Specific Plan, if the City in consultation or coordination with the tribe(s) determines that a project activity may cause a substantial adverse change to a tribal cultural resource, and measures to protect the resource are not otherwise identified in the consultation process, the project applicant shall implement the following steps to identify and protect tribal cultural resources or archaeological resources significant to the tribe that may be present in the project’s area of effects.</p> <p>1) If a tribal cultural resource is identified, the project lead shall consult with the tribe(s) to consider means of avoiding or reducing ground disturbance within the resource boundaries, including minor modifications of building footprint, landscape</p>	<p>SU, more severe compared to the General Plan Update EIR</p>

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		<p>modification, the placement of protective fill (e.g., capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. Similar to Mitigation Measure 3.4-2b(iv).</p> <p>2) If avoidance or substantial preservation in place of tribal cultural resources is not possible, the project lead shall implement Mitigation Measure 3.4-3(c).</p> <p>3) For projects that require subsurface testing of archaeological sites that contain indigenous materials, the project applicant shall retain the Native American tribe(s) to monitor the subsurface testing of the project area that is required under Mitigation Measure 3.4-2c. The type of subsurface testing (e.g., ground-penetrating radar, core, forensic dogs, excavation) shall be coordinated with the consulting tribe(s).</p> <p>Mitigation Measure 3.4-3c: Identify and Protect Known Tribal Cultural Resources If the City determines that avoidance or preservation in place of a tribal cultural resource is not feasible and ground disturbance cannot be avoided, the project lead and Native American tribe(s) as applicable, shall develop a treatment plan. The treatment plan shall include, but not be limited to testing, excavation strategy, research design, resource significance assessment methods, a burial treatment agreement (if applicable), reporting requirements and health and safety procedures. The burial treatment agreement (if applicable) shall include a discussion of reburial options, locations, and potential easements, considering tribal preferences. This may be developed in conjunction with Mitigation Measure 3.4-2c.</p> <p>Mitigation Measure 3.4-3d: Retain a Native American Monitor Irrespective of pedestrian survey or subsurface testing findings, the project lead shall notify the appropriate Native American tribe(s) and retain a representative for tribal cultural resource monitoring prior to the commencement of any ground-disturbing activities within 100 feet from all known tribal and archaeological resources (containing indigenous materials) that have been determined eligible or listed in the CRHR and NRHP, as well as California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. The project applicant shall contact the tribal representatives a minimum of seven days prior to beginning earthwork or other ground disturbing activities; construction activities will proceed if no response is received 48 hours prior to ground disturbing activities. The tribal monitor shall only be present onsite during the construction phases that involve ground disturbing activities, including but not limited to tree removals, boring, excavation, drilling, and trenching. The tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the site grading and excavation activities are completed, or</p>	

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>when the tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources.</p> <p>Mitigation Measure 3.4-3e: Implement Native American Response and Treatment Protocol During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-3b and 3.4-3c, in the event that any tribal cultural resources and/or precontact subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted. The project applicant shall contact the appropriate Native American tribe(s) for their input on the preferred treatment of the find. Mitigation Measure 3.4-3b (1) or Mitigation Measure 3.4-3c and Mitigation Measure 3.4-3d shall be implemented. If artifacts are recovered from significant tribal cultural resources, the first option shall be to transfer the artifacts to an appropriate tribal representative. If possible, accommodations shall be made to reinter the artifacts at the project site or another mutually agreed upon (with the Native American representative) location within the Specific Plan Area. Only if no other options are available will recovered precontact archaeological material be housed at a qualified curation facility, if approved by the consulting tribe(s).</p>	
Impact 3.4-4: Disturb Human Remains	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Energy			
Impact 3.5-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy, During Plan Construction or Operation	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.5-2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Greenhouse Gas Emissions and Climate Change			
Impact 3.6-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.6-2: Consistent with Local Greenhouse Gas Reduction Strategies and Plans	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Land Use and Planning			
Impact 3.7-1: Physically Divide an Established Community	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.7-2: Conflict With any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Noise and Vibration			
Impact 3.8-1: Generate Substantial Short-Term (Construction) Noise	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.8-2: Generate a Substantial Increase in Long-Term Transportation Noise Levels	SU No change in General Plan Update EIR determination	None required	SU No change in General Plan Update EIR determination
Impact 3.8-3: Generate a Substantial Increase in Long-Term Stationary Operational Noise	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

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Impact 3.8-4: Generate Substantial Short-Term (Construction) Vibration	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Population and Housing			
Impact 3.9-1: Induce Substantial Population Growth	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.9-2: Displace Substantial Numbers of Existing People or Housing	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Public Services and Recreation			
Impact 3.10-1: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Fire Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.10-2: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Police Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.10-3: Result in Substantial Adverse Physical Impacts Associated with the Provision of New School Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.10-4: Result in Substantial Adverse Physical Impacts Associated with the Demand for or Provision of New Parks and Other Recreational Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Transportation			
Impact 3.11-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.11-2: Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3(b) Regarding Vehicle Miles Traveled	SU No change in General Plan Update EIR determination	<p>Mitigation Measure 3.11-2a: Implement Commute Trip Reduction Program</p> <p>Future employers shall develop and implement a commute trip reduction program and shall present the strategy to the City of Milpitas for review and approval. The following elements, or equally effective alternatives, shall be provided as part of the Commute Trip Reduction program:</p> <ul style="list-style-type: none"> ▶ ridesharing program, ▶ subsidized or discounted transit passes, ▶ end-of-trip bicycle facilities, ▶ employer-sponsored vanpool, and ▶ guaranteed ride home program. <p>Additionally, the Commute Trip Reduction Program must be complimented with Commute Trip Reduction Marketing to share information, facilitate coordination, and implement marketing for services, infrastructure, and incentives provided by the Commute Trip Reduction Program. The following features, or similar alternatives, shall be implemented to satisfy the Commute Trip Reduction Marketing strategy.</p> <ul style="list-style-type: none"> ▶ On-site or online commuter information services, ▶ Employee transportation coordinators, and ▶ On-site or online transit pass sales <p>Potential Reduction in VMT: Commute Trip Reduction programs discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, thereby reducing VMT. A voluntary commute trip reduction program can reduce employee commute VMT by up to 4.0 percent with full participation of all eligible employees (CAPCOA 2021).</p> <p>Mitigation Measure 3.11-2b: Require Employers to Provide Employer-Sponsored Vanpool or Shuttle Service</p> <p>The project applicant shall require building occupants or tenants (i.e., employer) to implement an employer-based shuttle or vanpool service. For large employers with corporate campuses, this may include running private shuttles to and from neighborhoods where employees live. For smaller employers, or buildings with multiple</p>	SU No change in General Plan Update EIR determination

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		<p>employer tenants, it may involve a shuttle connecting to regional transit, such as a Caltrain station, funded through an organization such as a transportation management association.</p> <p>Potential Reduction in VMT: Vanpooling is a flexible form of public transportation that provides groups of five to 15 people with a cost-effective and convenient rideshare option for commuting, thus reducing single-occupancy trips and VMT. Employer-sponsored vanpool can reduce employee commute VMT by up to 7 percent (Fehr & Peers 2024).</p> <p>Mitigation Measure 3.11-2c: Provide a Ridesharing Program Building occupants or tenants who provide employment for 50 people or more shall develop and implement ridesharing programs. The following strategies provide examples of a multifaceted approach for promoting a rideshare program:</p> <ul style="list-style-type: none"> ▶ designating a certain percentage of desirable parking spaces for ridesharing vehicles, ▶ designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles, and ▶ providing an app or website for coordinating rides. <p>Potential Reduction in VMT: Ridesharing encourages carpooled vehicle trips in place of single-occupancy vehicle trips, thereby reducing the number of trips and VMT. Ridesharing programs can reduce employee commute VMT by up to 8 percent (CAPCOA 2021).</p> <p>Mitigation Measure 3.11-2d: Implement Carshare Program The project applicant shall increase carshare access in the user’s community by deploying conventional carshare vehicles.</p> <p>Potential Reduction in VMT: Carsharing offers people convenient access to a vehicle for personal or commuting purposes. This helps encourage transportation alternatives and reduces vehicle ownership, thereby reducing VMT. Carsharing can reduce VMT by up to 0.15 percent in the plan area (CAPCOA 2021).</p> <p>Measure 3.11-2e: Establish a Bikeshare, Electric Bikeshare, and Scootershare Program Establish a bikeshare and scootershare program that provides users with on-demand access to bicycles, electric pedal assist bicycles, and electric scooters for short-term rentals.</p> <p>Potential Reduction in VMT: This encourages a mode shift from vehicles to active modes of transportation, displacing VMT. Establishing bikeshare, electric bikeshare, and scootershare programs can result in up to 0.02 percent, 0.06 percent, and 0.07 percent VMT reduction in plan area, respectively (CAPCOA 2021).</p>	

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		<p>Measure 3.11-2f: Implement On-Street Market Price Parking The City shall establish pricing all on-street parking in central business districts, employment centers, and retail centers within the Specific Plan area.</p> <p>When pricing on-street parking, best practice is to allow for dynamic adjustment of prices to ensure approximately 85 percent occupancy, which helps prevent induced VMT due to circling behaviors as individuals search for a vacant parking space. In addition, this method should primarily be implemented in areas with available alternatives to driving, such as transit availability within 0.5. mile or areas of high residential density nearby (allowing for increased walking/biking). If the measure is implemented in a small area, residential parking permit programs should be considered to prevent parking intrusion on nearby streets in residential areas without priced parking.</p> <p>Potential Reduction in VMT: Increasing the cost of parking increases the total cost of driving to a location, incentivizing shifts to other modes and thus decreasing total VMT to and from the priced areas. On-street market price parking can reduce VMT by up to 30 percent in the plan area (CAPCOA 2021).</p>	
Impact 3.11-3: Substantially Increase Hazards Due to a Geometric Design Feature or Incompatible Uses	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.11-4: Result in Inadequate Emergency Access	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Utilities and Service Systems			
Impact 3.12-1: Construction Impacts of New or Expanded Water, Wastewater Treatment, or Storm Water Drainage, Electric Power, Natural Gas, or Telecommunications Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.12-2: Have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

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Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.12-3: Have Adequate Wastewater Treatment Capacity	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.12-4: Solid Waste Facilities and Compliance with Solid Waste Statutes and Regulations	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Cumulative Impacts			
Impact 4.4.1-1: Contribute to Cumulative Visual Resources Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.1-12 Contribute to Cumulative Light and Glare Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.2-1: Contribute to Cumulative Conflicts with or Obstruction of Implementation of an Applicable Air Quality Plan	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.2-2: Contribute to Cumulative Exposure of TACs	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.2-3: Contribute to Cumulative Exposure of Odors	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.3-1: Contribute to Cumulative Impacts on Biological Resources	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.4-1: Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources	Cumulatively considerable	Implementation of Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2a through 3.4-2e, and 3.4-3a through 3.4-3e would assist, but not fully mitigate, this impact. No additional measures are available	Cumulatively considerable and SU
Impact 4.4.5-1: Contribute to Cumulative Energy Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable

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Impact 4.4.6-1: Contribute to Cumulative Greenhouse Gas Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.7-1: Physically Divide an Established Community	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.7-2: Conflict with Any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.8-1: Contribute to Cumulative Construction Noise and Vibration Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.8-2: Contribute to Cumulative Traffic Noise Impacts	Cumulatively considerable	None required	Cumulatively considerable and SU
Impact 4.4.8-3: Contribute to Cumulative Operational Noise Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.9-1: Contribute to Cumulative Inducement of Unplanned Growth or Displacement	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.10-1: Contribute to Cumulative Impacts on Public Services and Recreation	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.11-1: Transit Service and Facilities, Bicycle Facilities, and Pedestrian Facilities	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.11-2: Vehicle Miles Traveled	Cumulatively considerable	None required	Cumulatively considerable and SU
Impact 4.4.11-3: Geometric Design Hazards	Less than cumulatively considerable	None required	Less than cumulatively considerable

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Impact 4.4.11-4: Emergency Access	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.12-1: Contribute to Cumulative Impacts Related to Water Supply	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.12-2: Contribute to Cumulative Impacts Related to Wastewater	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.12-2: Contribute to Cumulative Impacts Related to Solid Waste	Less than cumulatively considerable	None required	Less than cumulatively considerable

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

1 INTRODUCTION

This Draft Subsequent Environmental Impact Report (Draft SEIR) evaluates the environmental impacts of the proposed Specific Plan. This Draft SEIR has been prepared under the direction of the City of Milpitas (City) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines. This chapter of the Draft SEIR provides information on:

- ▶ the project requiring environmental analysis (synopsis);
- ▶ the type, purpose, and intended uses of the Draft SEIR;
- ▶ effects found not to be significant;
- ▶ the agency roles and responsibilities;
- ▶ the public review process;
- ▶ the organization of the Draft SEIR; and
- ▶ the standard terminology.

1.1 PROJECT BACKGROUND

The purpose of the Gateway-Main Street Specific Plan (Specific Plan) is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbott District. The Specific Plan would require amendments to the General Plan as changes to the boundaries and land use and development standards of the adopted Midtown Plan Area are proposed. The Specific Plan proposes a new project area boundary that removes the portion of the Midtown Specific Plan Area south of the Great Mall Parkway, and adds area in the northwestern portion of the Specific Plan Area. The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation of an incentive program. This would also include alterations in nonresidential development potential through mixed-use development.

For further information on the proposed Specific Plan, see Chapter 2, "Project Description."

1.2 TYPE, PURPOSE, SCOPE, AND INTENDED USES OF THIS DRAFT SEIR

Pursuant to State CEQA Guidelines Section 15162, an SEIR should be prepared if an EIR has been certified for a project, but one or more of the following conditions are met:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

- A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
- B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The City certified the General Plan Update and adopted the General Plan Update in March 2021. A summary of the adopted General Plan Update is provided in Section 2.1, "Project Background and Need," of this Draft SEIR. Due to the proposed modifications to the adopted General Plan Update, the City has determined that the preparation of a SEIR is the appropriate environmental review document for the project, per the requirements of State CEQA Guidelines Section 15162.

The General Plan Update, Draft EIR and Final EIR are available for review through the City and online at the following locations:

- ▶ <https://www.milpitas.gov/DocumentCenter/View/1147/Milpitas-2040-General-Plan-PDF>
- ▶ [https://www.milpitas.gov/DocumentCenter/View/1342/Notice-of-Determination-and-Final-EIR-PDF?bidId=.](https://www.milpitas.gov/DocumentCenter/View/1342/Notice-of-Determination-and-Final-EIR-PDF?bidId=)

An EIR is a public informational document used in the planning and decision-making process. An EIR assesses the environmental effects related to the planning, construction, and operation of a project and indicates ways to reduce or avoid significant environmental impacts. An EIR also discloses significant environmental impacts that cannot be avoided; any growth-inducing impacts of a project; effects found not to be significant; and significant cumulative impacts of past, present, and reasonably foreseeable future projects in combination with the impacts of the project.

Mitigation has been recommended where feasible to reduce or avoid the project's significant impacts. Mitigation measures from the General Plan Update EIR that were adopted and apply to the Specific Plan are identified. As an informational document for decision makers, a Draft SEIR is not intended to recommend either approval or denial of a project. CEQA requires the decision makers to balance the benefits of a project against its unavoidable environmental impacts. If environmental impacts are identified as significant and unavoidable (i.e., no feasible mitigation is available to reduce the impact to a less-than-significant level), the City may still approve the project if it believes that social, economic, or other benefits outweigh the unavoidable impacts. The City would then be required to make findings and state, in writing, the specific reasons for approving the project, based on information in the Draft SEIR and other information in the administrative record. In accordance with Section 15093 of the State CEQA Guidelines, the document containing such reasons is called a "statement of overriding considerations."

The program-level analysis in this SEIR considers the broad environmental effects of the project consistent with State CEQA Guidelines Section 15168. This SEIR will be used to evaluate subsequent projects and activities under the project. This SEIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the project. Additional environmental review under CEQA may be required for subsequent projects and would be generally based on the subsequent project's consistency with the project and the analysis in this SEIR, as required under CEQA. It may be determined that some future projects or activities under the project may be exempt from further environmental review. When subsequent projects or activities under the project are proposed, the City will examine the projects or activities to determine whether their effects were adequately analyzed in the General Plan Update EIR and this SEIR (CEQA Guidelines Section 15168[c]).

1.3 EFFECTS FOUND NOT TO BE SIGNIFICANT

CEQA allows a lead agency to limit the detail of discussion of environmental effects that are not potentially significant (PRC Section 21100, State CEQA Guidelines Section 15128). Based on a review of comments received on the notice of

preparation (NOP) and at the scoping meeting (Appendix A) as well as additional research and analysis of relevant project data during preparation of this Draft SEIR, it was determined, for reasons described below, that the project would not result in significant environmental impacts to agriculture and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, or wildfire. Accordingly, these resources are not addressed further in this Draft SEIR.

1.3.1 Agriculture and Forestry Resources

The Specific Plan Area is located within the City of Milpitas, an urbanized area in northern Santa Clara County, within the South San Francisco Bay Area. The Specific Plan Area is fully developed and no agricultural, forestry, or timber resources exist on or adjacent to the Specific Plan Area. In addition, the Specific Plan Area is currently zoned for industrial, commercial, and residential purposes. Therefore, the project would not convert farmland, conflict with any zoning for agricultural uses or forest land, result in loss or conversion of forest land or involve other changes in the environment that would result in conversion of farmland or forest land. There would be **no impact** to agriculture or forestry resources.

1.3.2 Geology and Soils

There are known active faults that have been mapped within the city and numerous faults located in the region as illustrated. In addition, the California Geological Survey has established an Alquist-Priolo Earthquake Fault Zone, the Hayward Fault Zone, which traverses the city, east of the Specific Plan Area. All projects would be required to comply with the provisions of the California Building Standards Code (CBSC), which requires development projects to perform geotechnical investigations in accordance with State law, engineer improvements to address potential seismic and ground failure issues, and use earthquake-resistant construction techniques to address potential earthquake loads when constructing buildings and improvements. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, General Plan, and other regulations. In addition to the requirements associated with the CBSC and the Municipal Code, the General Plan includes policies and actions to ensure that development projects address potential geologic hazards, at-risk buildings and infrastructure is evaluated for potential risks, and site-specific studies are completed for area subject to liquefaction.

In addition, it is important to note that environmental impact analyses under CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents unless the proposed project might cause or risk exacerbating environmental hazards or conditions that already exist (State CEQA Guidelines, section 15126.2(a)). In those specific instances, it is the project's impact on the environment and not the environment's impact on the project that compels an evaluation of how future residents or users may be affected by exacerbated conditions (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369). New development would not create new seismic events or exacerbate existing seismic hazards, because limited ground disturbance would not alter seismic and fault conditions in the region.

Therefore, impacts related to geology and soils would be **less than significant**.

1.3.3 Hazards and Hazardous Materials

The use, transportation, and disposal of hazardous materials is regulated and monitored by local fire departments, Certified Unified Program Agencies (CUPA), the California Division of Occupational Safety and Health and the Department of Toxic Substances Control consistent with the requirements of Federal, State, and local regulations and policies. Facilities that store hazardous materials on-site are required to maintain a Hazardous Materials Business Plan in accordance with State regulations. In the event of an accidental release of hazardous materials, the local CUPA and emergency management agencies (e.g., Police and Fire) would respond. All future projects allowed under the Specific Plan would be required to comply with the provisions of Federal, State, and local requirements related to hazardous materials. In addition to the requirements associated with Federal and State regulations and the Municipal Code, the

General Plan includes policies and actions to address potential impacts associated with hazardous materials among other issues. These policies and actions in the General Plan would ensure that potential hazards are identified on a project site, that development is located in areas where potential exposure to hazards and hazardous materials can be mitigated to an acceptable level, and that business operations comply with Federal and State regulations regarding the use, transport, storage, and disposal of hazardous materials. Specifically, Action SA-5a would require that applications for discretionary development projects provide detailed information regarding the potential for the historical use of hazardous materials on the site, using information from databases identifying past soil and/or groundwater contaminations, including the Cortese list. If warranted, identify and require mitigation measures to ensure the exposure to hazardous materials from historical uses has been mitigated to acceptable levels consistent with EPA and/or DTSC standards. As identified in the General Plan Update EIR, there are no hazardous materials release sites located in the General Plan Update Planning Area listed on the Cortese List (City of Milpitas 2021). The General Plan also includes policies and actions to ensure that the City has adequate emergency response plans and measures to respond in the event of an accidental release of a hazardous substance (City of Milpitas 2021). Therefore, impacts related to hazards and hazardous materials would be **less than significant**.

1.3.4 Hydrology and Water Quality

Existing regulatory requirements that manage water quality, and implement the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) include requirements to obtain approval from the Regional Water Quality Control Boards for National Pollutant Discharge Elimination System permits, other discharge permits, Water Quality Management Plans, Storm Water Pollution Prevention Plans, and to implement Best Management Practices. These regulatory requirements are intended to ensure that water quality does not degrade to levels that would violate water quality standards.

Future development projects under the Specific Plan would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge. However, the majority of developable areas within the Santa Clara Plain Recharge Area and Specific Plan Area are currently developed with urban uses. The amount of new pavement and impervious surfaces, and the extent to which they affect infiltration, depends on the site-specific features and soil types of a given project site. However, all new development would be subject to stormwater quality requirements and the implementation of Low Impact Development (LID) measures that would reduce impervious surfaces and promote the use of infiltration in drainage improvements. Projects located within the Specific Plan Area would have less of an impact than projects converting open lands and spaces. Implementation and future development under the proposed Specific Plan would not appreciably add to the volume of impervious surfaces in the Specific Plan Area or the Santa Clara Plain Recharge Area, when compared to the overall size of the regional groundwater basin recharge area. The proposed Specific Plan contains standards to reduce impacts associated with flooding including standards to minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program and require that new development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas as currently laid out in the Milpitas Municipal Code Section XI-15 (Floodplain Management Regulations).

The City manages local storm drain facilities and the Santa Clara Valley Water District (SCVWD) is responsible for regional flood control planning within the County. The City is a participant in the National Flood Insurance Program (NFIP). The NFIP provides property owners and renters with federally backed flood insurance, reduces flood damage through a mandatory local floodplain management ordinance, and identifies and maps flood hazards. The NFIP requires the City to maintain a floodplain management ordinance based upon current FEMA Flood Insurance Rate Maps (FIRMs). The City meets this requirement through the implementation of Floodplain Management Regulations specified in Section XI Chapter 15 of the Milpitas Municipal Code. The 2021 Storm Drain Master Plan outlines proposed land uses for portions of the Specific Plan Area, but not others. Areas with no defined land uses were assigned subbasin-specific hydrology parameters. The Storm Drain Master Plan highlights three low-priority improvements within the Specific Plan Area at: Main Street and Sierra Way; on Comet Drive; and a short segment of Railroad Avenue. Additionally, the report identifies four Capital Improvement Plan storm drain main extensions along Main Street. The proposed Specific Plan contains standards to reduce impacts associated with stormwater and

drainage including standards to provide storm drain infrastructure that is designed to serve new development and meets City standards; construct the improvements within the Specific Plan Area that were identified in the 2021 Storm Drainage Master Plan; and Upgrade and expand the storm drain system in accordance with the Storm Drain Master Plan and as required along new roads within the Specific Plan Area, ensuring it meets the needs of new development to the satisfaction of the City Engineer.

Compliance with mandatory Federal and State regulations, and compliance with the existing City standards and regulations for the SCVURPPP, the City of Milpitas Storm Drainage Master Plan, General Plan policies and the Milpitas Municipal Code requirements, and proposed Specific Plan standards that address drainage and flooding would ensure that impacts to drainage patterns, erosion, and water quality would be less than significant. Therefore, impacts related to hydrology and water quality would be **less than significant**.

1.3.5 Mineral Resources

There are no active mines, no known areas with mineral resource deposits, or mineral or aggregate resources areas of statewide importance located in the City (City of Milpitas 2021). Therefore, **no impact** to mineral resources would occur.

1.3.6 Wildfire

While all of California is subject to some degree of wildfire hazard, the project site is surrounded by urban uses and, therefore, less prone to wildfire.

"Local responsibility areas," which are under the jurisdiction of local entities (e.g., cities, counties), are required to identify very high fire hazard severity zones. Local Responsibility Areas (LRA) are concentrated in the incorporated areas of Milpitas. Milpitas is an LRA that is served by the Milpitas Fire Department. The City of Milpitas or the general vicinity is not categorized as a "Very High" FHSZ by California Department of Forestry and Fire Protection (CAL FIRE). State Responsibility are found to the east of the city limits in the hilly terrain. There are no State Responsibility areas within the city limits of Milpitas, however areas east of the city are designated as "high" FHSZ by CAL FIRE. There are no areas that are designated as a "Very High Fire Hazard" area within the city.

New construction is subject to the City Municipal Code and the California Fire Code, which includes safety measures to minimize the threat of fire. Thus, the project would have **no impact** related to wildfire risk and this issue is not discussed further in this EIR.

1.4 AGENCY ROLES AND RESPONSIBILITIES

1.4.1 Lead Agency

The City of Milpitas is the lead agency responsible for approving and carrying out the project and for ensuring that the requirements of CEQA have been met. After the SEIR public-review process is complete, the City will determine whether to certify the SEIR (see State CEQA Guidelines Section 15090) and approve the project.

1.4.2 Trustee and Responsible Agencies

A trustee agency is a State agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California.

Responsible agencies are public agencies, other than the lead agency, that have discretionary-approval responsibility for reviewing, carrying out, or approving elements of a project. Responsible agencies should participate in the lead agency's CEQA process, review the lead agency's CEQA document, and use the document when making a decision

on project elements. Agencies that may have responsibility for, or jurisdiction over, the implementation of elements of the project include the following:

STATE AGENCIES

- ▶ San Francisco Bay Region Regional Water Quality Control Board (Region 2)

REGIONAL AND LOCAL AGENCIES

- ▶ Bay Area Air Quality Management District

1.5 PUBLIC REVIEW PROCESS

In accordance with CEQA regulations, an NOP was distributed on July 15, 2024, to responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the project. The NOP was available at the City's Planning Department at 455 E. Calaveras Blvd Milpitas, CA 95035.

The purpose of the NOP was to provide notification that an SEIR for the Specific Plan was being prepared and to solicit input on the scope and content of the document. The NOP and responses to the NOP are included in Appendix A of this Draft SEIR.

1.5.1 Public Review of This Draft SEIR

This Draft SEIR is being circulated for public review and comment for a period of **45 days**. During this period, comments from the general public as well as organizations and agencies on environmental issues may be submitted to the lead agency. Please send all comments to:

Jay Lee, Planning Director
City of Milpitas, Planning Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
Phone: (408) 586-3077
Email: jlee@milpitas.gov

Agencies that will need to use the SEIR when considering permits or other approvals for the project should provide the name of a contact person, phone number, and email address. Comments provided by email should include the name and physical address of the commenter.

A copy of this Draft SEIR has been posted on the City's Gateway-Main Street Specific Plan website:
<https://www.milpitasmainstreet.org/>.

Upon completion of the public review and comment period, a final SEIR will be prepared that will include comments on the Draft SEIR received during the public-review period, responses to those comments, and any revisions to the Draft SEIR made in response to public comments. The Draft SEIR and Final SEIR will comprise the SEIR for the project.

Before adopting the project, the lead agency, is required to certify that the SEIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the SEIR, and that the SEIR reflects the independent judgment of the lead agency.

1.6 DRAFT SEIR ORGANIZATION

This Draft SEIR is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Chapter 3, "Environmental Impacts and Mitigation Measures" and Section 3.5, "Energy"):

- ▶ The “Executive Summary”: This chapter introduces the Specific Plan; provides a summary of the environmental review process, effects found not to be significant, and key environmental issues; and lists significant impacts and mitigation measures to reduce significant impacts to a less-than-significant level.
- ▶ Chapter 1, “Introduction”: This chapter provides a synopsis of the project; a description of the type, purpose, and intended uses of this Draft SEIR; effects found not to be significant; a description of the lead and responsible agencies; a summary of the public review process; and a description of the organization of this SEIR; and definitions of standard terminology used in this SEIR.
- ▶ Chapter 2, “Project Description”: This chapter describes the location, background, and goals and objectives for the Specific Plan, and describes the project elements in detail.
- ▶ Chapter 3, “Environmental Impacts and Mitigation Measures”: The sections in this chapter evaluate the expected environmental impacts generated by the Specific Plan, arranged by subject area (e.g., land use, utilities). In each subsection of Chapter 3, the regulatory background, existing conditions, analysis methodology, and thresholds of significance are described. The anticipated changes to the existing conditions after development of the project are then evaluated for each subject area. For any significant or potentially significant impact that would result from project implementation, mitigation measures are presented and the level of impact significance after mitigation is identified. Environmental impacts are numbered sequentially within each section (e.g., Impact 3.2-1, Impact 3.2-2, etc.). Any required mitigation measures are numbered to correspond to the impact numbering; therefore, the mitigation measure for Impact 3.2-2 would be Mitigation Measure 3.2-2.
- ▶ Chapter 4, “Cumulative Impacts”: This chapter provides information required by CEQA regarding cumulative impacts that would result from implementation of the Specific Plan, as well as other past, present, and probable future projects.
- ▶ Chapter 5, “Alternatives”: This chapter evaluates alternatives to the Specific Plan, including alternatives considered but eliminated from further consideration, the No Project Alternative, and alternative development options. The environmentally superior alternative is identified.
- ▶ Chapter 6, “Other CEQA Sections”: This chapter evaluates growth-inducing impacts and irreversible and irretrievable commitment of resources, and discloses any significant and unavoidable adverse impacts.
- ▶ Chapter 7, “Report Preparers”: This chapter identifies the preparers of the document.
- ▶ Chapter 8, “References”: This chapter identifies the organizations and persons consulted during preparation of this Draft SEIR and the documents and individuals used as sources for the analysis.

1.7 STANDARD TERMINOLOGY

This Draft SEIR uses the following standard terminology:

- ▶ “No impact” means no change from existing conditions (no mitigation is needed).
- ▶ “Less-than-significant impact” means no substantial adverse change in the physical environment (no mitigation is needed).
- ▶ “Potentially significant impact” means a substantial adverse change in the environment that might occur (mitigation is recommended because potentially significant impacts are treated as significant).
- ▶ “Significant impact” means a substantial adverse change in the physical environment that would occur (mitigation is recommended).
- ▶ “Significant and unavoidable impact” means a substantial adverse change in the physical environment that would occur and that cannot be avoided, even with the implementation of all feasible mitigation.

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2 PROJECT DESCRIPTION

This chapter presents a detailed description of the proposed Gateway-Main Street Specific Plan (Specific Plan), referred to as the project. The project consists of updates to the adopted Milpitas Midtown Specific Plan (Midtown Plan) including changes to existing zoning and land use to allow for increased density. This chapter describes project location, setting, and background; City of Milpitas (City) objectives; project elements; and anticipated public approvals. This draft subsequent EIR (SEIR) provides a programmatic evaluation of the proposed Specific Plan.

2.1 PROJECT LOCATION AND SETTING

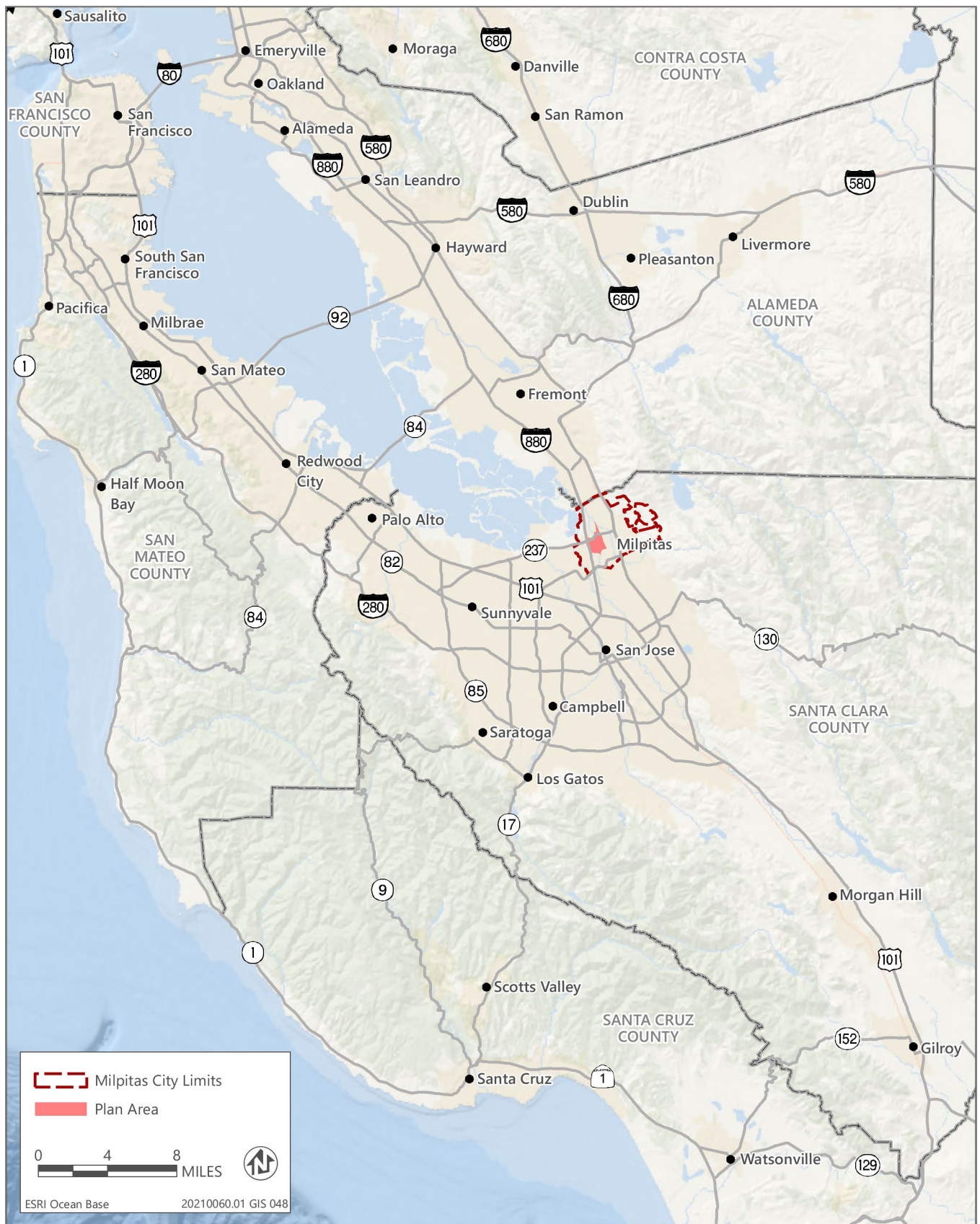
The Gateway-Main Street Specific Plan Area (Specific Plan Area) is approximately 605 acres within the City. The City, located in northern Santa Clara County, within the South San Francisco Bay Area, is situated north of San Jose and east of Santa Clara, Sunnyvale, and Mountain View along State Route 237 (Highway 237) (Figure 2-1). The City is served by three major freeways: Interstate (I)-880, I-680, State Route 237 (Highway 237)/Calaveras Boulevard, and the County-managed Montague Expressway.

2.2 PROJECT BACKGROUND AND NEED

The Midtown Plan, adopted in 2002 and updated in 2010, is the predecessor plan to the proposed Milpitas Gateway-Main Street Specific Plan. Its aim was to respond to a series of development activities in the Midtown area, including the construction of new housing, reinvestment in the Great Mall, and the future extension of the VTA Light Rail Transit line and BART to the area by creating a cohesive Specific Plan for Midtown.

The Milpitas General Plan Update, adopted in 2021, is the guiding, long-term plan and policy document for the physical development of the city through 2040. The City's General Plan Land Use Element designates the adopted Midtown Plan area as Milpitas Gateway-Main Street Specific Plan (Specific Plan). The General Plan includes the following actions related to the development of the proposed Specific Plan: Action LU-2A to maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses; and Action ED-3H to work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use.

The Specific Plan Area includes the historic commercial core of the city, centered on Main Street and the Calaveras Gateway. The proposed Specific Plan would update the vision, standards, and policies of the Midtown Plan. The project would implement the General Plan goals and policies to update the Midtown Plan with a focus on revitalizing Main Street as the city's historic core and improving Calaveras Boulevard as a western gateway into the city.



Source: Adapted by Ascent in 2024.

Figure 2-1 Regional Location

2.2.1 Specific Plan Area

The Specific Plan Area is in the western portion of the city, west of the Union Pacific Railroad (UPRR) line. It encompasses Calaveras Boulevard, Main Street, and the former Midtown Milpitas area bordered by I-880 to the west, the UPRR tracks to the east, and Great Mall Parkway to the south (Figure 2-2). Two rail lines, the UPRR freight line and Bay Area Rapid Transit (BART) commuter rail lines, traverse the Specific Plan Area on the east. The Valley Transportation Authority (VTA) operates light rail transit (LRT) and interconnecting bus lines into the Specific Plan Area along the Great Mall Parkway.

Existing land uses in the Specific Plan Area consist of single-family residential, multi-family residential, retail, office, civic/institutional, park/open space, and industrial uses. Commercial uses (retail, office, and hospitality) are located throughout the Specific Plan Area. A mix of single-family and multi-family housing is scattered throughout the Specific Plan Area. Public uses, including religious, educational, and cultural facilities, comprise a portion of the Specific Plan Area, including the County-operated Elmwood Correctional Facility. Transportation and industrial uses, in the Specific Plan Area, are primarily focused between the two railroad lines. There are currently 2,403 residential units and 1,858,642 square feet of nonresidential uses in the Specific Plan Area.

The Specific Plan proposes a new project area boundary, as shown in Figure 2-3, which includes additional areas that currently have other designations in the General Plan Land Use Element and removes areas south of Great Mall Parkway that were included in the Midtown Plan. The proposed Specific Plan Land Use Framework would implement the vision for the Specific Plan focus areas through Specific Plan Zoning Districts and existing Citywide Zoning Districts.

2.2.2 Existing Land Uses and Zoning

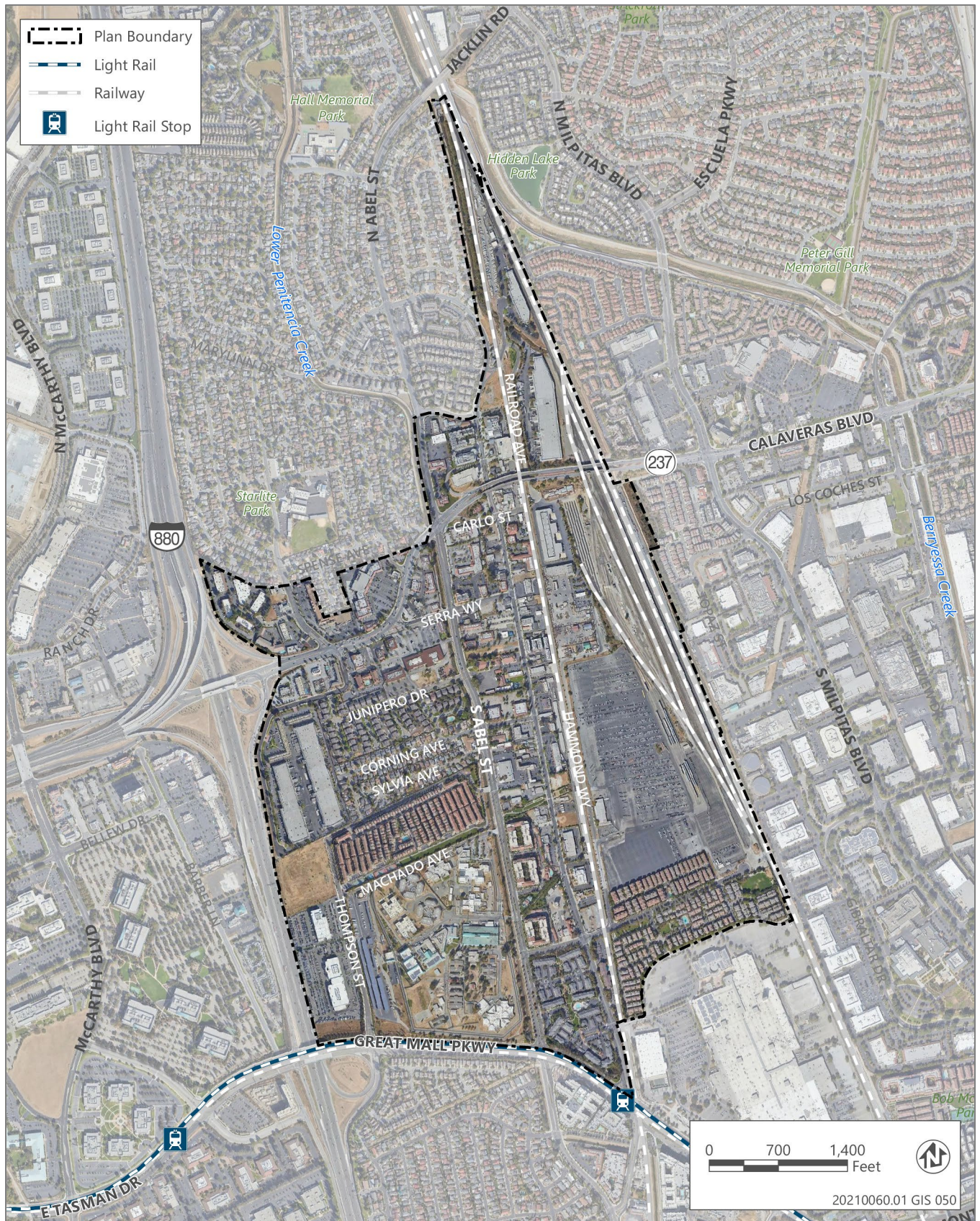
GENERAL PLAN

Existing General Plan land use designations and zoning within the proposed Specific Plan boundary are shown in Figure 2-4. Table 2-1 provides a summary of existing General Plan land use designations and zoning within the Specific Plan Area.

Table 2-1 General Plan Land Use and Zoning

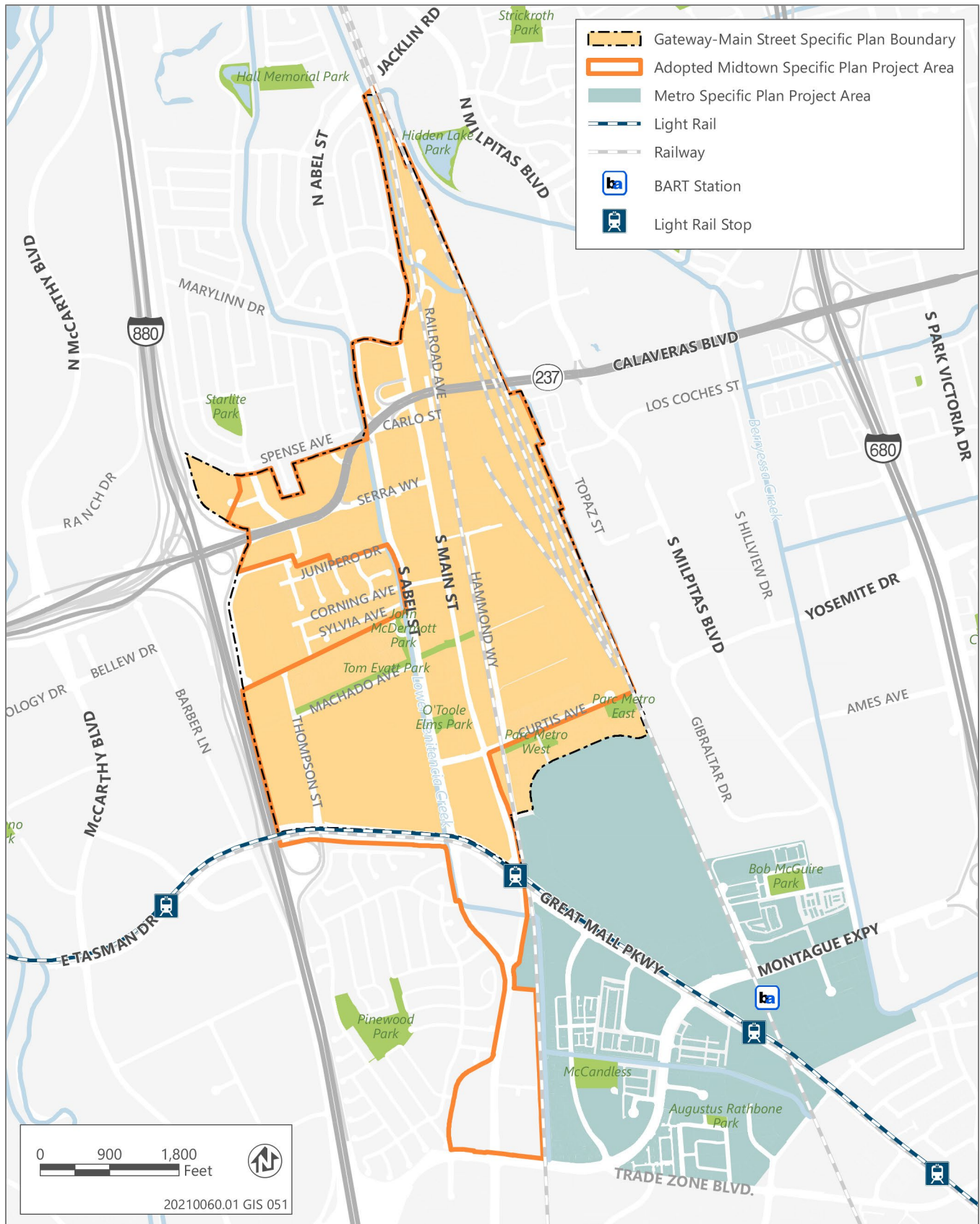
General Plan Land Use Designation within the Midtown Plan Boundary	Existing Zoning	Maximum Density or FAR
Residential		
LDR – Low Density Residential	R1	3-5 du/ac
MDR – Medium Density Residential	R2	6-15 du/ac
HDR – High Density Residential	R3	16-30 du/ac
Commercial/Industrial		
GNC – General Commercial	C2 – General Commercial	0.5 FAR
INP – Industrial Park	M2 – Heavy Industrial	1.0 FAR
Other		
POS – Permanent Open Space	POS – Parks and Open Space District	—

Source: City of Milpitas 2022.



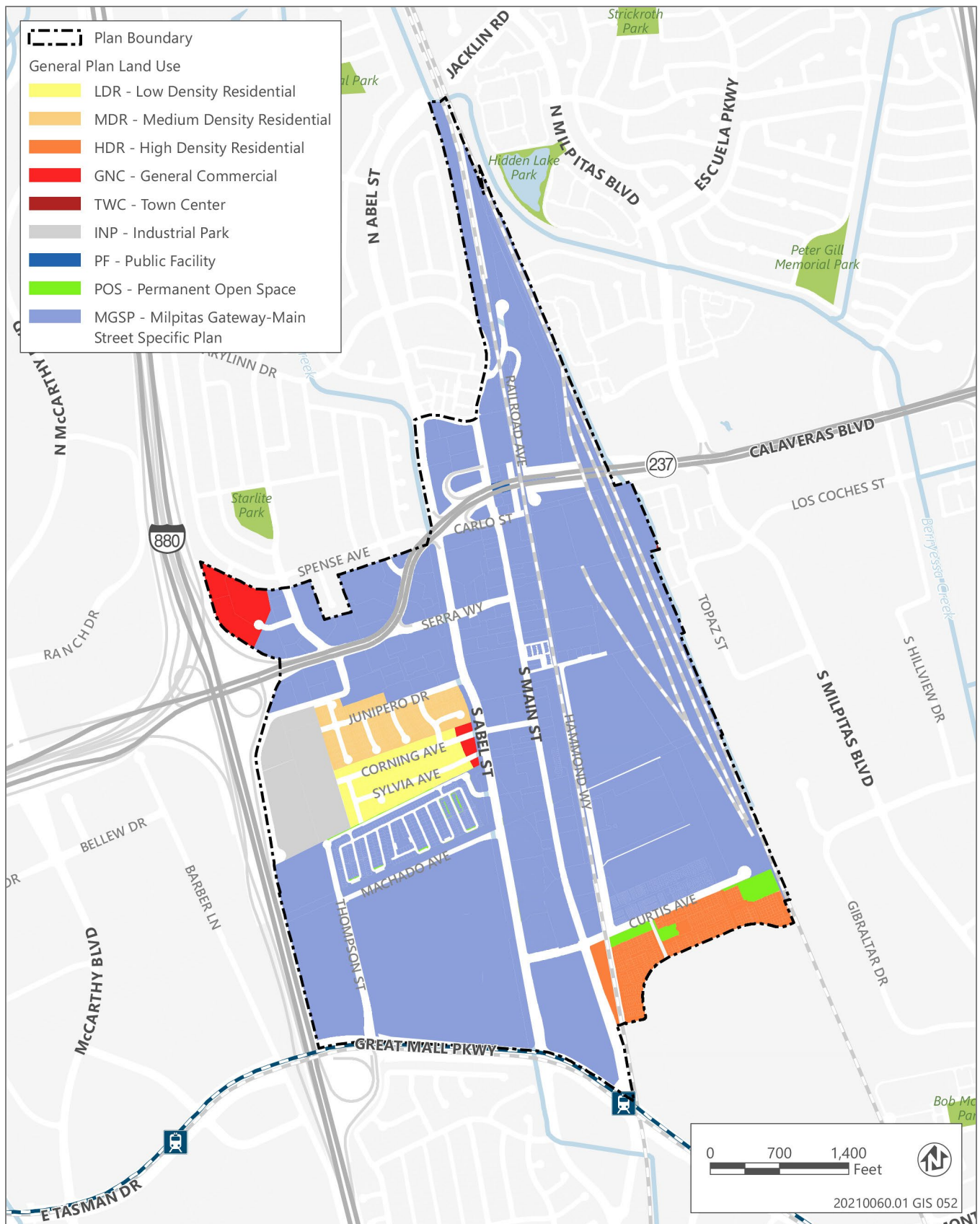
Source: Adapted by Ascent in 2024.

Figure 2-2 Specific Plan Area



Source: Adapted by Ascent in 2024.

Figure 2-3 Specific Plan Boundary Changes



Source: Adapted by Ascent in 2024.

Figure 2-4 General Plan Land Use

ADOPTED MIDTOWN SPECIFIC PLAN

The adopted Midtown Plan land uses are identified in Table 2-2 and shown in Figure 2-5. The Midtown Plan includes two overlay zones, the Transit-Oriented Development (TOD) Overlay and the Gateway Office Overlay (OO). The TOD Overlay zone provides special development standards for multi-family residential in proximity to the Great Mall Station. The OO Overlay zone provides an increase in intensity (FAR) to areas with an underlying commercial designation where “gateway” higher intensity office development was desired. The FAR increase applies to Class A office buildings only and is not applicable to retail or other office buildings. Areas where the overlays apply have already been built out and are proposed to be removed from the Specific Plan Area.

Table 2-2 Midtown Plan Land Use

Specific Plan Land Use Designation	Zoning	Maximum Density or FAR
Low Density Residential (LDR)	Single-Family Residential (R1-6), One-, Two-Family Residential (R2)	R1: 1 du per lot or 3-15 du/ac R2: 7-11 du/ac
Multi-Family High Density (MFH)	Multi-Family High Density Residential (R3)	12-20 du/ac
Multi-Family Very High Density (VHD)	Multi-Family Very High Density Residential (R4)	31-40 du/ac
Retail Subcenter (C1)	Neighborhood Commercial (C1)	0.35 FAR
General Commercial (C2)	General Commercial (C2)	0.50 FAR
Mixed-Use (MXD)	Mixed Use (MXD)	21-30 du/ac; 0.75 FAR
Manufacturing and Warehouse (M2)	Heavy Industrial (M2)	0.40 FAR
Industrial Park (MP)	Industrial Park (MP)	0.50* FAR
Institutional (I)	Institutional (I)	—
Parks and Recreation	Parks and Open Space (POS)	—
Transit-Oriented Development (TOD) Overlay	Transit-Oriented Development (TOD) Overlay	41-60 du/ac; 0.50 FAR
Gateway Office Overlay (OO)	Gateway Office Overlay (OO)	1.50 FAR

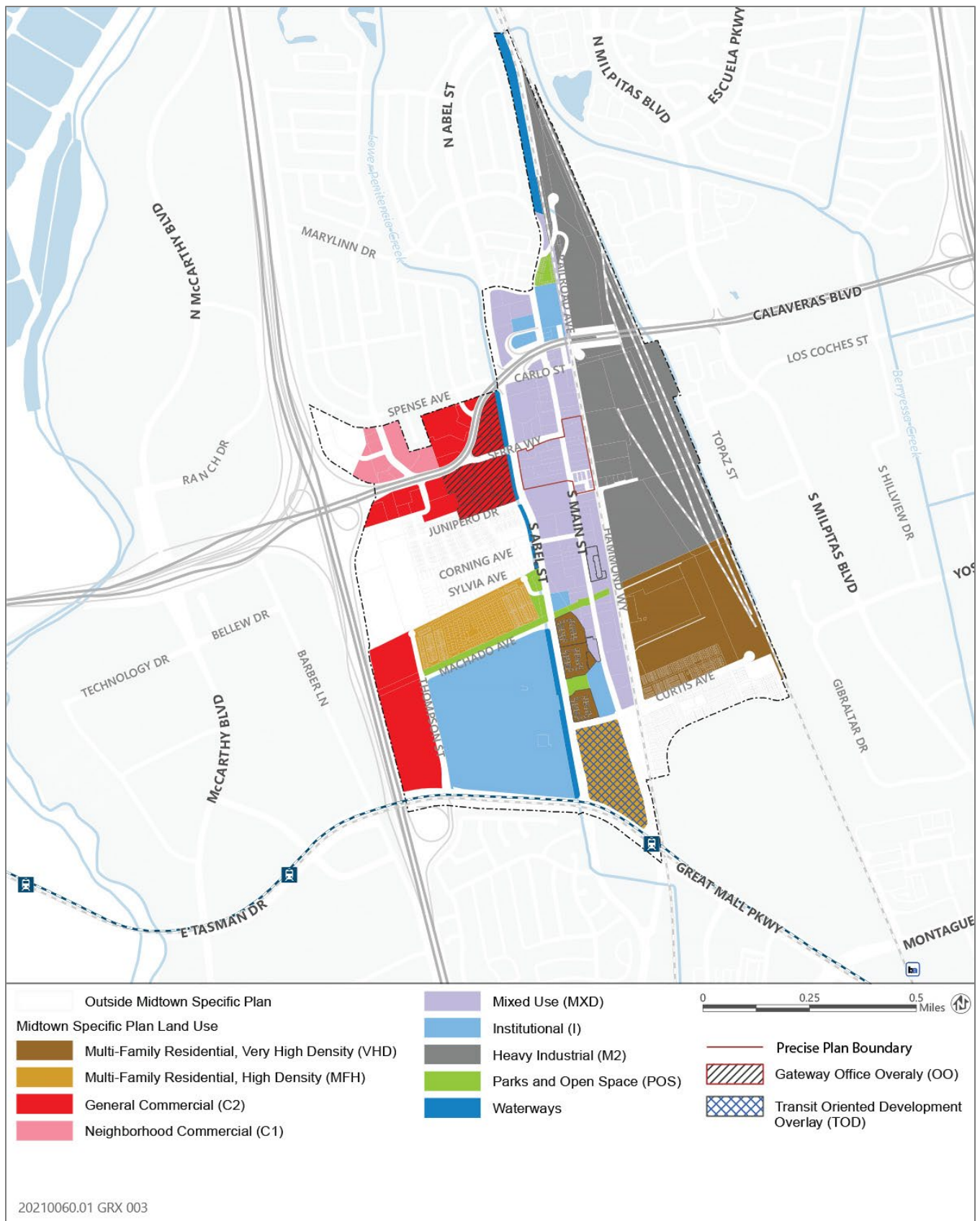
Notes: du/ac – dwelling units per acre, FAR – floor area ratio.

Source: City of Milpitas 2002, City of Milpitas 2022.

2.3 PROJECT OBJECTIVES

The objectives are based on the proposed Specific Plan vision and are intended to achieve the following:

- ▶ Develop a center for the City composed of districts and neighborhoods organized around hubs of activity to improve the character of the area with high quality development, landscaping, and streetscape design.
- ▶ Integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes.
- ▶ Improve mobility and access for infill and mixed-use development in the community, through creation of complete streets, trails and transit improvements to support a walkable and bikeable urban community.
- ▶ Create diverse and meaningful public open space that builds on the assets of its location to support new public realm streetscape improvements, urban parks, plazas, special gathering places, and connected open space.



Source: Adapted by Ascent in 2024.

Figure 2-5 Midtown Plan Land Use

2.4 PROPOSED GATEWAY-MAIN STREET SPECIFIC PLAN

Specific plans are a land use planning tool for the further implementation of the General Plan for individual development proposals in a defined geographic area. They give local land use agencies the ability to establish land use and design regulations to create development that is consistent with site-specific physical constraints and opportunities as well as available infrastructure. All subsequent development within the boundaries of the specific plan area is subject to the requirements of the specific plan. Sections 65450 through 65457 of the California Government Code grant authority to the City for the development and adoption of specific plans.

The purpose of the proposed Specific Plan is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbot District, as illustrated in Figure 2-6.

2.4.1 Specific Plan Areas

Existing neighborhoods would be preserved and enhanced with future improvements in the Specific Plan Area. Neighborhoods are intended to benefit from local area improvements, such as new street, streetscape, and open space trail improvements that would connect residents to adjacent area shops, businesses, parks, and open space. No new development is planned or anticipated in these areas. The proposed Specific Plan provides guidance for the design of edges adjacent to the existing neighborhoods, to create compatible transitions, landscaping, and neighborhood connectivity.

Urban Reserve Areas are areas subject to longer-term planning and further study in the event that future changes of use should occur on these sites. The Elmwood Correctional Facility, North Railyards, and South Railyards are Urban Reserve Areas within the Specific Plan. If and when it is determined that the Urban Reserve Areas or their associated facilities are no longer needed for their current purpose, redevelopment would be coordinated to ensure consistency with the Specific Plan.

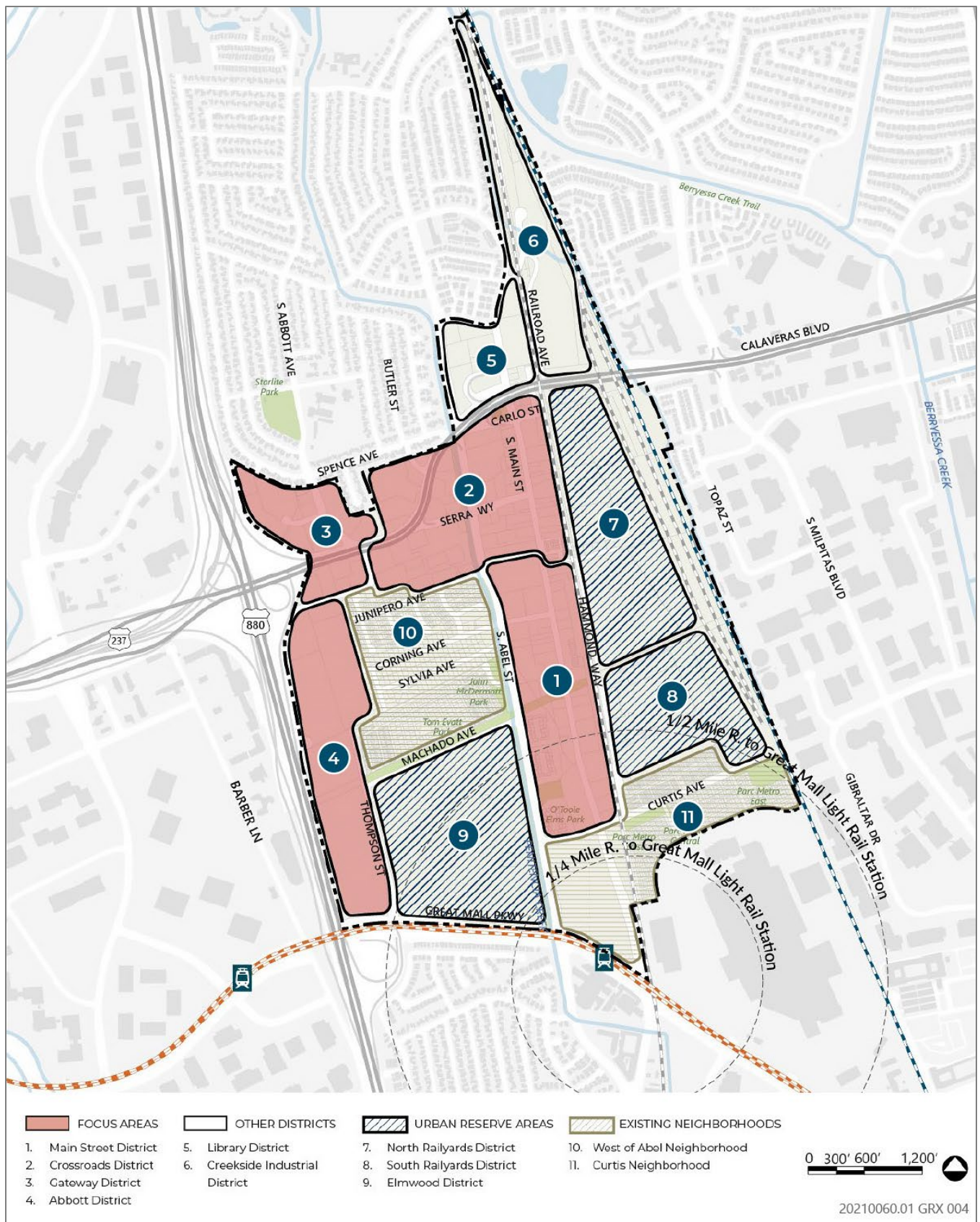
Focus Areas are areas of the Specific Plan targeted to support redevelopment and infill, including streetscape and open space improvements, connectivity improvements, and district branding. The Specific Plan includes four proposed focus areas, Main Street District, Crossroads District, Gateway District, and Abbott District, described below.

MAIN STREET DISTRICT

The Main Street District includes the blocks on both sides of South Main Street bound by the UPRR tracks on the east, Abel Street on the west, the extension of Junipero Drive/Sinnott Lane on the north, and Curtis Avenue on the south. Existing land uses within this focus area include religious and educational facilities and neighborhood serving shops, restaurants, and community services, including the post office and fire station.

The Main Street District would be characterized by numerous smaller parcels along Main Street and larger blocks of multifamily housing on Abel Street, to develop a mixed-use urban village, building from the existing commercial uses and services. Infill housing, commercial, and mixed-use development would complement and support the diversity and activity of the district.

Main Street District is envisioned as a "shared street" with reduced traffic speeds and active ground floor uses, shops, and outdoor dining lining the street, interspersed with ground-floor residential uses. As new development would occur, new streets, paseos, urban plazas, and open space would further enhance the neighborhood identity and character of the area as a walkable, mixed-use urban village. Proposed streetscape and branding improvements would further enhance the local identity of Main Street. Abel Street would support activity along Main Street with urban residential development and community services.



Source: Adapted by Ascent in 2024.

Figure 2-6 District Framework

CROSSROADS DISTRICT

The Crossroads District encompasses the area along Calaveras Boulevard, south of Highway 237/Calaveras Boulevard and centered on Serra Way and S. Abel and S. Main Streets. Existing land uses within this focus area include religious and educational facilities, as well as community- and neighborhood-serving shopping, retail, and restaurants.

The Crossroads District would be characterized as the center of downtown commercial, retail, entertainment, and community activity supporting compact, higher-intensity residential and mixed-use development along Calaveras Boulevard, Abel Street, Serra Way, and Main Street. Neighborhood-scale residential infill would occur next to residential neighborhoods along Junipero Drive and Spence Avenue. Branding and streetscape improvements would create a gateway entry at Calaveras and Serra Way and provide pedestrian-oriented linkages and open spaces connecting the Gateway District to Main Street.

This district is an area of priority investment that would focus on the improvement of the aging Serra Center, Serra Way, and Main Street as the main street destination for the community, anchored by local retail shops and restaurants, and designed to connect with the civic activities along N. Main Street. Within this district, the Serra Center would be prioritized for redevelopment as an opportunity site to enhance the gateway into the Crossroads District.

GATEWAY DISTRICT

The Gateway District would include the parcels north and south of Calaveras Boulevard at the west end of the Specific Plan Area, connected by S. Abbott Avenue. The existing area includes a mix of uses, including freeway-oriented commercial development, a neighborhood service node adjacent to Spangler Elementary School and residential neighborhoods, a shopping center anchored by a grocery store, and a non-profit office center.

The Gateway District, a community commercial node along Calaveras Boulevard would provide a west gateway entry into the city, with opportunities for freeway-oriented retail and services, neighborhood shopping, and hotel and convention space. This district would transition to residential-oriented retail and services along Abbott Avenue north of the Calaveras Boulevard frontage. Higher-intensity development, oriented along Calaveras Boulevard, would support the needs of travelers along the corridor, and provide a neighborhood-scale residential and mixed-use north of Calaveras Boulevard. Complete streets improvements planned for Calaveras Boulevard would balance the scale of the corridor with bike and pedestrian access.

ABBOTT DISTRICT

The Abbott District would include the freeway-fronting commercial and industrial parcels located along the I-880 freeway, south of Calaveras Boulevard and Abbott Avenue. Existing land uses within this focus area include a mix of auto dealerships to the south, and office/flex industrial business uses to the north.

The Abbott District would be characterized as a business district in a pedestrian-friendly campus setting. The Abbott District would serve as a business and employment center providing freeway fronting commercial and flexible office and work spaces for a variety of business and technology users, as well as supporting business uses and employee amenities.

The Abbott District is oriented to the I-880 freeway frontage on the west and residential neighborhoods on the east. Planned improvements would prioritize sustainable design and landscape features, including low-impact development strategies, with a landscaped neighborhood transition at the east edges of the district next to existing neighborhoods. Street and streetscape improvements would create a connected network of streets and open space, including a north/south open space and multi-use trail amenity, the extension of the Hetch-Hetchy greenway to the east, and new campus focal points and amenities.

2.4.2 Proposed General Plan Zoning and Land Use

Residential and non-residential land use designations in the adopted General Plan are proposed within the Specific Plan Area. Existing residential land use designation uses include low density residential (LDR), medium density residential (MDR), and high density residential (HDR); non-residential land use designations include general commercial (GNC), industrial park (INP), and permanent open space (POS).

The Specific Plan Land Use Framework is depicted in Figure 2-7. The Land Use Framework, described in Chapter 3 of the proposed Specific Plan, guides future development in the Specific Plan focus areas through a series of Specific Plan Zoning Districts, as well as existing applicable Citywide zones, and Urban Reserve Areas. Areas not expected to change in land use or character would continue to be regulated through the land use and development regulations in the City of Milpitas Zoning Ordinance (ZO) for the following Citywide Zones:

- ▶ Single Family Residential (R1),
- ▶ Multi-Family High Density Residential (R3) and Multi-Family Very High Density Residential (R4),
- ▶ General Commercial (C2),
- ▶ Heavy Industrial (M2),
- ▶ Institutional (I), and
- ▶ Parks and Open Space (POS).

A citywide overlay zone, the Freeway Corridor (FC) Overlay Zone, established in the Zoning Ordinance, may be combined with any nonresidential zoned property within 300 feet of a freeway corridor, including Interstate 880 and State Route 237 within the Specific Plan Area, to allow for an increase in the maximum floor area ratio to support new and infill developments.

The Specific Plan also identifies three potential Urban Reserve Areas, the County-owned Elmwood Correctional Facility, North Railyards, and South Railyards depicted as an overlay in Figure 2-6. The existing zoning for these areas would continue to remain in-place until these areas are ready to be redeveloped and planned for new uses. The proposed Specific Plan does not propose land use changes for these areas, but establishes policies to ensure the orderly development and integration of these projects within the Specific Plan Area.

The proposed Specific Plan mixed-use zones and overlays are described below.

MAIN STREET MIXED-USE (MS-MU)

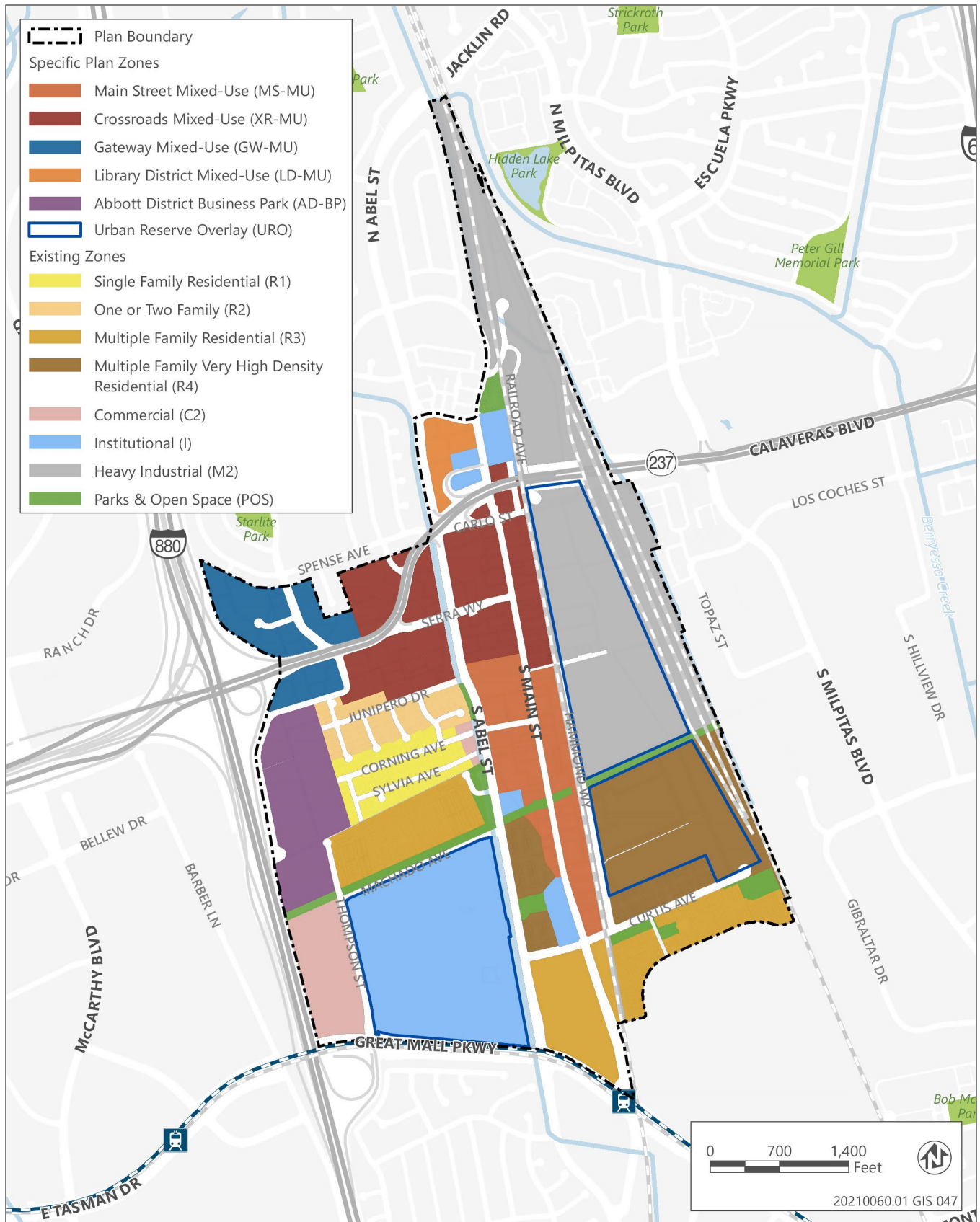
The MS-MU zone would include a mix of residential infill and smaller pedestrian-oriented retail shops, restaurants, services, and office uses, as well as urban parks, plazas, and open space uses within the framework of an active streetscape environment. Active retail, restaurant, and residential uses generate pedestrian activity at the street level, with office and residential uses above the ground floor encouraged.

CROSSROADS MIXED-USE IV (XR-MU)

The XR-MU zone would include a commercial mixed-use focus and supports a mix of retail, entertainment and office, with urban multifamily residential, civic, and recreational uses. The XR-MU zone is a pedestrian oriented streetscape environment, with ground-floor commercial uses prioritized along Retail Priority Streets and Corners, as identified in Section 3.7.2 of the Specific Plan.

LIBRARY DISTRICT MIXED-USE (LU-MU)

The LD-MU zone, centered around the Milpitas Library on N. Main Street, supports a compatible mix of retail, office, multifamily residential, and civic uses within a pedestrian-oriented streetscape environment.



Source: Adapted by Ascent in 2024.

Figure 2-7 Specific Plan Land Use

GATEWAY MIXED-USE (GW-MU)

The GW-MU zone supports a freeway and commercial corridor service orientation along Calaveras Boulevard and I-880, transitioning to a neighborhood-oriented residential focus to the north, and a commercial/mixed-use focus adjacent to Crossroads Mixed-Use.

ABBOTT DISTRICT BUSINESS PARK (AD-PB)

The AD-BP zone allows for a compatible mix of commercial, office, light industrial, open space, and public uses, organized within a campus setting.

URBAN RESERVE OVERLAY (URO)

The URO is applied as an overlay for areas that will be subject to future study when these uses are ready for redevelopment. The policies of the Specific Plan found in Section 3.8 of the Specific Plan apply within these areas.

The proposed Specific Plan includes regulations for development, including density, intensity, height, setbacks, historic and cultural resources, housing resources, and development incentives, applicable to several new proposed Specific Plan mixed-use zones.

The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program. This would also include alterations in nonresidential development potential through mixed-use development. Within the Specific Plan Area, rezoning would be required to clarify locations of the different types of allowable land uses. The allowable land uses, maximum building heights, residential densities, and nonresidential floor area ratios (FARs) would also change within the proposed Specific Plan Area. The Specific Plan consists of increasing the maximum density allowance (in dwelling units per acre – du/ac) for residential and non-residential areas (from 40 du/ac to 65 du/ac) as identified in Table 2-3.

Table 2-3 Proposed New Specific Plan Zoning Districts

Specific Plan Area District	Zoning	Maximum Density	FAR (maximum)	Maximum Building Height (feet)	Maximum Number of Stories	Minimum Ground Floor Height
Main Street District	MS-MU	65 du/ac	2.5	65	5	Main Street: 15 ft Other Areas: 12 ft
Crossroads District	XR-MU	85 du/ac	3.0	85	7	Serra Way: 15 ft Commercial Uses: 15 ft
Gateway District	GW-MU	65 du/ac	2.0	65	5	Calaveras Blvd: 15 ft Commercial Uses: 15 ft
Abbott District	AD-BP	N/A	1.5	65	N/A	Commercial Uses: 15 ft
Library District	LD-MU	65 du/ac	2.0	65	5	Main Street: 15 ft Other Areas: 12 ft
All Other Areas	See applicable existing Zoning					

Source: City of Milpitas 2024.

The proposed Specific Plan implements the General Plan policies that would change the development currently allowed under the General Plan. Table 2-4 identifies development buildout within the Midtown Plan Area under the General Plan and the proposed development buildout that would be allowed with implementation of the Specific Plan. The maximum residential development capacity under the General Plan within the Midtown Plan Area is 3,838 units. A total of 1,338 additional units would be allowed under the Specific Plan beyond what is allowed under the General Plan currently. The nonresidential development area allowed under the General Plan is 3,293,240 square feet (sf) which would be reduced to 2,058,666 sf with implementation of the proposed Specific Plan.

Table 2-4 Changes in Buildout Under Gateway-Main Street Specific Plan

Land Use Type	General Plan	Proposed Specific Plan	Change
Residential	3,838 dwelling units	5,176 dwelling units	1,338 dwelling units
Non-Residential	3,293,240 square feet	2,058,666 square feet	-1,234,574 square feet

Note: The allowable development numbers under the General Plan include the development assumptions of the adopted Midtown Plan.

Source: Data compiled by Ascent 2024.

Based on Table 2-4, it is estimated that the proposed Specific Plan at buildout could result in a population of 16,384 residents (General Plan identified 9,557 residents in the Midtown Specific Plan Area) and 5,541 jobs (General Plan identified 11,555 jobs in the Midtown Specific Plan Area).

2.4.3 Specific Plan Components

OBJECTIVE DESIGN STANDARDS

The proposed Specific Plan includes Objective Design Standards that provide criteria for site planning, urban form, and building design in the Specific Plan Area, as well as topics such as pedestrian-level design. The Objective Design Standards are tailored to development within the Specific Plan Area, with a focus on requirements for commercial and pedestrian-oriented mixed-use development.

The planning and design of the site and arrangement of activities identified in the proposed Specific Plan aim to activate a mixed-use Downtown environment and create walkable communities that support a mix of uses and activities. The Building Design and Architecture section of the proposed Objective Design Standards address the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors. A complete list of Objective Design Standards is included in Chapter 4 of the proposed Specific Plan.

MOBILITY

The proposed Specific Plan includes a mobility chapter (Chapter 5) that addresses mobility, transportation, and parking within the Specific Plan Area and sets the standards and street designs that would support a complete street travel environment. The proposed Specific Plan addresses both the mobility and parking needs of existing uses while accommodating future development planned for the area. The mobility framework, illustrated in Figure 5-1 in Section 5.1 of the proposed Specific Plan identifies the new circulation elements of the Specific Plan. It includes existing streets as well as new streets and service alleys parallel to Main Street to provide business and neighborhood access while improving the bike and pedestrian quality and character of Main and Abel Streets. The Specific Plan supports new streets with redevelopment of the Serra Center and other large neighborhood blocks to connect to existing roadways and support a more walkable neighborhood grid pattern. Components of the mobility framework are described briefly below and a complete description is included in Chapter 5 of the proposed Specific Plan.

Traffic Improvements

The proposed Specific Plan emphasizes pedestrian and bicycle safety improvements as a way to improve safety for all roadway users. The Specific Plan does not include increases to vehicle capacity, however Caltrans' Calaveras Boulevard Improvement Project would include changes to vehicle capacity along Calaveras Boulevard as well as other traffic and intersection improvements as described below.

The Calaveras Boulevard Improvement Project would result in the following improvements to Calaveras Boulevard between South Abel Street and Milpitas Boulevard:

1. Add pedestrian and bicycle facilities, including elevated cycle tracks in both directions.

2. Implement complete streets improvements on Calaveras Boulevard, including widening existing sidewalks on the north side of Calaveras Boulevard and providing new sidewalks along the south side of Calaveras Boulevard.
3. Widen Calaveras Boulevard and provide three through lanes between I-880 and I-680 in both directions.
4. Replace the existing structures over the UPPR/BART tracks with a wider structure and replace or widen the existing structures over North Main Street and the Union Pacific Railroad track with a wider structure or have the existing structure widened and seismically retrofitted.
5. Improve the intersection safety for bicyclists and pedestrians.

Public Transit Improvements

The Public Transit Framework for the Specific Plan Area is illustrated in Figure 5-16 in Section 5.5 of the proposed Specific Plan. The goal of the transit framework is to connect the Specific Plan Area to local and regional transit service directly and provide a comfortable, efficient, and safe experience for transit users. Figure 5-16 of the proposed Specific Plan illustrates the existing transit networks and proposed public transit improvements in the Specific Plan area, described in more detail below.

The Specific Plan Area is served by several transit services, including Santa Clara VTA buses and light rail, and BART commuter rail. The city has a shuttle program known as Simple Mobile Access to Reliable Transit (SMART) that provides on-demand rideshare service from various pick-up / drop-off locations and provides first-mile / last-mile connections with the Milpitas BART Station and VTA's bus and light rail stations.

The Specific Plan proposes a shuttle loop along Main Street, Weller Lane, North / South Abel Street, Thompson Street, and Great Mall Parkway to connect the Specific Plan Area with existing transit that may be coordinated with the SMART program and can build upon existing bus stop facilities, as well as serve underserved locations in the Plan Area, including at:

- a. Existing bus stops on South Main Street at Curtis Avenue.
- b. Existing bus stops on South Main Street south of Tom Evatt Park.
- c. Existing bus stops on South Main Street at Corning Avenue.
- d. Existing bus stops on South Main Street at Serra Way.
- e. Existing bus stops on North Main Street at the Milpitas Library.
- f. Existing bus stops on North Abel Street at Weller Lane.
- g. Existing bus stops on Serra Way between Calaveras Boulevard and South Abel Street.
- h. At the intersection of South Abbott Avenue and the extension of Thompson Street north.
- i. At the intersection of Thompson Street and Machado Avenue.

Pedestrian Network

The Pedestrian Framework for the Specific Plan Area is illustrated in Figure 5-17 in Section 5.6 of the proposed Specific Plan which illustrates the pedestrian intersection improvement priorities proposed. The Specific Plan includes traffic signal and intersection crossing improvements that support safe pedestrian roadway crossings, prioritizing the existing signalized intersections and new signalized intersections shown in Figure 5-17 of the proposed Specific Plan. All new intersections created by the intersection of two future streets would be required to comply with the design standards identified in Section 5.6.2 of the proposed Specific Plan.

Bicycles and Micro-Mobility

The Bicycle and Micro-Mobility Framework for the Specific Plan Area is illustrated in Figure 5-18 in Section 5.7 of the proposed Specific Plan, which illustrates the proposed bicycle infrastructure improvements and proposed micro-mobility hubs. The proposed bicycle infrastructure network would provide a continuous bicycle connection from local neighborhoods to the commercial and mixed-use zones within the Specific Plan Area.

The Specific Plan for shared-use micro-mobility infrastructure provides strategically located micro-mobility hubs that provide a safe alternative transportation means within the Specific Plan Area. Micro-mobility hubs are proposed at the following locations:

- ▶ Main Street / Serra Way,
- ▶ Main Street / Corning Avenue,
- ▶ Main Street / Machado Avenue,
- ▶ Main Street / Curtis Avenue,
- ▶ Main Street / Great Mall Parkway,
- ▶ N Abel Street / Calaveras Boulevard,
- ▶ N Abel Street / O'Toole Elms Park,
- ▶ Calaveras Boulevard / Serra Way,
- ▶ S Abbott Avenue / Junipero Avenue, and
- ▶ Thompson Street / Machado Avenue.

Parking

The proposed Specific Plan aims to provide enough parking spaces in centralized areas without encouraging or incentivizing vehicular travel or providing unused or underutilized parking spaces. The proposed Specific Plan aims to provide sufficient parking in the four focus area districts, while reducing the demand for additional parking and providing a system to provide access to walking, biking, or transit. All development in the Specific Plan Area would be required to conform to the parking standards identified in Section 5.8.2 and the parking ratios set forth in Table 3-9 of the Specific Plan.

Public parking locations are proposed at the following locations:

- ▶ At the southeast corner of South Abbott Avenue and north of Junipero Avenue (within Serra Center).
- ▶ To the south of Serra Way between South Main Street and South Abel Street.
- ▶ To the south of Calaveras Boulevard between South Main Street and South Abel Street.
- ▶ To the east of South Main Street adjacent to the railroad tracks.

PUBLIC REALM

The Public Realm chapter (Chapter 6) of the proposed Specific Plan addresses the network of parks, open space, and public spaces that would provide a sense of place for the Specific Plan Area. Quality public open spaces are an essential part of the urban fabric, particularly in higher-density urban neighborhoods where private outdoor spaces may be more limited. The Specific Plan Area proposes a variety of parks and shared public spaces that would act as focal points to activate districts and neighborhoods and meet the diverse needs of the community for recreation, social gathering spaces, and neighborhood connections. Parks and open space are envisioned to include neighborhood parks, urban parks, linear parks and paseos, as well as smaller privately owned pocket parks, plazas, and urban alleys/greenways, as described in Chapter 6 of the Specific Plan.

The City's General Plan establishes an overall goal of 3.5 acres of parkland per 1,000 residents in the Specific Plan Area. To achieve this, the proposed Specific Plan identifies new parks and open space to support build-out of the Plan Area as shown in Figure 6-2 in Section 6.3 of the proposed Specific Plan. Requirements would be met through a combination of public parks and plazas, privately-owned open space (up to the total allowed by the Zoning Ordinance), and park in-lieu fees.

The Specific Plan proposes new parks and plazas, illustrated in Figure 6-2, to support existing and future development in the Specific Plan Area and serve as district focal points for activity. The following parks and plazas are proposed:

1. **N. Main St. Park** - Implement a new neighborhood park north of the Library with an anchor civic gathering space, such as an amphitheater or farmer's market pavilion, a community museum, and flexible program spaces to host activities and community events.

2. **Crossroads Square** - Anchor the historic crossroads at the end of Serra Way and Main Street with a new civic plaza or "Crossroads Square."
3. **Carlo Park** - Create Carlo Park, as a new urban plaza and mobility hub located along Carlo Street, west of Main Street, including:
 - a. Conversion of unused City-owned right-of-way and vacant land.
 - b. Preservation of existing trees to the extent possible with the future plaza design.
 - c. Providing pedestrian amenities, such as seating, planters, and lighting.
4. **Serra Center** - Require the integration of new parks, plazas, and open spaces as part of the redevelopment of the Serra Center, including:
 - a. Creation of a new neighborhood park to provide open space supporting future residents or a linear park to serve as a community activity hub within the Crossroads District.
 - b. Recreational amenities serving the local neighborhood area, which may include:
 - ▶ Play spaces.
 - ▶ Pedestrian seating.
 - ▶ Pedestrian scale lighting.
 - ▶ Wayfinding signage.
 - ▶ Landscaping.
 - ▶ Fountains/drinking fountains.
 - ▶ Bicycle racks.
5. **Tom Evatt Park** - Expand and activate Tom Evatt Park along the Hetch Hetchy right-of-way as a linear open space, including:
 - a. New open space at the areas identified as the Tom Evatt Park West Expansion and Tom Evatt Park East Expansion.
 - b. Community trail connections to neighborhoods east of S. Main Street and south of Curtis Avenue.
 - c. Recreational amenities serving the local neighborhood area, such as:
 - ▶ Benches.
 - ▶ Distinctive paving.
 - ▶ Bicycle racks.
 - ▶ Directional/wayfinding signage.
 - d. Coordinate all expanded Tom Evatt Park spaces and amenities with the requirements within the Hetch Hetchy right-of-way easement.
6. **South Railyards Park** - Integrate new urban parks, plazas, and open spaces in conjunction with future development of the South Railyards, north of the Parc Metro community that incorporates inspiration from the rail themed historic use of the site, including in the development of South Railyards Park and the Tom Evatt Park East Expansion.

INFRASTRUCTURE AND PUBLIC SERVICES

The Infrastructure and Public Services chapter (Chapter 7) of the proposed Specific Plan outlines the infrastructure needed to support public services within the Specific Plan Area. It sets forth policies and improvement projects for enhancing and expanding public facilities, including the following:

- ▶ storm drainage,
- ▶ flooding,
- ▶ water supply and distribution system,
- ▶ sewer,
- ▶ solid waste,
- ▶ energy and technology,
- ▶ fire protection and emergency response,
- ▶ police services,
- ▶ schools, and
- ▶ libraries, and childcare.

2.4.4 Development Incentives

The Specific Plan would establish a bonus system to allow for additional floor area and/or residential density for qualified projects beyond the base development potential under the Specific Plan identified in Table 2-5. The purpose of bonuses is to incentivize the provision of certain project attributes, such as providing sustainable design features and/or open space, furthering economic development, and supporting the rehabilitation of existing buildings. Bonuses would only be available within the Specific Plan focus areas, as identified in Table 2-6. The following describes the available bonuses, while Table 2-6 identifies the specific incentives available. The provision of development bonuses would be subject to review and demonstration of the achievement of the criteria in Table 2-6. Development bonuses shall not exceed the maximum allowances described below:

- ▶ Maximum FAR or Density Bonus Increase of 50 percent in the Crossroads District and 40 percent within the Main Street and Library Districts and parcels directly fronting Calaveras Boulevard in the Gateway District.; and
- ▶ Maximum Height Increase of 2 stories in the Crossroads District and for parcels directly fronting Calaveras Boulevard in the Gateway District. Maximum Height Increase of 1 Story in the Main Street and Library Districts.

Maximum density, intensity, and/or bonuses may not be achievable on all sites, as superseding development regulations or site constraints may reduce development potential. Prior to issuance of a planning permit for a development project receiving a development bonus, the project developer would be required to sign a community benefit agreement, committing to the provision of the agreed upon project attributes in exchange for the development bonus. If the developer does not fulfill the obligations specified in the agreement, the developer would be subject to a financial penalty equal in cost to the value of the project attribute at the time that the occupancy is granted.

Table 2-6 Available Incentives

Green Roof or Eco-Roof	
Option 1: 30% of Total Roof Footprint	10% density bonus or FAR increase.
Option 2: 31-60% of Total Roof Footprint	15% density bonus or FAR increase.
Option 3: Over 60% of Total Roof Footprint	20% density bonus or FAR increase.
Economic Development	
Space for Small Businesses, Non-Profits, and Arts Organizations or Business Expansion	Temporarily reduce or defer application and impact fees for development and remove parking minimums within the Crossroads, Main Street, and Library Districts
Business Retention	Temporarily reduce or defer application and impact fees and allow 20% FAR increase
Retail Ready Ground Floor Commercial Space	A one-story height increase, subject to the standards in Sections 3.6 and 4.3.2 of the Specific Plan
Lot Consolidation	
Lot Consolidation	20% density bonus or FAR increase.

District Public Parking	
District Parking Lot or Garage Spaces	10% density bonus or FAR for every 20 public parking spaces; up to the allowed district maximum bonus
Publicly Accessible Open Space	
Option 1: Additional 50 square foot per unit	10% density bonus or FAR increase.
Option 2: Additional 100 square foot per unit	15% density bonus or FAR increase.
Option 3: Additional 150 square foot per unit	20% density bonus or FAR increase.
Promote the City's History	
Through Preservation, Storefront Façade Improvements, or Interpretation	Eligible for City Storefront Improvement Program Grants, Mills Act Program.

Source: City of Milpitas 2024.

The extent of this additional development potential that may occur would be based on economic conditions at an individual project basis and cannot be determined at this time. The growth potential and associated environmental impacts are addressed in Chapter 6, "Other CEQA Sections."

2.5 PROPOSED AMENDMENTS

The proposed Specific Plan would require amendments to the City's General Plan and Zoning Ordinance (ZO). A summary of the proposed amendments to these documents is provided below.

2.5.1 City of Milpitas General Plan Amendments

The City's General Plan would be amended to update the residential buildout for the Specific Plan and land use/density descriptions. An amendment would also be required as changes to the boundaries and land use and development standards of the adopted Midtown Plan Area are proposed. The Specific Plan proposes a new project area boundary that removes the portion of the Midtown Specific Plan Area south of the Great Mall Parkway and adds area in the northwestern portion of the Specific Plan Area.

2.5.2 City of Milpitas Zoning Ordinance Amendments

The Specific Plan would function as zoning for the Specific Plan Area. There would be new zoning designations established for certain areas to clarify site-specific land use and buildout expectations. Potential amendments to the City's Zoning Ordinance would be needed to include various text amendments for changes in development standards associated with the proposed project.

2.6 ANTICIPATED ACTIONS

City actions would include the following:

- ▶ Certification of the Gateway-Main Street Specific Plan EIR
- ▶ Adoption of the Gateway-Main Street Specific Plan and associated amendments to the General Plan to reflect the Gateway-Main Street Specific Plan
- ▶ Milpitas Zoning Code and Zoning Map Amendments

3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

APPROACH TO THE ENVIRONMENTAL ANALYSIS

Pursuant to CEQA and the State CEQA Guidelines, a lead agency shall focus the EIR’s discussion on significant environmental effects and may limit discussion on other effects to brief explanations about why they are not significant (PRC Section 21002.1, State CEQA Guidelines Section 15128). Potentially significant impacts were identified based on review of comments received as part of the public scoping process (see Appendix A) and additional research and analysis of relevant project data during preparation of this Draft SEIR.

Sections 3.1 through 3.12 of this Draft SEIR present a discussion of regulatory background, existing conditions, environmental impacts associated with construction and operation of the project, mitigation measures to reduce the level of impact, and residual level of significance (i.e., after application of mitigation, including impacts that would remain significant and unavoidable after application of all feasible mitigation measures). Issues evaluated in these sections consist of the environmental topics identified for review in the notice of preparation (NOP) prepared for the project (see Appendix A of this Draft SEIR). Chapter 4 of this Draft SEIR, “Cumulative Impacts,” presents an analysis of the project’s impacts considered together with those of other past, present, and probable future projects producing related impacts, as required by Section 15130 of the State CEQA Guidelines. Chapter 5, “Alternatives,” presents a reasonable range of alternatives and evaluates the environmental effects of those alternatives relative to those of the proposed project, as required by Section 15126.6 of the State CEQA Guidelines. Chapter 6, “Other CEQA Sections,” includes an analysis of the project’s growth inducing impacts, as required by Section 21100(b)(5) of CEQA.

The remainder of this chapter addresses the following resource topics:

- ▶ Section 3.1, “Aesthetics”;
- ▶ Section 3.2, “Air Quality”;
- ▶ Section 3.3, “Archaeological, Historical, and Tribal Cultural Resources”;
- ▶ Section 3.4, “Biological Resources”;
- ▶ Section 3.5, “Energy”;
- ▶ Section 3.6, “Greenhouse Gas Emissions and Climate Change”;
- ▶ Section 3.7, “Land Use and Planning”;
- ▶ Section 3.8, “Noise and Vibration”;
- ▶ Section 3.9, “Population and Housing”;
- ▶ Section 3.10, “Public Services and Recreation”;
- ▶ Section 3.11, “Transportation”; and
- ▶ Section 3.12, “Utilities and Service Systems.”

As described in Section 1.3, Effects Found Not to Be Significant, of this Draft SEIR, it was determined the project would result in no impact to agriculture and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, or wildfire. Accordingly, these resources are not addressed further in this Draft SEIR.

Chapter 3 of this Draft SEIR also summarizes previous analyses and the previously adopted mitigation measures from the certified EIR prepared for the City of Milpitas General Plan 2040. In certain instances, new mitigation measures are proposed to replace previously adopted and implemented mitigation, because of changes in applicable regulations (including CEQA) and standards of review. The General Plan Update EIR is available at: <https://www.milpitas.gov/DocumentCenter/View/1344/Draft-EIR-final-edits-PDF?bidId=>.

FORMAT OF THE ENVIRONMENTAL ANALYSIS

Each section begins with descriptions of the regulatory and environmental settings as they pertain to a particular issue, references setting from the General Plan Update EIR that remains applicable, and updates settings where appropriate. The environmental setting provides a point of reference for assessing the environmental impacts of the

proposed Specific Plan and alternatives (Chapter 5). The setting description in each section is followed by an impacts and mitigation discussion. The impacts and mitigation portion of each section includes impact statements, which are prefaced by a number in bold-faced type. An explanation of each impact and analysis of its significance follow each impact statement. All mitigation measures pertinent to each individual impact follow directly after the impact statement. The degree to which the identified mitigation measure(s) would reduce the impact is also described. Each impact discussion also includes a summary of the relevant impact analysis and conclusion provided in the General Plan Update EIR and determines whether the proposed Specific Plan would result in a new significant effect or more severe impact than what was identified in the General Plan Update EIR pursuant to State CEQA Guidelines Section 15162.

Regulatory Setting

This subsection presents information on the laws, regulations, plans, and policies that relate to the issue area being discussed. Regulations originating from the federal, state, and local levels are each discussed as appropriate.

Environmental Setting

According to Section 15125 of the State CEQA Guidelines, an EIR must include a description of the existing physical environmental conditions in the vicinity of the project to provide the “baseline condition” against which project-related impacts are compared. The baseline condition is typically the physical condition that exists when the Notice of Preparation (NOP) is published. The NOP for the proposed project was published on July 15, 2024. Therefore, this SEIR assesses the impacts of the project in comparison to conditions that exist in the Specific Plan Area. This includes the planned development potential and standards set forth in the proposed Specific Plan. Environmental setting described in the 2021 General Plan Update EIR that remains applicable is referenced and any updates to environmental setting are described.

IMPACTS AND MITIGATION MEASURES

This section analyzes environmental impacts of the proposed Specific Plan at a programmatic level. Mitigation measures are recommended to reduce potentially significant or significant impacts. Each impact discussion also includes a summary of the relevant impact analysis and conclusion provided in the General Plan Update EIR and determines whether the Specific Plan would result in a new significant effect or more severe impact than what was identified in the General Plan Update EIR pursuant to State CEQA Guidelines 15162. Information included in this section is described in more detail below.

Methodology

This subsection identifies the methodology used to analyze potential environmental impacts.

Thresholds of Significance

The State CEQA Guidelines define a 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 and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant” (State CEQA Guidelines Section 15382). Definitions of significance vary with the physical conditions affected and the setting in which the change occurs. The State CEQA Guidelines set forth physical impacts that trigger the requirement to make “mandatory findings of significance” (State CEQA Guidelines, Section 15065). The thresholds of significance are based on the checklist presented in Appendix G of the most recently adopted State CEQA Guidelines (December 28, 2018),

best available data, applicable regulatory standards, and local practice/standards. The level of each impact is determined by analyzing the effects of the proposed Specific Plan to the defined baseline conditions and comparing it to the applicable significance threshold.

Issues Not Discussed Further

This section identifies any topic in the technical issue area that would not be affected by the Specific Plan.

Environmental Impacts and Mitigation Measures

This subsection presents thresholds of significance and discusses significant and potentially significant effects of the Specific Plan on the existing environment, including the environment beyond the project boundaries, in accordance with State CEQA Guidelines Section 15126.2. The methodology for impact analysis is described, including technical studies upon which the analyses rely. The thresholds of significance are defined and thresholds for which the project would have no impact are disclosed and dismissed from further evaluation. Project impacts and mitigation measures are numbered sequentially in each subsection (Impact 3.2-1, Impact 3.2-2, Impact 3.2-3, etc.). A summary impact statement precedes a more detailed discussion of each environmental impact. The discussion includes the analysis, rationale, and substantial evidence on which conclusions are based. The determination of level of significance of the impact is presented in bold text. A "less-than-significant" impact is one that would not result in a substantial adverse change in the physical environment. A "potentially significant" impact or "significant" impact is one that would result in a substantial adverse change in the physical environment; both are treated the same under CEQA in terms of procedural requirements and the need to identify feasible mitigation. Mitigation measures are identified, as feasible, to avoid, minimize, rectify, reduce, or compensate for significant or potentially significant impacts, in accordance with the State CEQA Guidelines Section 15126.4. Unless otherwise noted, the mitigation measures presented are recommended in the SEIR for consideration by the State to adopt as conditions of approval.

Where an existing law, regulation, or permit specifies mandatory and prescriptive actions about how to fulfill the regulatory requirement as part of the project definition, leaving little discretion in its implementation, and would avoid an impact or maintain it at a less-than-significant level, the environmental protection afforded by the regulation is considered before determining impact significance. Where existing laws or regulations specify a mandatory permit process for future projects, performance standards without prescriptive actions to accomplish them, or other requirements that allow substantial discretion in how they are accomplished, or have a substantial compensatory component, the level of significance is determined before applying the influence of the regulatory requirements. In this circumstance, the impact would be potentially significant or significant, and the regulatory requirements would be included as a mitigation measure.

This subsection also describes whether mitigation measures would reduce project impacts to less- than-significant levels. Significant-and-unavoidable impacts are identified as appropriate in accordance with State CEQA Guidelines Section 15126.2(b). Significant-and-unavoidable impacts are also summarized in Chapter 6, "Other CEQA Sections."

References

The full references associated with the references cited in Sections 3.1 through 3.12 are presented in Chapter 8, "References," organized by chapter or section number.

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3.1 AESTHETICS

This section provides a description of existing visual conditions, meaning the physical features that make up the visible landscape, near the Specific Plan Area and an assessment of changes to those conditions that would occur from implementation of the proposed Gateway-Main Street Specific Plan (Specific Plan), referred to as the project. The effects of the project on the visual environment are generally defined in terms of the project's physical characteristics and potential visibility, the extent to which the project's presence would change the perceived visual character and quality of the environment, and the expected level of sensitivity that the viewing public may have where the project would alter existing views. The "Analysis Methodology" discussion below provides further detail on the approach used in this evaluation.

No comment letters were received in response to the Notice of Preparation that pertained to aesthetics (see Appendix A).

3.1.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to aesthetics, light, and glare are applicable to the Specific Plan.

STATE

California Scenic Highway Program

California's Scenic Highway Program (Streets and Highways Code, Section 260 et seq) was created by the Legislature in 1963 to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated.

According to the California Department of Transportation (Caltrans) list of designated scenic highways under the California Scenic Highway Program, there are no scenic highway segments within the City of Milpitas that are designated scenic. The nearest eligible state scenic highway near the Specific Plan Area is a segment of Interstate 680 (I-680) within Alameda County, located approximately 1.5 miles north of the Specific Plan Area. The Specific Plan Area is not visible from this portion of I-680 (Caltrans 2024).

LOCAL

Milpitas General Plan 2040

The City of Milpitas General Plan 2040 (City of Milpitas 2021) includes 11 elements. There are two elements (Community Design and Land Use) that contain policies relevant to aesthetics and applicable to the project, as listed below.

Community Design

- ▶ **Policy CD 1-1:** Require development projects to:
 - A. Preserve positive characteristics and unique features of the site; and
 - B. Incorporate a context-sensitive design approach that considers the scale and existing and desired character of adjacent uses and the surrounding neighborhood or district.
- ▶ **Policy CD 3-1:** Strengthen the positive qualities of the City's neighborhoods, districts, and centers.

- ▶ **Policy CD 3-2:** Support the development and preservation of unique neighborhoods, districts, and centers that exhibit a special sense of place and quality of design.
- ▶ **Policy CD 3-3:** Ensure that new development and redevelopment reinforces desirable elements of its neighborhood, district, or center, including architectural style, scale, and setback patterns.
- ▶ **Policy CD 3-4:** Strengthen the identity of individual neighborhoods, districts, and centers through the use of entry monuments, flags, street signs, themed streets, natural features, landscaping, and lighting.
- ▶ **Policy CD 3-5:** Ensure that new residential development and substantial additions are designed to maintain and support the existing character and development pattern of the surrounding neighborhood, especially in historic neighborhoods and neighborhoods with consistent design characteristics.
- ▶ **Policy CD 3-6:** Encourage the rehabilitation of older residential neighborhoods, districts, and centers to prevent blight and maintain the city's character.
- ▶ **Policy CD 3-7:** Create, regulate, and enforce attractive front yards in residential neighborhoods that are open to the street.
- ▶ **Policy CD 3-8:** Ensure that new residential developments in and adjacent to the city's districts are designed to blend with existing building forms. Considerations for residential developments in and around Downtown should include the following:
 - A. Ensure that development projects with more than 2 units consist of detached units with one and two-story building elements, when located in a predominantly single-family residential neighborhood.
 - B. Ensure residential unit entries face the public street.
 - C. Ensure that new development is designed to blend in with the existing building patterns of the neighborhood. For example, if the majority of the garages on the street are at the rear of the site, the new building should be designed to accommodate a rear garage.
 - D. Ensure that properties designated for non-residential uses, such as offices or properties surrounding the Civic Center, retain the residential character and scale of development characteristic of the surrounding residential neighborhood. The development is to provide sufficient, safe pedestrian and bicycle access into and throughout the site, on-site parking, human-scaled lighting and landscape screening to minimize the commercial appearance of the use.
- ▶ **Policy CD 3-9:** For commercial, multi-family, mixed-use, and employment-generating projects, encourage site designs and development patterns that connect adjoining sites and function as a single center.
- ▶ **Policy CD 3-10:** Design multi-family residential, mixed use, commercial, and employment-generating development in neighborhoods, districts, and centers to:
 - A. Include open space and/or recreational amenities to provide visual relief from development, form pedestrian and bicyclist linkages to adjacent uses and other portions of the neighborhood, district, or center, and serve as buffers between uses, where necessary;
 - B. Locate building access points along sidewalks, pedestrian areas, and bicycle routes, and include amenities that encourage pedestrian activity;
 - C. Create a human-scale ground-floor environment that includes public open areas that separate pedestrian space from auto traffic, or where these intersect, give special regard to pedestrian safety; and
 - D. Provide comfortable pedestrian amenities, such as quality seating areas, lighting, and wide, shaded paths, along with specialized and engaging design features, such as interesting fountains or public art to draw and maintain people's attention.

Land Use

- ▶ **Policy LU 5-1:** Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new largescale development projects into the fabric of the existing community rather than allowing projects to be insular and self contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs.
- ▶ **Policy LU 5-2:** Prohibit incompatible uses and inappropriate development in and near residential neighborhoods. As feasible, promote gradual transitions from high density development to surrounding low density neighborhoods in both building forms and land use
- ▶ **Policy LU 5-3:** Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City
- ▶ **Policy LU 5-7:** In considering land use change requests, consider factors such as compatibility with the residential surroundings, privacy, noise, and changes in traffic levels on residential streets.

Milpitas Streetscape Master Plan

The Milpitas Streetscape Master Plan contains guidelines and recommendations for the varied streetscape conditions that exist or can be foreseen in the future and is based on the understanding that attractive streetscapes are a benefit to the community – economically, environmentally, visually and psychologically.

Milpitas Municipal Code

Chapter 10: Zoning

Section XI-10-45.15-3 of the City's Municipal Code states that outdoor light sources shall be shielded so as not to be directly visible from off-site. This section does not pertain to motion-induced/activated or motion-sensor security-type lights. Section XI-10-54.17 requires that exterior lighting associated with development 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.

City of Milpitas Residential and Mixed-Use Objective Design Standards

On November 1, 2022, the City adopted the Milpitas Residential and Mixed-Use Objective Design Standards (objective design standards), which established city-wide regulations on building design for multi-family residential or mixed-use projects. The objective design standards are intended to help preserve the city's neighborhoods by balancing the form and design of existing development with new construction techniques; encourage human-scaled buildings that adhere to existing zoning regulations and promote high-quality site and building design; and emphasize a pedestrian-oriented environment where buildings and public realm design are cohesive and complementary of a diverse range of uses. The objective design standards are applied based on the specific characteristics of each project to ensure appropriate site and building design.

3.1.2 Environmental Setting

VISUAL CHARACTER OF THE SPECIFIC PLAN AREA

As noted in Chapter 2, "Project Description," the Specific Plan Area is located within the western portion of the City of Milpitas, west of the Union Pacific Railroad (UPRR) line. It encompasses Calaveras Boulevard, Main Street, and the former Midtown Milpitas area bordered by I-880 to the west, the UPRR tracks to the east, and Great Mall Parkway to the south. Two heavy rail lines, the UPRR freight line and Bay Area Rapid Transit (BART) commuter rail lines, traverse the Specific Plan Area on the east. The visual character of the Specific Plan Area is varied; existing development

consists of a mix of recreational, residential, commercial, industrial, and institutional land uses. In addition, some portions of the Specific Plan Area are in the process of being redeveloped and are transitioning from the previous industrial uses to residential and recreational uses.

Topography within the Specific Plan Area is predominantly flat, although areas to the east (outside of the Specific Plan Area) and further to the west (outside of city limits) include gently sloping hillsides. The Mission Hills and Monument Peak (elevation 2,594 feet) form a distinctive scenic backdrop to the City and are important to community identity and character.

The visual character of the Specific Plan Area is marked by a contrast between new, dense residential development (primarily along South Abel Street) with Elmwood Correctional Facility along the Specific Plan Area's southern boundary, and commercial/industrial uses located primarily along the eastern and western boundaries of the Specific Plan Area. The majority of existing development is low- to mid- rise development, with multi-family residential development located within the central portion of the Specific Plan Area being among the highest (i.e., four floors). Several parks are located within the Specific Plan Area, including Tom Evatt Park and Parc Metro East, but the majority of open space consists of landscaped areas and undeveloped parcels. Long distance views of and within the Specific Plan Area are precluded by existing landscaping and trees located along existing roadways and within medians. There are no unique visual resources or compelling vistas; therefore, no scenic vistas are associated with the Specific Plan Area.

To the south and north of the Specific Plan Area, land use development patterns transition to more single-family residential, while to the east and west, commercial/industrial development is more prominent. Some higher density development, including a 12-floor hotel, are located to the west.

LIGHT AND GLARE CONDITIONS

Existing sources of light and glare are uniformly present in the Specific Plan Area vicinity. Existing sources of light include street lights along roadways; lights in parking lots, along walkways, and on the exteriors of buildings; lights associated with the light rail system; and interior lights in buildings. The existing correctional facility does not provide high-mast light standards that would otherwise be considered a substantial light source.

Sky glow is the effect created by light reflecting into the night sky. Sky glow is of particular concern in areas surrounding observatories, where darker night sky conditions are necessary, but is also of concern in more rural or natural areas where a darker night sky is either the norm or is important to wildlife. Due to the urban nature of the Specific Plan Area, a number of existing light sources affect residential areas and illuminate the night sky.

Natural and artificial light reflects off various surfaces and can create localized occurrences of daytime and nighttime glare. Buildings and structures made with glass, metal, and polished exterior roofing materials exist throughout the Specific Plan Area; however, there are no reported occurrences of excessive daytime or nighttime glare in the Specific Plan Area.

3.1.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The analysis of aesthetics is a qualitative analysis that compares the existing built and natural environment to the future built and natural environment and addresses the visual changes that would result from implementation of the proposed Specific Plan. General aesthetic conditions, as well as views to and from the Specific Plan Area, were compared to those that would be expected to occur in the future under the proposed Specific Plan. In addition, the changes proposed to the Specific Plan Area were evaluated in the context of the adopted Milpitas General Plan 2040 policies.

In order to assess the aesthetic characteristics of future development under the proposed Specific Plan, the analysis examines the new, changed, or eliminated development standards included in the proposed Specific Plan. The ultimate designs of future specific development projects under the Specific Plan would be proposed on a project-by-project basis, and specific project architectural and engineering design would be reviewed through the City's site plan and design review permit process.

THRESHOLDS OF SIGNIFICANCE

An impact on aesthetics, light, and glare is considered significant if implementation of the Specific Plan would do any of the following:

- ▶ have a substantial adverse effect on a scenic vista;
- ▶ damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- ▶ conflict with applicable zoning and other regulations governing scenic quality; and/or
- ▶ create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

ISSUES NOT DISCUSSED FURTHER

Scenic Highways

As described above in regulatory setting, there are no designated or eligible Caltrans Designated Scenic Highways within or near the Specific Plan Area. Therefore, implementation of the Specific Plan would not damage scenic resources in the vicinity of a scenic highway. For these reasons, this topic is not addressed further in this SEIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.1-1: Have a Substantial Adverse Effect on a Scenic Vista

The General Plan Update EIR (Impact 3.1-1) determined that impacts related to scenic vistas as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Similarly, implementation of the proposed Specific Plan would increase the level and potential height of development within the Specific Plan Area. However, long distance views of and through the Specific Plan Area are largely precluded by existing development landscaping, and no expansive areas of open space would be removed as a result of project implementation. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The City of Milpitas, including the Specific Plan Area, contains numerous areas and viewsheds with relatively high localized scenic value, however there are no officially designated scenic vista points within the Specific Plan Area or the broader city. As noted above, existing topography and landscaping, in addition to existing development, largely preclude long distance views of or through the Specific Plan Area.

Development under the Specific Plan would allow for greater/higher development within the Specific Plan Area, which could result in changes to the skyline. However, these changes would not be dissimilar to other development in the area and broader region and typical of urban/developed areas. Additionally, implementation of General Plan Policies LU 5-1, LU 5-3, CD 3-1, CD 3-2, CD 3-3, and CD 3-4 through implementation of the proposed Specific Plan Objective Design Standards would require consideration of existing neighborhoods and land use types to ensure that existing character and aesthetics are maintained. Implementation of the Specific Plan would also provide for greater open space opportunities within the Specific Plan Area, which may include scenic views, although most would likely be local scenic views, similar to existing conditions. The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation

through an incentive program. This would also include alterations in nonresidential development potential through mixed-use development. Within the Specific Plan Area, rezoning would be required to clarify locations of the different types of allowable land uses. The allowable land uses, maximum building heights, residential densities, and nonresidential floor area ratios (FARs) would also change within the proposed Specific Plan Area. The proposed Specific Plan includes regulations for development, including density, intensity, height, and setbacks. Further, implementation of the Specific Plan would allow increased residential density within the Specific Plan Area that would be subject to the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. The Objective Design Standards provide criteria for site planning, urban form, and building design in the Specific Plan Area. The Building Design and Architecture section of the proposed Objective Design Standards address the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors.

Consistency with the policies and actions contained in the General Plan, as well as that of the Specific Plan itself, would ensure that new residential and non-residential development within the Specific Plan Area would be visually compatible with nearby open space resources and existing communities. As a result, no substantial adverse effects on scenic vistas are anticipated as a result of implementation of the Specific Plan. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.1-2: Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality in an Urbanized Area

The General Plan Update EIR (Impact 3.1-3) determined that impacts related to conflicts with zoning or other regulations governing scenic quality as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Implementation of the proposed Specific Plan would result in the construction and operation of development within the Specific Plan Area and could result in alteration of views, primarily due to potential development of high-rise residential structures. However, the proposed Specific Plan Objective Design Standards would implement and be consistent with General Plan policies regarding urban design. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As noted above, the Specific Plan Area is located predominantly on flat terrain and is surrounded by primarily low- and mid-rise developments with some high-rise development located to the west. Within the Specific Plan Area, including along the majority of I-880 and railroad right-of-way, views are limited largely by existing development and landscaping, and long-distance views are precluded. Future development would be subject to design standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.2 of the proposed Specific Plan identifies standards for site planning, urban form, and building design including the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors, organized. The proposed Specific Plan Objective Design Standards would implement and be consistent with General Plan policies CD 1-1, CD 3-1 through CD 3-10, and LU 5-1 through LU 5-3. Through implementation of the proposed Specific Plan Objective Design Standards and adherence to the City's design review process, the existing views and character throughout the City, including within the Specific Plan Area, would be maintained. As a result, development within the Specific Plan Area is expected to be consistent with and complementary to existing development and is not anticipated to result in substantial changes in long-distance and scenic views from within or across the Specific Plan Area. As a result, impacts would be less than significant within the Specific Plan Area.

Additionally, subsequent development under the proposed Specific Plan would be both consistent with and complimentary of existing land uses in the Specific Plan Area (e.g., Terra Serena Luna, located along South Abel Street). Further, individual projects within the Specific Plan Area would be required to adhere to local zoning and land

use requirement as well as the proposed Specific Plan Objective Design Standards, including maintenance of existing views and implementation of screening measures (e.g., landscaping and other design features, primarily along the base of the structures).

Therefore, future development under the Specific Plan is not anticipated to adversely affect existing scenic quality in the already developed Specific Plan Area. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.1-3: Light and Glare Impacts

The Milpitas General Plan Update EIR (Impact 3.1-4) determined that impacts related to new sources of nighttime lighting and daytime glare as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. The proposed Specific Plan would increase nighttime lighting within the Specific Plan Area as a result of new light sources attributed to proposed residential and mixed-use development. The proposed Specific Plan would be subject to the Milpitas General Plan 2040 policies and City lighting standards in the Municipal Code that address lighting and glare. As a result, no new significant or substantially more severe impact would occur compared to the Milpitas General Plan Update EIR, and this impact would remain **less than significant**.

Existing sources of light within the Specific Plan Area include street lights along roadways; lights in parking lots, along walkways, and on the exteriors of buildings; lights associated with the light rail system; and interior lights in buildings. Because implementation of the Specific Plan would involve an intensification of uses within the Specific Plan Area, nighttime lighting would likely increase within the Specific Plan Area. Most of the new light sources would be attributed to proposed residential and mixed-use development and the associated evening activity of residents and guests. Near commercial development within the Specific Plan Area, there could be light in the evening hours adjacent to residential uses; however, the project would be subject to the General Plan policies that address lighting and glare, as well as consistency with adjacent uses (including Policies CD 1-1, 3-1, 3-4 and 3-8, as listed above). New development can result in increases in ambient nighttime lighting that can affect nighttime views of the sky. Implementation of the Specific Plan would result in additional higher density multi-family residential development and mixed-use commercial development, which would increase ambient light in the Specific Plan Area. However, the Specific Plan Area and surrounding area is already developed and subject to nighttime ambient light, and the increase in such light would not significantly alter nighttime views of the sky (ability to see the stars), because such views are already limited in city settings. Further, future development would be subject to lighting standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.3.5 of the proposed Specific Plan identifies standards to reduce light pollution and glare.

Daytime glare could be produced by an increase in surface area of residential and mixed-use structures that would result from implementation of the Specific Plan. However, development within the Specific Plan Area would be required to adhere to City policies that are designed to minimize glare. Policy CD 3-1 would ensure that new development projects utilize appropriate building materials, such as window glazing, that do not result in significant increases in unusual glare.

Additionally, lighting, including adverse effects of glare and light trespass or spillover light are considerations addressed by the City through the site plan and design review process. All future development in the Specific Plan Area would be subject to this review process and lighting standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan, ensuring that the effects of glare and spillover light would be addressed. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and impacts related light and glare as a result of implementation of the Specific Plan be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

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3.2 AIR QUALITY

This section includes a discussion of existing air quality conditions, a summary of applicable regulations, and an analysis of potential construction and operational air quality impacts caused by development of the proposed Specific Plan. Mitigation is developed as necessary to reduce significant air quality impacts to the extent feasible.

No comment letters were received in response to the Notice of Preparation that pertained to air quality (see Appendix A).

3.2.1 Regulatory Setting

Air quality in the Specific Plan area is regulated through the efforts of various federal, State, regional, and local government agencies. These agencies work jointly, as well as individually, to improve air quality through legislation, planning, policy-making, education, and a variety of programs. The agencies responsible for improving the air quality within the air basins are discussed below.

FEDERAL

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) has been charged with implementing national air quality programs. EPA's air quality mandates draw primarily from the federal Clean Air Act (CAA), which was enacted in 1970. The most recent major amendments were made by Congress in 1990. EPA's air quality efforts address both criteria air pollutants (CAPs) and hazardous air pollutants (HAPs). EPA regulations concerning CAPs and HAPs are presented in greater detail below.

Criteria Air Pollutants

The CAA required EPA to establish national ambient air quality standards (NAAQS) for six common air pollutants found all over the U.S. referred to as criteria air pollutants (CAPs). EPA has established primary and secondary NAAQS for the following criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), respirable particulate matter with aerodynamic diameter of 10 micrometers or less (PM₁₀) and fine particulate matter with aerodynamic diameter of 2.5 micrometers or less (PM_{2.5}), and lead. The NAAQS are shown in Table 3.2-1. The primary standards protect public health, and the secondary standards protect public welfare. The CAA also required each state to prepare a state implementation plan (SIP) for attaining and maintaining the NAAQS. The federal Clean Air Act Amendments of 1990 (CAAA) added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. California's SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. EPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments, and whether implementation will achieve air quality goals. If EPA determines a SIP to be inadequate, EPA may prepare a federal implementation plan that imposes additional control measures. If an approvable SIP is not submitted or implemented within the mandated time frame, sanctions may be applied to transportation funding and stationary air pollution sources in the air basin.

Table 3.2-1 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	California (CAAQS) ^{a,b}	National (NAAQS) ^c Primary ^{b,d}	National (NAAQS) ^c Secondary ^{b,e}
Ozone	1-hour	0.09 ppm (180 µg/m ³)	— ^e	Same as primary standard
	8-hour	0.070 ppm (137 µg/m ³)	0.070 ppm (147 µg/m ³)	
Carbon monoxide (CO)	1-hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	Same as primary standard
	8-hour	9 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	
Nitrogen dioxide (NO ₂)	Annual arithmetic mean	0.030 ppm (57 µg/m ³)	53 ppb (100 µg/m ³)	Same as primary standard
	1-hour	0.18 ppm (339 µg/m ³)	100 ppb (188 µg/m ³)	—
Sulfur dioxide (SO ₂)	24-hour	0.04 ppm (105 µg/m ³)	—	—
	3-hour	—	—	0.5 ppm (1300 µg/m ³)
	1-hour	0.25 ppm (655 µg/m ³)	75 ppb (196 µg/m ³)	—
Respirable particulate matter (PM ₁₀)	Annual arithmetic mean	20 µg/m ³	—	Same as primary standard
	24-hour	50 µg/m ³	150 µg/m ³	
Fine particulate matter (PM _{2.5})	Annual arithmetic mean	12 µg/m ³	9.0 µg/m ³	15.0 µg/m ³
	24-hour	—	35 µg/m ³	Same as primary standard
Lead ^f	Calendar quarter	—	1.5 µg/m ³	Same as primary standard
	30-Day average	1.5 µg/m ³	—	—
	Rolling 3-Month Average	—	0.15 µg/m ³	Same as primary standard
Hydrogen sulfide	1-hour	0.03 ppm (42 µg/m ³)	No National standards	
Sulfates	24-hour	25 µg/m ³		
Vinyl chloride ^f	24-hour	0.01 ppm (26 µg/m ³)		
Visibility-reducing particulate matter	8-hour	Extinction of 0.23 per km		

Notes: µg/m³ = micrograms per cubic meter; km = kilometers; ppb = parts per billion; ppm = parts per million.

- A California standards for ozone, carbon monoxide, SO₂ (1- and 24-hour), NO₂, particulate matter, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- B Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius (°C) and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- C National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over three years, is equal to or less than the standard. The PM₁₀ 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. The PM_{2.5} 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. Environmental Protection Agency for further clarification and current federal policies.
- D National primary standards: The levels of air quality necessary, with an adequate margin of safety to protect public health.
- E National secondary standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- F The California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Source: CARB 2016, EPA 2024.

Hazardous Air Pollutants and Toxic Air Contaminants

Toxic air contaminants (TAC), or, in federal parlance, hazardous air pollutants (HAPs), are a defined set of airborne pollutants that may pose a present or potential hazard to human health. A TAC is defined under California law as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. A substance that is listed as a HAP pursuant to subsection (b) of Section 112 of the CAA (42 United States Code Section 7412[b]) is considered a TAC. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

A wide range of sources, from industrial plants to motor vehicles, emit TACs. The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. TACs can cause long-term health effects, such as cancer, birth defects, neurological damage, asthma, bronchitis, and genetic damage, or short-term acute effects, such as eye watering, respiratory irritation (a cough), runny nose, throat pain, and headaches.

For evaluation purposes, TACs are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to the pollutant. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. This contrasts with criteria air pollutants, for which acceptable levels of exposure can be determined and for which ambient standards have been established (Table 3.2-1). Cancer risk from TACs is expressed as excess cancer cases per one million exposed individuals, typically over a lifetime of exposure.

EPA and, in California, the California Air Resources Board (CARB) regulate HAPs and TACs, respectively, through statutes (i.e., 42 United States Code Section 7412[b]) and regulations that generally require the use of the maximum achievable control technology or best available control technology for toxics to limit emissions.

STATE

CARB is the agency responsible for coordination and oversight of State and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA). The CCAA, which was adopted in 1988, required CARB to establish California ambient air quality standards (CAAQS) (Table 3.2-1).

Criteria Air Pollutants

CARB has established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned criteria air pollutants. In most cases, the CAAQS are more stringent than the NAAQS. Differences in the standards are generally explained by the health effects studies considered during the standard-setting process and the interpretation of the studies. In addition, the CAAQS incorporate a margin of safety to protect sensitive individuals.

The CCAA requires that all local air districts in the State endeavor to attain and maintain the CAAQS by the earliest date practical. It specifies that local air districts should focus particular attention on reducing the emissions from transportation and areawide emission sources, and it provides air districts with the authority to regulate indirect emission sources.

CARB regulates emission of criteria air pollutants through several programs, regulations, and plans. The 2022 State SIP Strategy (2022 SIP) serves as compilation document of all actions taken by CARB and local air districts to further the attainment of the NAAQS. Pertinent regulations to the proposed Specific Plan included in the 2022 SIP include, but are not limited to, the Advanced Clean Cars II Program, Advanced Clean Fleets, and Zero-Emissions Trucks Measure, which all serve to electrify the transportation sector through sales requirements for benchmark years (CARB 2022).

Toxic Air Contaminants

TACs in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807, Chapter 1047, Statutes of 1983) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588, Chapter 1252, Statutes of 1987). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are required before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted EPA's list of HAPs as TACs. Most recently, particulate matter (PM) exhaust from diesel engines (diesel PM) was added to CARB's list of TACs.

After a TAC is identified, CARB then adopts an airborne toxics control measure for sources that emit that particular TAC. If a safe threshold exists for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If no safe threshold exists, the measure must incorporate best available control technology for toxics to minimize emissions.

The Hot Spots Act requires that existing facilities that emit toxic substances above a specified level prepare an inventory of toxic emissions, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

AB 617 of 2017 (California Health and Safety Code Section 39607.1) aims to help protect air quality and public health in communities around stationary sources of pollution including facilities subject to the State's cap-and-trade program for GHG emissions. AB 617 imposes a State-mandated local program to address non-vehicular sources (e.g., refineries, manufacturing facilities) of criteria air pollutants and TACs. AB 617 requires CARB to identify high-pollutant areas and directs air districts to focus air quality improvement efforts through adoption of community emission reduction programs within these identified areas. Currently, air districts review individual sources and impose emissions limits on emitters based on best available control technology, pollutant type, and proximity to nearby existing land uses. AB 617 addresses the cumulative and additive nature of air pollutant health effects by requiring community-wide air quality assessment and emission reduction planning.

CARB has adopted diesel exhaust control measures and more stringent emissions standards for various transportation-related mobile sources of emissions, including transit buses, and off-road diesel equipment (e.g., tractors, generators). Over time, the replacement of older vehicles will result in a vehicle fleet that produces substantially lower levels of TACs than under current conditions. Mobile-source emissions of TACs (e.g., benzene, 1-3-butadiene, diesel PM) have been reduced significantly over the last decade and will be reduced further in California through a progression of regulatory measures (e.g., Low Emission Vehicle/Clean Fuels and Phase II reformulated gasoline regulations) and control technologies. With implementation of CARB's Risk Reduction Plan and other regulatory programs, it is estimated that emissions of diesel PM will be less than half of those in 2010 by 2035 (CARB 2023). Adopted regulations are also expected to continue to reduce formaldehyde emissions emitted by cars and light-duty trucks. As emissions are reduced, it is expected that risks associated with exposure to the emissions will also be reduced.

LOCAL

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) maintains and manages air quality conditions in the San Francisco Bay Area Air Basin (SFBAAB), including Santa Clara County, through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of BAAQMD includes the preparation of plans and programs for the attainment of the NAAQS and CAAQS, adoption and enforcement of rules and regulations, and issuance of permits for stationary sources. BAAQMD also inspects stationary sources, responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements other programs and regulations required by the CAA and CCAA.

Projects located in the SFBAAB are subject to BAAQMD's rules and regulations. The following rules and regulations are applicable to the proposed Specific Plan:

- ▶ **Regulation 2, Rule 1, General Permit Requirements.** This rule includes criteria for issuance or denial of permits, exemptions, and appeals against decisions of the Air Pollution Control Officer and BAAQMD actions on applications.
- ▶ **Regulation 2, Rule 2, New Source Review.** Applies to new or modified sources and contains requirements for Best Available Control Technology and emission offsets. Rule 2 implements federal New Source Review and Prevention of Significant Deterioration requirements.
- ▶ **Regulation 6, Rule 1, General Requirements.** This rule limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions, and opacity.

- ▶ **Regulation 6, Rule 3, Wood-burning Devices.** This rule further reduces fine particulate emissions from wood-burning activities when wildfire smoke impacts the Bay Area. Amendments to Rule 6-3 would allow the Air District to call a Spare the Air Alert year-round to notify the public when particulate matter is expected to exceed unhealthy levels. When a Spare the Air Alert is in effect, a Mandatory Burn Ban would prohibit the use of wood-burning devices, outdoor wood-burning devices, and recreational fires to protect the health of Bay Area residents. The Air District proposes to extend the wood-burning prohibition to ensure that high PM_{2.5} concentrations, such as those that occur during wildfire events, are not further exacerbated by wood-burning activities.
- ▶ **Regulation 6, Rule 6, Prohibition of Trackout.** This rule limits the quantity of particulate matter in the atmosphere through control of trackout of solid materials onto paved public roads outside the boundaries of Large Bulk Material Sites, Large Construction Sites, and Large Disturbed Surface sites including landfills. This Rule does not apply to Bulk Material Sites, Construction Sites and Disturbed Surface Sites less than 1 acre.
- ▶ **Regulation 7, Odorous Substances.** Regulation 7 places general limitations on odorous substances and specific emission limitations on certain odorous compounds. A person or facility must meet all limitations of this regulation, but meeting such limitations shall not exempt such person or facility from any other requirements of BAAQMD, state, or national law. The limitations of this regulation are not applicable until BAAQMD receives odor complaints from 10 or more complainants within a 90-day period, alleging that a person or facility has caused odors perceived at or beyond the property line of such person or facility and deemed to be objectionable by the complainants in the normal course of their work, travel, or residence. When the limitations of this regulation become effective, as a result of citizen complaints described above, the limits remain effective until such time as no citizen complaints have been received by BAAQMD for 1 year. The limits of this regulation become applicable again if BAAQMD receives odor complaints from five or more complainants within a 90-day period. BAAQMD staff investigate and track all odor complaints it receives, make attempts to visit the site and identify the source of the objectionable odor, and assist the owner or facility in finding a way to reduce the odor.
- ▶ **Regulation 8, Rule 3, Architectural Coatings.** Limits the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within BAAQMD.
- ▶ **Regulation 14, Rule 3, Bay Area Commuter Benefits Program.** This rule serves as the regional commute benefits ordinance authorized by California Government Code section 65081. The purpose of this rule is to improve air quality, reduce emissions of greenhouse gases and other air pollutants, and decrease traffic congestion in the San Francisco Bay Area by encouraging employees to commute to work by transit and other alternative commute modes.

The CCAA requires that all local air districts in the state endeavor to achieve and maintain the CAAQS in their region by the earliest practical date. It specifies that local air districts should focus attention on reducing the emissions from transportation and areawide emission sources and provides districts with the authority to regulate indirect sources. To achieve the CAAQS, BAAQMD prepares and updates air quality plans on a regular basis. The air quality plans published by BAAQMD and other local air districts in the state are incorporated into California's SIP strategy and meet CAA requirements.

For state air quality planning purposes, the SFBAAB is classified as a serious nonattainment area with respect to the 1-hour ozone standard. The "serious" classification triggers various plan submittal requirements and transportation performance standards. One such requirement is that BAAQMD update its Clean Air Plan every 3 years to reflect progress in meeting the NAAQS and CAAQS and to incorporate new information regarding the feasibility of control measures and new emission inventory data. BAAQMD's record of progress in implementing previous measures must also be reviewed. BAAQMD prepared these plans in cooperation with the Metropolitan Transportation Commission and the Association of Bay Area Governments. On April 19, 2017, BAAQMD adopted the most recent revision to the Clean Air Plan, titled the *2017 Clean Air Plan: Spare the Air, Cool the Climate* (BAAQMD 2017). This plan serves to:

- ▶ define a vision for transitioning the region to a postcarbon economy needed to achieve 2030 and 2050 greenhouse gas reduction targets;

- ▶ decrease emissions of air pollutants most harmful to Bay Area residents, such as particulate matter, ozone, and TACs;
- ▶ reduce emissions of methane and other potent climate pollutants; and
- ▶ decrease emissions of carbon dioxide by reducing fossil fuel combustion.

Although offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable stress among the public and often generating citizen complaints to local governments and BAAQMD. BAAQMD's Regulation 7 ("Odorous Substances"), discussed above, regulates odors.

BAAQMD 2022 CEQA Guidance

Chapter 7 of the 2022 BAAQMD CEQA Guidelines contain development strategies for 20-year, or longer, time horizons. This chapter provides guidance on methods to evaluate air quality and climate change impacts of long-range plans prepared within the SFBAAB pursuant to CEQA. Regional plans are assessed differently than local long-range plans because of their unique characteristics and because they do not establish land use designations. This document describes how to analyze and apply the plan-level air quality thresholds to determine if a local long-range plan has a less-than-significant impact for criteria air pollutants and precursors, local TACs, and odors. The thresholds established by the guidance can be found in the "Thresholds of Significance" section below.

Milpitas General Plan

The Land Use (LU), Circulation (CIR) Community Design (CD), and Conservation and Sustainability (CON), Chapters of the 2040 Milpitas General Plan contain policies that address air quality (Milpitas 2021).

- ▶ **Policy LU 3-1:** Support regional efforts that promote higher densities near major transit and travel facilities, and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.
- ▶ **Policy LU 3-2:** Continue to utilize planning tools (including specific plans and overlay districts) that promote transit-oriented and mixed-use development objectives near the Milpitas Transit Center.
- ▶ **Policy LU 4-2:** Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.
- ▶ **Policy LU 4-3:** Support conveniently located neighborhood-serving commercial centers that provide desired services to local neighborhoods workers and visitors, reduce automobile dependency, and contribute positively to the surrounding neighborhoods.
- ▶ **Policy LU 4-4:** Encourage new development to facilitate pedestrian, bicycle and transit access through techniques such as minimizing building separation from public sidewalks; providing safe, direct, accessible, convenient, and pleasant pedestrian connections; including secure and convenient bike storage; and orienting building entrances to transit service.
- ▶ **Policy LU 5-1:** Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new largescale development projects into the fabric of the existing community rather than allowing projects to be insular and self-contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs.
- ▶ **Policy LU 6-6:** Encourage redevelopment and intensification of mixed-use areas by allowing stand-alone vertical mixed-use, or integrated horizontal mixed-use projects in mixed use areas, consistent with the Land Use Map and policies and actions included in this element.

- ▶ **Policy CIR 2-1:** Promote multimodal transportation options by developing an interconnected system of streets, roads, bridges, and highways that provides continuous, efficient, safe and convenient travel for all users regardless of mode, age or ability and encourage users to walk, ride a bicycle, or use transit for shorter, local trips.
- ▶ **Policy CIR 3-1:** Coordinate with VTA and BART to design and implement capital improvements that support safety and access to rail stations and bus stops.
- ▶ **Policy CIR 3-4:** Ensure that all transit-supportive infrastructure, sidewalks, and bike lanes are adequately maintained to provide high-quality facilities for users.
- ▶ **Policy CIR 4-1:** Encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities to accommodate pedestrians and bicyclists of all ages and abilities and encourage all users to reduce vehicle trips and utilize active transportation options with an increase in density of pedestrian and bicycle-supportive infrastructure.
- ▶ **Policy CIR 4-2:** Link and expand City pedestrian and bicycle circulation facilities to existing and planned local and regional networks, with an emphasis on expanding infrastructure options near transit.
- ▶ **Policy CIR 4-3:** Encourage walking, biking and transit use by prioritizing and implementing “first-mile/last mile” improvements, wayfinding and educational efforts in the vicinity of the Great Mall transit center, light rail stations, the BART station, and heavily used bus stops.
- ▶ **Policy CIR 4-5:** Support building bridges or under-crossings across creek channels, railroad lines and roadways in a manner that will enhance safety, improve network connectivity, and facilitate bicycling and walking between high density residential developments, retail centers, civic buildings, and recreational centers.
- ▶ **Policy CIR 4-6:** Eliminate gaps in the pedestrian and bicycle network, especially between neighborhoods, trails that access schools, and areas with higher health disparities.
 - **Action CIR-4a:** Prioritize, fund, and implement a comprehensive system of sidewalks, bikeways, and off-street trails that connects all parts of the City as identified in the Bikeway and Pedestrian Master Plan and Trails Master Plan and in accordance with the City of Milpitas Municipal Code.
- ▶ **Policy CIR 5-1:** Develop, implement, and monitor vehicle trip reduction requirements for large development projects – including all land use types – to minimize the impact of new development on traffic congestion and to reduce vehicle emissions.
- ▶ **Policy CIR 5-3:** Encourage existing employers to adopt strategies to implement programs to reduce employee vehicle trips, including purchasing passes through VTA’s annual transit pass program; providing facilities such as secure bike parking, lockers, changing rooms, and showers; telework, and flexible work schedules.
- ▶ **Policy CIR 5-4:** Encourage developers to provide enhanced TDM programs and alternative transportation infrastructure that exceeds minimum requirements in exchange for reduced parking requirements, with a focus on priority development areas and locations in proximity to high-capacity transit.
- ▶ **Policy CIR 5-5:** Cooperate with other private entities and public agencies to promote local and regional transit serving Milpitas.
- ▶ **Policy CIR 6-1:** Develop guidelines for the inclusion of green infrastructure in the design of transportation improvements.
- ▶ **Policy CIR 6-2:** Support development of healthier communities through the use of lower- or non-polluting modes of transportation to reduce GHG vehicle emissions and local air pollution levels.
- ▶ **Policy CIR 6-3:** Encourage walking and bicycling as strategies to promote public health and reduce the long-term transportation costs of owning and maintaining a vehicle.
- ▶ **Policy CIR 6-4:** Prioritize transportation improvements in part based on consideration of benefits to disadvantaged communities.

- **Action CIR-6a:** Design sidewalks and pedestrian pathways using environmental design best practices principles or other techniques to provide safe and comfortable facilities for pedestrians at all times of day and night.
- ▶ **Policy CD 6-1:** Support a complete streets approach to designing new streets and retrofitting existing streets by encouraging streets to provide stimulating settings; improve safe walkability, bicycling, and transit integration; strengthen connectivity; and enhance community identity through improvements to the public right-of-way such as sidewalks, street trees, parkways, curbs, human-scaled street lighting, and street furniture.
- ▶ **Policy CD 6-3:** Consider the street type of all adjacent streets in the development review process to ensure that the design of the site, buildings, and public way respond to the multi-modal priorities for the area.
 - **Action CD-6e:** As part of the new design guidelines for commercial and mixed-use development, as called for in Action CD-2d, include design guidelines for non-residential uses within 200 feet of Interstate Highways 680 and 880. The guidelines should address the following concepts.
 - A. New office and commercial land use shall provide attractive landscaping, lighting, and signage adjacent to all buildings oriented to Interstate Highways 680 and 880.
 - B. Encourage buildings that include attractive focal elements, such as a tower or articulated roofline in each non-residential development adjacent to SR 680 and SR 880 to serve as visual landmarks.
 - C. New non-residential buildings oriented to Interstate Highways 680 and 880 shall provide an attractive facade similar in articulation, and using the same materials and colors, as the primary facade of the building.
 - D. Truck loading and refuse collection areas adjacent to Interstate Highways 680 and 880 shall be screened from view.
 - E. The landscaping for development projects adjacent to Interstate Highways 680 and 880 will reflect the natural character of the region in the selection of trees and groundcover.
- ▶ **Policy CD 11-8:** Encourage low-impact development, including but not limited to, bioretention cells/rain gardens, cisterns and rain barrels, green roofs, pervious concrete/porous pavement, bioswales, and media filters.
 - **Action CD-11a:** As part of the development review process, ensure that projects incorporate sustainable elements, such as passive solar design, energy-efficient features, water conservation measures, street trees, electric vehicle charging stations, and low impact development features to the extent feasible.
- ▶ **Policy CON 1-2:** Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
- ▶ **Policy CON 1-3:** Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current “green” development standards in the California Code of Regulations (CCR), Title 24, as feasible.
 - **Action CON-1e** Continue to review all new public and private development projects to ensure compliance with the California Code of Regulations (CCR), Title 24 standards as well as the energy efficiency standards established by California Green Building Standards Code (CALGreen), the General Plan, and the Milpitas Municipal Code Chapter 20 Green Building Regulations.
 - **Action CON-1f** Continue to require all development project applications for new buildings to include a completed LEED or CALGreen Mandatory Measures Checklist.
- ▶ **Policy CON 7-1:** Ensure that land use and transportation plans support air quality goals through a logical development pattern that focuses growth in and around existing urbanized areas, locates new housing near places of employment, encourages alternative modes of transportation, supports efficient parking strategies, reduces vehicle miles traveled, and requires projects to mitigate significant air quality impacts.

- ▶ **Policy CON 7-2:** Minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or setback distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, including but not limited to industrial, manufacturing, and processing facilities, high-volume roadways, and industrial rail lines. New sensitive receptors, such as residences (including residential care and assisted living facilities for the elderly), childcare centers, schools, playgrounds, churches, and medical facilities shall be located away from existing point sources of air pollution such that excessive levels of exposure do not result in unacceptable health risks. Compliance shall be verified through the preparation of a Health Risk Assessment when deemed necessary by the Planning Director.
- ▶ **Policy CON 7-3:** Require projects which generate high levels of air pollutants, such as heavy industrial, manufacturing facilities and hazardous waste handling operations, to incorporate air quality mitigations in their design to reduce impacts to the greatest extent feasible.
- ▶ **Policy CON 7-4:** Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD).
- ▶ **Policy CON 7-5:** Use the City's development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.
- ▶ **Policy CON 7-7:** Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.
- ▶ **Policy CON 7-8:** Consider the health risks associated with Toxic Air Contaminants (TACs) when reviewing development applications.
- ▶ **Policy CON 7-10:** Implement policies and action from the Land Use and Circulation Elements to provide mixed-use developments, locate high-density uses near transit facilities, provide neighborhood-serving retail uses convenient to residential neighborhoods, and other Transportation Demand Management (TDM) programs that would reduce vehicle trips and vehicle miles traveled, thus reducing air-pollutant emissions.
- ▶ **Policy CON 7-11:** Encourage improvements and design features that reduce vehicle delay such as bus turnouts, and synchronized traffic signals for new development to reduce excessive vehicle emissions caused by idling.
 - **Action CON-7c:** Require site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors closer than 500 feet from the edge of a regional roadway facility (including I-680, I-880, and SR-237), or for development projects that would place significant point sources of air pollution such as gas station and dry cleaning facilities, or other industrial facilities that emit toxic air contaminants TACs within 500 feet of a sensitive receptor.
 - **Action CON-7e:** Require dust control measures, including those included in the Santa Clara Valley Non-point Source Pollution Control Program, and BAAQMD's Best Management Practices for fugitive dust control during construction.
 - **Action CON-7f:** Use the BAAQMD "Air Quality Guidelines", as amended, or replaced, in identifying thresholds, evaluating the potential project and cumulative impacts, and determining appropriate mitigation measures.
 - Review development, infrastructure, and planning projects for consistency with BAAQMD requirements during the CEQA review process. Require project applicants to prepare air quality analyses to address BAAQMD, and General Plan requirements, which includes analysis and identification of:
 - Air pollutant emissions associated with the project during construction, project operation, and cumulative conditions;
 - Potential exposure of sensitive receptors to toxic air contaminants;
 - Significant air quality impacts associated with the project for construction, project operation, and cumulative conditions; and

- Mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.
- **Action CON-7h:** Prior to the entitlement of a project that may be an air pollution point source, such as a manufacturing facility, the developer shall provide documentation that the use is located and appropriately separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals).
- **Action CON-7i:** Require construction activity plans, and grading and drainage plans to include and/or provide for dust management to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Project applicants, or their assigned agents/contractors, shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project grading and construction.

3.2.2 Environmental Setting

The 605-acre Specific Plan Area is located within the San Francisco Bay Area Air Basin (SFBAAB). The SFAB includes all of Marin, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, Sonoma, and San Francisco Counties. The ambient concentrations of air pollutant emissions are determined by the amount of emissions released by the sources of air pollutants and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources, as discussed separately below.

CLIMATE, METEOROLOGY, AND TOPOGRAPHY

The Mediterranean climate type of the SFBAAB is characterized by hot, dry summers and cool, rainy winters. During the summer, daily temperatures range from 49.9 degrees Fahrenheit (°F) to more than 81.8°F. The inland location and surrounding mountains shelter the area from much of the ocean breezes that keep the coastal regions moderate in temperature. Most precipitation in the area results from air masses that move in from the Pacific Ocean, usually from the west or northwest, during the winter months. More than half the total annual precipitation falls during the winter rainy season (November through February); the average winter temperature is a moderate 50°F. Also characteristic of SFBAAB winters are periods of dense and persistent low-level fog, which are most prevalent between storms. The prevailing winds are moderate in speed and vary from moisture-laden breezes from the south to dry land flows from the north.

The mountains surrounding the SFBAAB create a barrier to airflow, which leads to the entrapment of air pollutants when meteorological conditions are unfavorable for transport and dilution. The highest frequency of poor air movement occurs in the fall and winter when high-pressure cells are often present over the SFBAAB. The lack of surface wind during these periods, combined with the reduced vertical flow caused by a decline in surface heating, reduces the influx of air and leads to the concentration of air pollutants under stable meteorological conditions. Surface concentrations of air pollutant emissions are highest when these conditions occur in combination with agricultural burning activities or with temperature inversions, which hamper dispersion by creating a ceiling over the area and trapping air pollutants near the ground.

May through October is ozone season in the SFBAAB. This period is characterized by warmer months with high ozone concentrations. In addition, longer daylight hours provide a plentiful amount of sunlight to fuel photochemical reactions between reactive organic gases (ROG) and oxides of nitrogen (NO_x), which result in ozone formation.

The local meteorology of the proposed Specific Plan Area and surrounding area is represented by measurements recorded at the Western Regional Climate Center Kentfield, California station. The normal annual precipitation is approximately 47.4 inches. January temperatures range from a normal minimum of 38.6°F to a normal maximum of 55.6°F. July temperatures range from a normal minimum of 50.2°F to a normal maximum of 83.4°F (WRCC 2016). The prevailing wind direction is from the north (WRCC 2002).

CRITERIA AIR POLLUTANTS

Concentrations of criteria air pollutants are used to indicate the quality of the ambient air. A brief description of key criteria air pollutants in the SFBAAB is provided below. Emission source types and health effects are summarized in Table 3.2-2. Santa Clara County's attainment status for the CAAQS and the NAAQS are shown in Table 3.2-3.

Table 3.2-2 Sources and Health Effects of Criteria Air Pollutants

Pollutant	Sources	Acute ¹ Health Effects	Chronic ² Health Effects
Ozone	Secondary pollutant resulting from reaction of ROG and NO _x in presence of sunlight. ROG emissions result from incomplete combustion and evaporation of chemical solvents and fuels; NO _x results from the combustion of fuels	increased respiration and pulmonary resistance; cough, pain, shortness of breath, lung inflammation	permeability of respiratory epithelia, possibility of permanent lung impairment
Carbon monoxide (CO)	Incomplete combustion of fuels; motor vehicle exhaust	headache, dizziness, fatigue, nausea, vomiting, death	permanent heart and brain damage
Nitrogen dioxide (NO ₂)	combustion devices (e.g., boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines)	coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis or pulmonary edema; breathing abnormalities, cough, cyanosis, chest pain, rapid heartbeat, death	chronic bronchitis, decreased lung function
Sulfur dioxide (SO ₂)	coal and oil combustion, steel mills, refineries, and pulp and paper mills	Irritation of upper respiratory tract, increased asthma symptoms	Insufficient evidence linking SO ₂ exposure to chronic health impacts
Respirable particulate matter (PM ₁₀), Fine particulate matter (PM _{2.5})	fugitive dust, soot, smoke, mobile and stationary sources, construction, fires and natural windblown dust, and formation in the atmosphere by condensation and/or transformation of SO ₂ and ROG	breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases, premature death	alterations to the immune system, carcinogenesis
Lead	metal processing	reproductive/ developmental effects (fetuses and children)	numerous effects including neurological, endocrine, and cardiovascular effects

Notes: NO_x = oxides of nitrogen; ROG = reactive organic gases.

¹ "Acute" refers to effects of short-term exposures to criteria air pollutants, usually at fairly high concentrations.

² "Chronic" refers to effects of long-term exposures to criteria air pollutants, usually at lower, ambient concentrations.

Sources: EPA 2023a.

Ozone

Ground-level ozone is not emitted directly into the air but is created by chemical reactions between ROG and NO_x. This happens when pollutants emitted by cars, power plants, industrial boilers, refineries, chemical plants, and other sources react chemically in the presence of sunlight. Ozone at ground level is a harmful air pollutant because of its effects on people and the environment and is the main ingredient in smog (EPA 2023a).

Acute health effects of ozone exposure include increased respiratory and pulmonary resistance, cough, pain, shortness of breath, and lung inflammation. Chronic health effects include permeability of respiratory epithelia and possibility of permanent lung impairment (EPA 2023a). Emissions of the ozone precursors ROG and NO_x have decreased over the past two decades because of more stringent motor vehicle standards and cleaner burning fuels (CARB 2013).

Nitrogen Dioxide

NO₂ is a brownish, highly reactive gas that is present in all urban environments. The major human-made sources of NO₂ are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the

atmosphere to form NO₂. The combined emissions of NO and NO₂ are referred to as NO_x and are reported as equivalent NO₂. Because NO₂ is formed and depleted by reactions associated with photochemical smog (ozone), the NO₂ concentration in a particular geographical area may not be representative of the local sources of NO_x emissions (EPA 2023a).

Acute health effects of exposure to NO_x includes coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis, or pulmonary edema, breathing abnormalities, cough, cyanosis, chest pain, rapid heartbeat, and death. Chronic health effects include chronic bronchitis and decreased lung function (EPA 2023a).

Table 3.2-3 Attainment Status Designations for Santa Clara County

Pollutant	National Ambient Air Quality Standard	California Ambient Air Quality Standard
Ozone	Attainment (1-hour) ¹	(No State Standard for 1-hour)
	Nonattainment (8-hour) ³ Classification=Severe	Nonattainment (8-hour) Classification=Marginal
	Nonattainment (8-hour) ⁴ Classification=Severe	
Respirable particulate matter (PM ₁₀)	Attainment (24-hour)	Nonattainment (24-hour) Classification - Moderate
		Nonattainment (Annual)
Fine particulate matter (PM _{2.5})	Nonattainment (24-hour)	(No State Standard for 24-Hour)
	Attainment (Annual)	Attainment (Annual)
Carbon monoxide (CO)	Attainment (1-hour)	Attainment (1-hour)
	Attainment (8-hour)	Attainment (8-hour)
Nitrogen dioxide (NO ₂)	Unclassified/Attainment (1-hour)	Attainment (1-hour)
	Unclassified/Attainment (Annual)	Attainment (Annual)
Sulfur dioxide (SO ₂) ⁵	(Attainment Pending) (1-Hour)	Attainment (1-hour)
		Attainment (24-hour)
Lead (Particulate)	Attainment (3-month rolling avg.)	Attainment (30-day average)
Hydrogen Sulfide	No Federal Standard	Unclassified (1-hour)
Sulfates		Attainment (24-hour)
Visibly Reducing Particles		Unclassified (8-hour)
Vinyl Chloride		Unclassified (24-hour)

Notes:

¹ Air Quality meets federal 1-hour Ozone standard (77 FR 64036). EPA revoked this standard, but some associated requirements still apply. BAAQMD attained the standard in 2009. BAAQMD has requested EPA recognize attainment to fulfill the requirements.

² Per Health and Safety Code (HSC) § 40921.5(c), the classification is based on 1989 – 1991 data, and therefore does not change.

³ 1997 Standard.

⁴ 2008 Standard.

⁵ 2010 Standard.

Source: EPA 2023b.

Particulate Matter

PM₁₀ is emitted directly into the air, and includes fugitive dust, soot, and smoke from mobile and stationary sources, construction operations, fires and natural windblown dust, and particulate matter formed in the atmosphere by reaction of gaseous precursors (CARB 2013). PM_{2.5} includes a subgroup of smaller particles that have an aerodynamic diameter of 2.5 micrometers or less. PM₁₀ emissions in the SVAB are dominated by emissions from area sources, primarily fugitive dust from vehicle travel on unpaved and paved roads, farming operations, construction and demolition, and particles from residential fuel combustion. Direct emissions of PM₁₀ are projected to remain relatively constant through 2035. Direct emissions of PM_{2.5} have steadily declined in the SVAB between 2000 and 2010 and are projected to increase slightly through 2035. Emissions of PM_{2.5} in the SVAB are dominated by the same sources as emissions of PM₁₀ (CARB 2013).

Acute health effects of exposure to PM₁₀ include breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases including asthma and chronic obstructive pulmonary disease, and premature death. Chronic health effects include alternations to the immune system and carcinogenesis (EPA 2023a). For PM_{2.5}, short-term exposures (up to 24-hours duration) have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases. Long-term (months to years) exposure to PM_{2.5} has been linked to premature death, particularly in people who have chronic heart or lung diseases, and reduced lung function growth in children.

TOXIC AIR CONTAMINANTS

According to the *California Almanac of Emissions and Air Quality* (CARB 2013), the majority of the estimated health risks from TACs can be attributed to relatively few compounds, the most important being diesel PM. Diesel PM differs from other TACs in that it is not a single substance, but rather a complex mixture of hundreds of substances. Although diesel PM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emissions control system is being used. Unlike the other TACs, no ambient monitoring data are available for diesel PM because no routine measurement method currently exists. However, CARB has made preliminary concentration estimates based on a PM exposure method. This method uses the CARB emissions inventory's PM₁₀ database, ambient PM₁₀ monitoring data, and the results from several studies to estimate concentrations of diesel PM. In addition to diesel PM, the TACs for which data are available that pose the greatest existing ambient risk in California are benzene, 1,3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, and perchloroethylene.

Diesel PM poses the greatest health risk among these 10 TACs mentioned. Based on receptor modeling techniques, CARB estimated the average cancer risk associated with diesel PM concentrations in the SFBAAB to be 360 excess cancer cases per million people in the year 2000. Overall, levels of most TACs, except para-dichlorobenzene and formaldehyde, have decreased since 1990 (CARB 2013).

ODORS

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

The ability to detect odors varies considerably among the population and overall is quite subjective. Some individuals can smell very minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor; an odor that is offensive to one person may be perfectly acceptable to another (e.g., a cooking-related odor from a fast food restaurant). It is important to also note that an unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is because of the phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition only occurs with an alteration in the intensity. Odor sources of concern include wastewater treatment plants, sanitary landfills, composting facilities, recycling facilities, petroleum refineries, chemical manufacturing plants, painting operations, rendering plants, and food packaging plants (BAAQMD 2022).

SENSITIVE RECEPTORS

Sensitive receptors are generally considered to include those land uses where exposure to pollutants could result in health-related risks to sensitive individuals, such as children or the elderly. Residential dwellings, schools, hospitals, playgrounds, and similar facilities are of primary concern because of the presence of individuals particularly sensitive

to pollutants and/or the potential for increased and prolonged exposure of individuals to pollutants. Because the proposed project is a specific plan document, there are no specific sensitive locations identified with respect to the proposed Specific Plan. As a conservative estimate of impacts, sensitive receptors are anticipated to be located directly adjacent to new development.

3.2.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Regional and local criteria air pollutant emissions and associated impacts, as well as impacts from TACs, CO concentrations, and odors were assessed in accordance with BAAQMD-recommended methodologies. The proposed Specific Plan's emissions are compared to BAAQMD-adopted thresholds. Because of the unknown variability of the future development, including specific construction schedules, under the proposed Specific Plan, air quality emissions from future, short-term construction activities are unable to be quantified. Therefore, short-term construction emissions were not quantified and evaluated qualitatively. The proposed Specific Plan was evaluated and compared to the General Plan Update EIR. This change includes a decrease in non-residential SF and additional residential units. Construction impacts were evaluated qualitatively, similar to the methods used in the General Plan Update EIR.

Operational emissions of criteria air pollutants and precursors were calculated using the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.28 computer program, as recommended by BAAQMD (CAPCOA 2024). Modeling was based on project information (e.g., size, acreage, land uses, annual VMT, trip generation) where available; default values in CalEEMod such as water and wastewater usage are based on the project's location and land use type. Construction would begin as early as 2039. Land use types for both the adopted General Plan and proposed Specific Plan were modeled with the change in land use types, acreages, number of dwelling units, VMT, and trip generation that were provided. Both scenarios were modeled with the differences in each project and compared. Specific model assumptions and inputs for these calculations can be found in Appendix B.

THRESHOLDS OF SIGNIFICANCE

Per Chapter 7 of the BAAQMD's CEQA guidance, a plan's impact to air quality is considered a significant impact if the proposed Specific Plan would not do any of the following:

Criteria Air Pollutants

- ▶ A plan's impact to air quality is considered a significant impact if the plan would not be consistent with current air quality plan control measures, and
- ▶ A plan's impact to air quality is considered a significant impact if the plan would not increase VMT or vehicle trip increase less than or equal to projected population increase.

Local Risks and Hazards

- ▶ A plan's impact to air quality is considered a significant impact if the plan identifies special overlay zones around existing and planned sources of TACs (including adopted Risk Reduction Plan areas), and
- ▶ A plan's impact to air quality is considered a significant impact if the plan identifies special overlay zones of at least 500 feet from all freeways and high-volume roadways.

Odors

- ▶ For plans to have a less-than-significant impact, a plan must identify the location of existing and planned odor sources in the plan area. The plan must also include policies to reduce potential odor impacts in the plan area.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.3-1: Conflict With or Obstruct Implementation of the Applicable Air Quality Plan, or Result in a Cumulatively Considerable Net Increase of Criteria Pollutants

The General Plan Update EIR (Impact 3.3-1) concluded that implementation of the General Plan would be consistent with all federal and state guidelines including the 2017 Clean Air Plan. It was concluded in the General Plan Update EIR that population would increase while VMT per service population would decrease, and thus implementation of the General Plan would have a less-than-significant impact. The proposed Specific Plan would be consistent with the General Plan policies and BAAQMD's 2017 Clean Air Plan because the proposed Specific Plan would increase service population and decrease VMT, thus it would continue to be consistent with the 2017 Clean Air Plan and General Plan policies. Thus, this impact would remain as **less than significant** as stated in the General Plan Update EIR.

Plan Consistency

Implementation of the General Plan was concluded to be a less-than-significant impact in the General Plan Update EIR because implementation would be consistent with all federal and state guidelines and the 2017 Clean Air Plan as the General Plan would increase service population, decrease VMT, enhance job-generating uses within the city and comply with all General Plan policies and actions associated with reducing criteria pollutant emissions. The General Plan Update EIR concluded that since implementation of the General Plan would reduce VMT per service population by 3 percent, while increasing jobs and service population within the general plan area by 60.1 percent, the General Plan would further the fundamental goals of the BAAQMD in reducing emissions of criteria pollutants.

Implementation of the proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program within the Specific Plan Area and would also decrease VMT and VMT per service population. Based on Table 2-4 in Chapter 2, "Project Description," it is estimated compared to the adopted General Plan that the proposed Specific Plan at buildout could result in a service population (residents and jobs) increase from 20,466 to 21,925 (7 percent increase) as compared to the General Plan at buildout. Additionally, the proposed Specific Plan would reduce the annual VMT in the Specific Plan Area from 250,360,800 to 195,800,600, a reduction of 21.8 percent and 54,560,200 annual VMT (Fehr & Peers 2024), as shown in Table 3.2-4. This would align with the 2017 Clean Air Plan and be consistent with General Plan Policies LU 3-1 through LU 3-3, LU-4.2 through LU 4-4, LU 5-1, LU 6-6, CIR 2-1, CIR 3-1 through CIR 3-4, CIR 4-1 through CIR 4-6, CIR-5-1 through CIR 5-5, and CIR 6-9, all of which pertain to population, land use developments, and traffic and VMT reduction. Thus, this impact would not be more significant than the impact identified in the General Plan Update EIR.

Table 3.2-4 Specific Plan VMT and Service Population Changes

Plan	VMT (Annual)	Service Population	Annual VMT per population
Adopted General Plan	250,360,800	20,466	12,233
Proposed Specific Plan	195,800,600	21,925	8,930
Change	-54,560,200	+1,459	-3,303
Percent Change	-21.8%	+7.1%	-27.0%

Source: Fehr & Peers 2024.

Construction

Construction activities associated with future development under the proposed Specific Plan would result in short-term temporary increases in criteria air pollutants and ozone precursors as a result of off and on road vehicle exhaust and dust emissions associated with earthwork and vehicular travel on paved and unpaved surfaces.

Due to the programmatic nature of the Specific Plan, site-specific construction details (e.g., schedule, development size and land use type) are not available; thus, construction emissions were not quantified. Compared to the land use development anticipated under the General Plan, the proposed Specific Plan anticipates development of more residential land uses and less non-residential land uses in the same period of time (i.e., 2025 to 2040). However,

construction equipment fleets continue to become cleaner as older equipment is replaced with newer cleaner and higher tiered equipment. Therefore, exhaust emissions from heavy-duty equipment are not anticipated to substantially increase even considering the slight increase in anticipated development. In addition, it is important to note that BAAQMD’s construction thresholds for individual projects are developed based on average daily emissions; thus, for average daily emissions to substantially increase compared to those anticipated in the General Plan Update EIR, the rate of development per year would need to substantially increase for a meaningful increase in emissions to occur. Nothing has changed since the time the General Plan Update EIR has been prepared that would affect the anticipated rate of development over the next 15 years. Moreover, similar to the General Plan, the proposed Specific Plan would be consistent with General Plan policies CON 1-1, 1-4 through 1-6, CON 1-8, 7-2 through 7-7 which all pertain to air quality construction impacts and would require future land use development to incorporate and adhere to dust control measures in accordance with BAAQMD’s Best Management Practices for fugitive dust control during construction, and would require a CEQA review consistent with the BAAQMD requirements for each project within the proposed Specific Plan. Thus, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Operations

Implementation of the proposed Specific Plan would result in additional development of dwelling units and residential sf and a decrease in non-residential development to allow for increased residential density. The proposed Specific Plan also aims to integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes, as stated in Chapter 2, “Project Description.” Land uses within the Specific Plan Area from the General Plan and the proposed Specific Plan were modeled with their corresponding annual VMT and trip generation rates and emissions were compared on an emissions per capita basis. Total operational emissions are identified in Tables 3.2-5 and 3.2-6.

Table 3.2-5 Adopted General Plan Estimated Operational Emissions (Average Daily)

Emissions Source	ROG (lb/day)	NOx (lb/day)	PM ₁₀ Exhaust (lb/day)	PM _{2.5} Exhaust (lb/day)
Mobile	94.2	93.8	1.6	1.5
Area	188.0	2.5	0.3	0.2
Energy	2.3	41.1	3.2	3.2
Total Emissions	284.5	137.4	5.0	4.9
Emissions per Service Population	0.0139	0.0067	0.0002	0.0002

Notes: ROG = reactive organic gases; NOx = oxides of nitrogen; PM_{2.5} = fine particulate matter; PM₁₀ = respirable particulate matter; lb/day = pounds per day; BAAQMD = Bay Area Air Quality Management District.

Source: Modeled by Ascent 2024.

Table 3.2-6 Proposed Gateway-Main Street Specific Plan Estimated Operational Emissions (Average Daily)

Emissions Source	ROG (lb/day)	NOx (lb/day)	PM ₁₀ Exhaust (lb/day)	PM _{2.5} Exhaust (lb/day)
Mobile	118.0	87.7	1.3	1.2
Area	184.0	3.0	0.2	0.2
Energy	1.8	31.4	2.5	2.5
Total Emissions	303.8	122.1	4.0	3.9
Emissions per Service Population	0.0139	0.0056	0.0002	0.0002

Notes: ROG = reactive organic gases; NOx = oxides of nitrogen; PM_{2.5} = fine particulate matter; PM₁₀ = respirable particulate matter; lb/day = pounds per day; BAAQMD = Bay Area Air Quality Management District.

Source: Modeled by Ascent 2024.

As shown in Tables 3.2-5 and 3.2-6, the proposed Specific Plan would emit less NO_x, PM₁₀, and PM_{2.5} as a result of the increased residential densities and decreased non-residential development associated with the proposed Specific Plan compared to the General Plan. However, ROG emissions are estimated to increase due to the 18,964 or 50.2 percent (37,759 to 56,964) increase in daily trips.

Additionally, estimated operational emissions per service population would decrease or stay the same for each criteria pollutant as well. This would align with General Plan policies CD 6-1, CD 6-3, CD 11-2, CD 11-5, CD 11-8 through CD 11-11, CON 1-1 through CON 1-13, and CON 7-1 through CON 7-13 as stated above in Section 3.2.1, "Regulatory Settings." CD 6-1 and CD 6-3 both promote walkable communities and would result in less VMT and ADT. CD 11-2, CD 11-5, and CD 11-8 through CD 11-11 all promote a more energy efficient operations through the encouraging passive solar design, the use of building material that conserve energy and material resources, encourage low-impact development, the use of green roofs to reduce the heat island effect, encourage development to use sustainable design approaches, and continuing to apply the CAP to increase the energy efficiency of development. CON 1-1 through CON 1-13 would ensure that new development is consistent with the objectives and targets identified in the CAP, ensure all future development complies with the energy efficiency requirements in the CALGreen Code, support green building best management practices such as LEED certification and Titles 24 standards, require development to consider the lifecycle cost when identifying opportunities for the replacement and retrofitting of energy efficient technologies, reduce the city's energy demand by pursuing the use of alternative energy and fuel-efficient vehicles and construction equipment, support the production of alternative and renewable energy, encourage energy efficiency and conservation through public awareness and educational opportunities, encourage site planning and building energy conservation through by taking advantage of shade, prevailing winds, landscapes, building orientations, and building material choices, encouraging the distribution of energy resources such as solar and fuel cells, considering incentive programs such as reduces fees and expedited permits for projects that exceed mandatory energy requirements and the City's energy objectives, expand renewable energy installations, and support the use of electrical appliances and energy storage options that reduce the use of and reliance on natural gas. CON 7-1 through 7-13 would increase energy efficiency in the Specific Plan Area by creating a more compact community with reduced VMT and trip lengths, minimizing exposure of the public to toxic and harmful emissions by requiring an adequate buffer between residential and other sensitive land uses and land uses that typically generate air pollutants and TACs, requiring air quality mitigation measures in their design to reduce impacts if the project generates high levels of air pollutants, require projects to adhere to the requirements of the BAAQMD, enforce standards in the CAA, prioritize mixed-use developments near transit facilities, encourage reduced idling, and infrastructure improvements to safe walking and bicycling to reduce VMT and vehicle trips, and implement energy policies that reduce air pollution and greenhouse gases by increasing energy efficiency, conservation and the use of renewable resources. Thus, this impact would not be more significant than the impact identified in the General Plan Update EIR.

The proposed Specific Plan would further reduce VMT and VMT per service population while also increasing service population and jobs in the Specific Plan Area, therefore, the proposed Specific Plan would be consistent with the 2017 Clean Air Plan and the relevant General Plan policies. Additionally, the proposed Specific Plan would continue to decrease operational emissions per capita, proving to be consistent with the 2017 Clean Air Plan and the relevant General Plan policies. Thus, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-2: Expose Sensitive Receptors to Substantial TAC Concentrations

The General Plan Update EIR (Impact 3.3-2) concluded that the General Plan would comply with the applicable policies and programs in the General Plan as well as applicable BAAQMD rules and regulations, that would minimize the potential exposure of sensitive receptors to substantial concentrations of TACs and PM_{2.5} within the City. Therefore, this impact was concluded to be less than significant. The proposed Specific Plan would decrease non-residential SF within the Specific Plan Area and would not add additional TAC or PM_{2.5} emission sources that were not identified in the General Plan Update EIR. Thus, this impact would remain **less than significant**.

The General Plan Update EIR concluded that since the General Plan would include policies and programs that would minimize exposure to TAC and PM_{2.5} concentrations within the City, the impact is less than significant. For example, Policy CON 7-2 requires adequate buffer or setback distances between sensitive land uses and potential sources of toxic or harmful air emissions. Policy CON 7-3 requires projects that generate high levels of pollutants to incorporate air quality mitigations into their design. Action CO-7c requires site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors closer than 500 feet from the edge of a regional roadway facility (including I-680, I-880, and SR-237), or for development projects that would place significant stationary sources of air pollution such as gas stations and dry cleaning facilities, or other industrial facilities that emit TACs within 500 feet of a sensitive receptor. Additionally, the General Plan Update EIR stated that all new sources of TAC emissions within the City would be required to obtain an air permit from BAAQMD that includes analysis of any TAC or PM_{2.5} emissions generated from the new source and the potential health impacts to the nearest sensitive receptor.

Health risks associated with TACs are most pronounced in the areas adjacent to freeway segments. Under the Community Air Risk Evaluation (CARE) program, the BAAQMD has designated certain areas as "Impacted Communities" if the following occur: the areas (1) are close to or within areas of high TAC emissions; (2) have sensitive populations, defined as youth and seniors, with significant TAC exposures; and (3) have significant poverty. The General Plan Update EIR concluded that the city is not mapped by the BAAQMD as an Impacted Community under the CARE program. The CARE program has not changed mapping done by BAAQMD that would classify the Specific Plan Area as an Impacted Community.

Similar to the General Plan, the proposed Specific Plan would continue to require individual projects to undergo project-specific environmental review to determine health impacts from the construction and operation of future development. This would ensure future development under the proposed Specific Plan would be consistent with General Plan Policy CON 7-2, CON 7-3, and CON 7-7, which requires adequate buffer or setback distances between sensitive land uses and potential sources of toxic or harmful air emissions, requires projects that generate high levels of pollutants to incorporate air quality mitigations into their design, and would require future development under the proposed Specific Plan to comply with regional, state, and federal standards and programs for all airborne pollutants and odors. In the event that future individual projects may result in exposure to TACs, these future projects would be required to implement mitigation measures to reduce the impact to a less than significant level, consistent with BAAQMD requirements. The proposed Specific Plan would not introduce any new TAC or PM_{2.5} emission sources but would continue to require all new sources of TAC emissions within the City would be required to obtain an air permit from BAAQMD that includes analysis of any TAC or PM_{2.5} emissions created from the new source and the potential health impacts to the nearest sensitive receptor. Thus, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-3: Result in Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People

The General Plan Update EIR (Impact 3.3-3) concluded that the General Plan would not propose any land uses within the vicinity of this or any other potential source of objectionable odors. Individual projects that have the potential to generate significant objectionable odors would be required to undergo individual CEQA review. Additionally, the General Plan Update EIR stated that the General Plan would incorporate General Plan policies and actions that would further minimize the potential for other emissions (such as odors) to adversely affect a substantial number of people, and therefore a less-than-significant impact was concluded. The proposed Specific Plan would reduce the non-residential SF in the Specific Plan Area and would not introduce any new or substantial odor sources as identified in the General Plan Update EIR. Thus, this impact would remain **less than significant**.

Odorous emissions generated by heavy-duty diesel equipment and the laying of fresh asphalt during future anticipated construction activities would be intermittent and temporary and would dissipate rapidly from the source with an increase in distance. While construction of the proposed Specific Plan would be implemented over approximately 16 years, these types of odor-generating activities would not occur in a single location, or within proximity to off-site receptors, for an extended period. The type and level of construction activity would be typical of new development on a large site, and associated odor sources would not remain in any one part of the Specific Plan Area throughout all construction phases.

Regarding operational odor sources, the General Plan Update EIR identified potential odor sources known to exist in the city as the Newby Island Landfill & Composting operation, the Santa Clara / San Jose Regional Wastewater Facility, the Zanker Landfill & Composting Facility, and the Zanker Organic Digester Facility (ZWED). The General Plan Update EIR concluded that implementation of the General Plan would not propose any land uses within the vicinity of these sources or include new potential sources of objectionable odors. Individual projects that have the potential to generate significant objectionable odors would be required to undergo individual CEQA review. Similarly, the proposed Specific Plan would not propose sensitive land uses within the vicinity of existing major odor sources or anticipate new major odor-generating land uses.

General Plan Policies CON 7-2 and CON 7-7 would address potential odors, which would continue to apply within the Specific Plan Area. Policy CON 7-2 requires appropriate buffers and setbacks between sensitive land uses and odor sources and Policy CON 7-7 requires that all development comply with applicable regional, state, and federal standards pertaining to the control of odors. For the proposed Specific Plan, applicable standards include BAAQMD's adopted rules and regulations pertaining to odors, specifically Regulation 7 which authorizes the air district to respond to and address citizen complaints pertaining to odors.

Considering the temporary nature of odor sources during construction of future development, this source is not typically considered a long-term nuisance generating substantial increases in odor complaints, and the proposed Specific Plan does not introduce any more substantial or unique construction activities compared to the General Plan Update EIR. Further, the proposed Specific Plan does not anticipate new major odor sources and proposed changes to land uses, compared to those previously anticipated in the General Plan Update EIR, consist of similar land uses (but more dense residential replacing non-residential uses), and odor exposure is not anticipated to increase. Further, all BAAQMD rules and regulations pertaining to odors, as required by the General Plan policies, would continue to be required, further reducing the potential for odor exposure. For these reasons, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

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3.3 BIOLOGICAL RESOURCES

This section addresses common and sensitive biological resources that could be affected by implementation of the Specific Plan. The analysis includes a description of the existing environmental conditions, the methods used for assessment, the potential impacts associated with implementing the Specific Plan, and mitigation measures proposed to reduce significant and potentially significant impacts. This section also includes a brief overview of the federal, State, and local laws and regulations pertaining to the protection of biological resources in the City of Milpitas.

During public review of the Notice of Preparation for the EIR, comments were received from CDFW regarding impacts on aquatic resources, migratory birds and raptors, bats, and special-status species including western burrowing owl and Crotch's bumble bee (see Appendix A).

3.3.1 Regulatory Setting

FEDERAL

Federal Endangered Species Act

Pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. Section 1531 et seq.), the US Fish and Wildlife Service (USFWS) regulates the taking of species listed in the ESA as threatened or endangered. In general, persons subject to ESA (including private parties) are prohibited from "taking" endangered or threatened fish and wildlife species on private property, and from "taking" endangered or threatened plants in areas under federal jurisdiction or in violation of state law. Under Section 9 of the ESA, the definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." USFWS has also interpreted the definition of "harm" to include significant habitat modification that could result in take.

Section 10 of the ESA applies if a non-federal agency is the lead agency for an action that results in take and no other federal agencies are involved in permitting the action. Section 7 of the ESA applies if a federal discretionary action is required (e.g., a federal agency must issue a permit), in which case the involved federal agency consults with USFWS.

Section 404 of the Clean Water Act

Section 404 of the federal Clean Water Act (CWA) requires a project applicant to obtain a permit before engaging in any activity that involves any discharge of dredged or fill material into waters of the United States, including wetlands. Fill material is material placed in waters of the United States where the material has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. Waters of the United States include navigable waters of the United States; interstate waters; all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce; tributaries to any of these waters that are relatively permanent standing or continuously flowing bodies of water; and wetlands adjacent to and with a continuous surface connection to these waters. Wetlands are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Potentially jurisdictional wetlands must meet three wetland delineation criteria: hydrophytic vegetation, hydric soil types, and wetland hydrology. Wetlands that meet the delineation criteria may be jurisdictional under Section 404 of the CWA pending US Army Corps of Engineers (USACE) verification.

Section 401 Water Quality Certification

Under Section 401 of the CWA, an applicant for a Section 404 permit must obtain a certificate from the appropriate state agency stating that the intended dredging or filling activity is consistent with the state's water quality standards and criteria. In California, the authority to grant water quality certification is delegated by the State Water Resources Control Board (SWRCB) to the regional water quality control boards (RWQCBs).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), first enacted in 1918, provides for protection of international migratory birds and authorizes the Secretary of the Interior to regulate the taking of migratory birds. The MBTA provides that it will be unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird. Under the MBTA, “take” is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities.” A take does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof. The current list of species protected by the MBTA can be found in Title 50 of the Code of Federal Regulations (CFR), Section 10.13 (50 CFR 10.13). The list includes nearly all birds native to the United States.

STATE

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), waters of the state fall under the jurisdiction of the appropriate RWQCB. RWQCBs must prepare and periodically update water quality control plans (basin plans). Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control point and nonpoint sources of pollution to achieve and maintain these standards. The RWQCB’s jurisdiction includes federally protected waters, as well as areas that meet the definition of “waters of the state.” “Waters of the state” is defined as any surface water or groundwater, including saline waters, within the boundaries of the state. The RWQCB has the discretion to take jurisdiction over areas not federally protected under Section 401 of the CWA provided they meet the definition of waters of the state. Actions that affect waters of the state, including wetlands, must meet the RWQCB’s waste discharge requirements.

California Endangered Species Act

Pursuant to the California Endangered Species Act (CESA), a permit from CDFW is required for projects that could result in the “take” of a plant or animal species that is listed by the state as threatened or endangered. Under CESA, “take” is defined as an activity that would directly or indirectly kill an individual of a species, but does not include “harm” or “harass,” as does the federal definition. As a result, the threshold for take is higher under CESA than under the federal ESA. Authorization for take of state-listed species can be obtained through a California Fish and Game Code Section 2081 incidental take permit.

California Fish and Game Code Sections 3503 and 3503.5—Protection of Bird Nests

Section 3503 of the Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 of the California Fish and Game Code states that it is unlawful to take, possess, or destroy any raptors (i.e., species in the orders *Falconiformes* and *Strigiformes*), including their nests or eggs. Typical violations include destruction of active nests because of tree removal or disturbance caused by project construction or other activities that cause the adults to abandon the nest, resulting in loss of eggs and/or young.

Fully Protected Species under the California Fish and Game Code

Protection of fully protected species is described in Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species and do not provide for authorization of incidental take except for scientific research purposes or for relocation to protect livestock.

California Fish and Game Code Section 1602—Streambed Alteration

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by CDFW under Section 1602 of the California Fish and Game Code. Under Section 1602, it is unlawful for any person, governmental agency, or public utility to do the following without first notifying CDFW:

- ▶ substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake, or

- ▶ deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

The regulatory definition of a stream is a body of water that flows at least periodically or intermittently through a bed or channel that has banks and supports fish or other aquatic life. This definition includes watercourses with a surface or subsurface flow that supports or has supported riparian vegetation. CDFW's jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife. A CDFW streambed alteration agreement must be obtained for any action that would result in an impact on a river, stream, or lake.

LOCAL

The City of Milpitas General Plan 2040

The City of Milpitas General Plan 2040 (General Plan) Environmental Conservation and Sustainability Element (City of Milpitas 2021) includes the following policies that may apply to biological resources applicable to implementation of the Specific Plan:

- ▶ **Policy CON 3-1:** Preserve and enhance biological communities that contribute to Milpitas' and the region's biodiversity including, but not limited to, wetlands, riparian areas, and aquatic habitat.
- ▶ **Policy CON 3-2:** Preserve and enhance the aesthetic and habitat value of riparian corridors including, but not limited to Coyote, Wrigley Ford and Penitencia Creeks.
- ▶ **Policy CON 3-3:** Limit the disturbance of natural water bodies and drainage systems in Milpitas by conserving natural open space areas, protecting channels, and minimizing the impacts and pollutants from stormwater and urban runoff.
- ▶ **Policy CON 3-4:** Focus conservation efforts on areas that contain suitable habitat for endangered, threatened, migratory, or special-status species and that can be managed with minimal interference with nearby urban land uses.
- ▶ **Policy CON 3-5:** Work with the Santa Clara Valley Water District to preserve wetlands, riparian corridors, and buffer zones in Milpitas by continuing to require that new development follow the "Guidelines and Standards for Land Use Near Streams" to protect streams and riparian habitats. Encourage the use of Green Stormwater Infrastructure such as water quality wetlands, bioretention swales, watershed-scale retrofits, and other low-impact development techniques, etc., consistent with the City's Green Stormwater Infrastructure Plan and where such measures are likely to be effective and technically and economically feasible.
- ▶ **Policy CON 3- 6:** Work cooperatively with local, state, and federal agencies to comply with regulations, reduce pollutants in runoff, and protect and enhance water resources in the Santa Clara Basin through implementation of the Santa Clara Valley Urban Runoff Prevention Program (SCVURPPP).
- ▶ **Policy CON 3-7:** Build upon existing streetscapes and develop an urban forest along the City's major corridors and in residential neighborhoods to provide avian habitat, sequester carbon emissions, foster pedestrian activity, and provide shade.
- ▶ **Action CON-3b:** Where sensitive biological habitats have been identified on or immediately adjacent to a project site, the project shall include appropriate mitigation measures identified by a qualified biologist, which may include, but are not limited to the following:
 - Pre-construction surveys for species listed under the State or Federal Endangered Species Acts, or species identified as special-status by the resource agencies, shall be conducted by a qualified biologist;
 - Construction barrier fencing shall be installed around sensitive resources and areas identified for avoidance or protection, and to reduce potential soil compaction in sensitive areas; and
 - Pre-construction training of contractors and sub-contractors shall be conducted by a qualified biologist to identify and avoid protected species and habitat.

- ▶ **Action CON-3c:** Cooperate with State, federal and local agencies to ensure that development does not cause significant adverse impacts to existing riparian corridors; this includes continued compliance with the "Guidelines and Standards for Land Use Near Streams" from the Santa Clara Valley Water District and Title XI, Chapter 15 (Floodplain Management Regulations) of the Milpitas Municipal Code.
- ▶ **Action CON-3d:** Continue to require new development and infrastructure projects to incorporate the standards and requirements contained in the Green Stormwater Infrastructure Handbook, Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook and comply with Title XI, Chapter 16 (Stormwater and Urban Runoff Pollution Control) of the Milpitas Municipal Code to ensure that Low Impact Development (LID) measures are incorporated into site designs to reduce pollutants from non-point sources, incorporate "green" stormwater infrastructure, and encourage greater use of permeable paving surfaces.
- ▶ **Action CON-3e:** Continue to implement a comprehensive municipal stormwater pollution-prevention program in compliance with requirements of the Santa Clara Valley Urban Runoff Prevention Program (SCVURPPP) and the Municipal Regional Stormwater Permit as issued by the San Francisco Bay Regional Water Quality Control Board.
- ▶ **Action CON-3f:** Work with the Santa Clara Valley Water District to restrict future fencing, piping and channelization of creeks when flood control and public safety can be achieved through measures that preserve the natural environmental and habitat of riparian corridors; in addition, evaluate opportunities to revert some existing concrete-lined channels to more natural alternatives such as levees.
- ▶ **Action CON-3g:** Encourage the Santa Clara Valley Water District, County Parks Department, developers and private property owners to plant and maintain native trees and plants and replace invasive, non-native species with native ones along creek corridors.
- ▶ **Action CON-3h:** Continue to work collaboratively with the Santa Clara Valley Water District to institute on-going programs to remove invasive plant species and harmful insects from sensitive habitat areas, primarily by means other than application of herbicides and pesticides.
- ▶ **Action CON-3j:** Coordinate with the California Department of Fish and Wildlife, Santa Clara County, the Santa Clara Valley Water District, and local watershed protection groups to identify potentially impacted aquatic habitat within Milpitas and to develop riparian management guidelines to be implemented by development, recreation, and other projects adjacent to creeks, streams, and other waterways. Efforts should result in standards to reduce impacts between urban development and riparian corridors, including lighting restrictions, pollution controls, noise reduction, and other measures deemed appropriate to preserve and enhance the biological function of habitat.

Tree Maintenance and Protection Ordinance of the City of Milpitas

City Ordinance 201.5 in Milpitas outlines the regulations and responsibilities for tree maintenance and removal of street trees, heritage trees, and protected trees.

Street Trees: The city plants Approved Street Trees in public rights-of-way and tree planting easements. The Public Works Director selects suitable trees from the Approved Street Tree List. Residents or property owners are responsible for watering and protecting street trees located in these easements.

Heritage Trees: These are trees of significant size, age, form, or historical importance. It is illegal to prune or remove a Heritage Tree without a permit from the Public Works Department.

Protected Trees: Trees on residential, commercial, industrial, and vacant lots are protected by law if they meet certain size requirements:

- ▶ Residential trees with a circumference of 56 inches or more.
- ▶ Commercial/industrial and vacant lot trees with a circumference of 37 inches or more. A permit is required to remove or prune these trees.

3.3.2 Environmental Setting

LAND COVER

Urban habitat comprises most of the Specific Plan Area, with limited natural habitat occurring in small fragments throughout the area (Figure 3.3-1) (EDAW 2001). Natural terrestrial habitats include arroyo willow (*Salix lasiolepis*) alliance along Wrigley Ford Creek, Goodding's willow - red willow (*Salix goodingii-Salix laevigata*) alliance along the eastern edge of the Specific Plan Area, shrub fragments along Thompson Street, and small patches of annual and perennial grassland and nonnative forest occurring throughout. Portions of Penitencia Creek and Wrigley Ford Creek occur in the Specific Plan Area (Figure 3.3-2). The dominant species along Wrigley Ford Creek is arroyo willow, and nonnative vegetation is prevalent along Penitencia Creek (Figure 3.3-1). Descriptions of these creeks are provided in the Midtown Specific Plan Draft Environmental Impact Report (Midtown SP EIR) (see Chapter 3.7.1 "Existing Setting") (EDAW 2001).

COMMON WILDLIFE

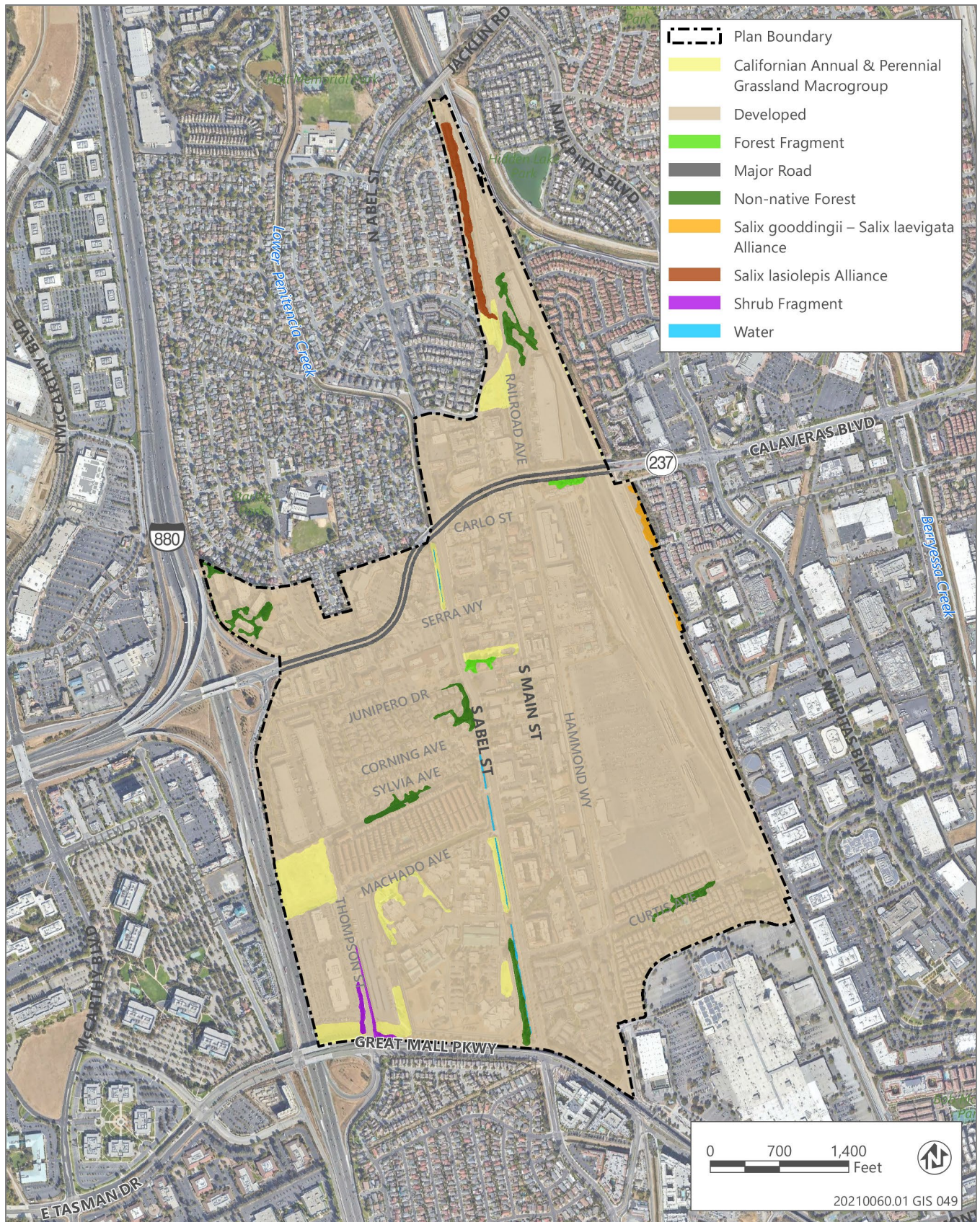
Wildlife diversity is expected to be low due to the urbanized nature of the Specific Plan Area (EDAW 2001). A list of common species found or expected to utilize the developed and undeveloped habitat in the Specific Plan Area are described in the Midtown SP EIR (See Chapter 3.7.1 "Existing Setting") (EDAW 2001).

SENSITIVE BIOLOGICAL RESOURCES

Special-Status Species

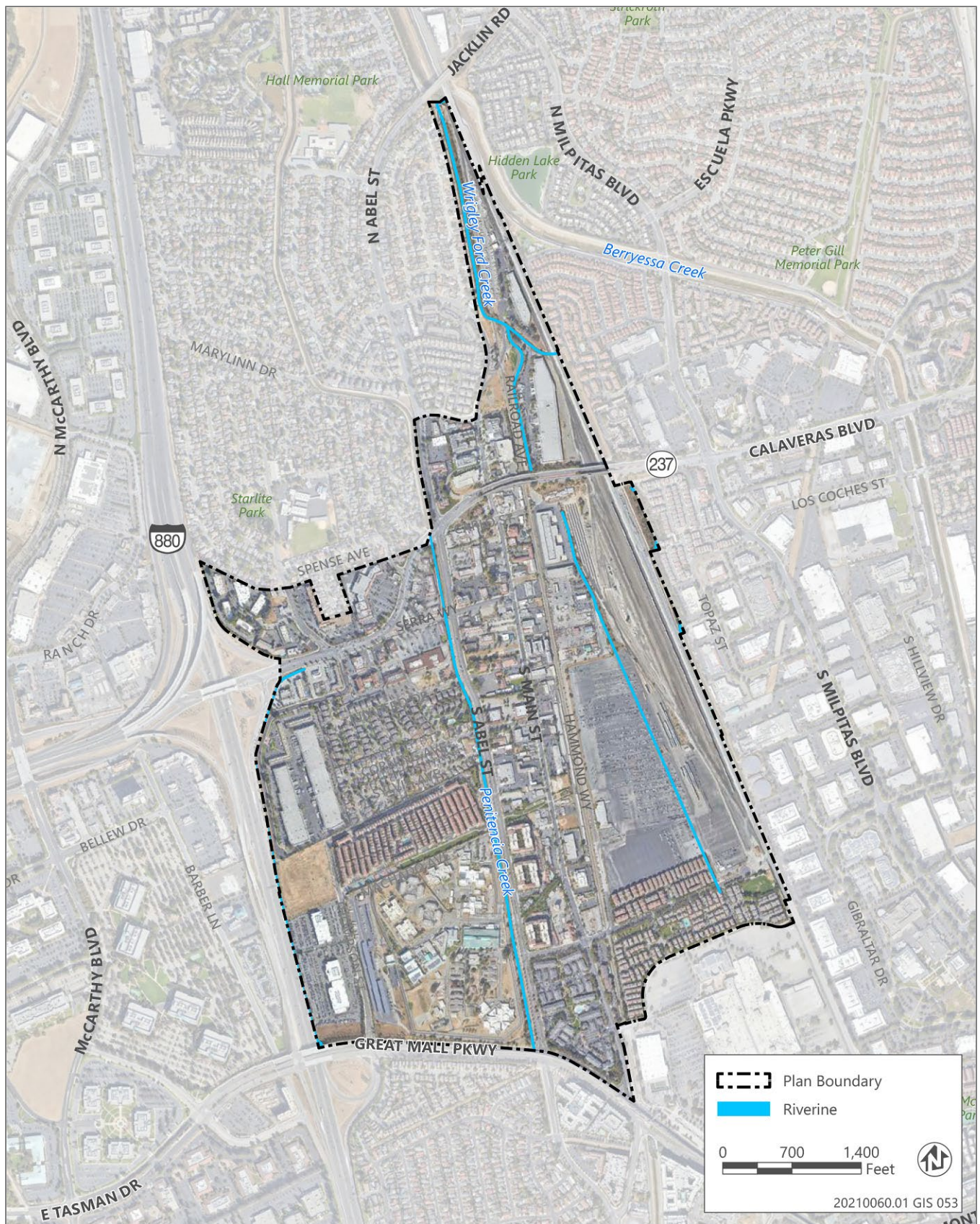
Special-status species are defined as species that are legally protected under CESA (California Fish and Game Code, Section 2050 et seq.), the federal ESA, or other regulations, or that are otherwise considered sensitive by federal, state, or local resource agencies. Special-status species are species, subspecies, or varieties that fall into one or more of the following categories, regardless of their legal or protection status:

- ▶ officially listed by California or the federal government as endangered, threatened, or rare;
- ▶ a candidate for state or federal listing as endangered, threatened, or rare;
- ▶ taxa (i.e., taxonomic category or group) that meet the criteria for listing, even if not currently included on any list, as described in California Code of Regulations (CCR) Section 15380 of the State CEQA Guidelines;
- ▶ species identified by CDFW as Species of Special Concern;
- ▶ species listed as Fully Protected under the California Fish and Game Code;
- ▶ species that are considered locally significant, that is, a species that is not rare from a statewide perspective but is rare or unique in a local context such as within a county or region (State CEQA Guidelines Section 15125 [c]) or is so designated in local or regional plans, policies, or ordinances (State CEQA Guidelines, Appendix G); and
- ▶ taxa considered by the CDFW to be "rare, threatened, or endangered in California" and assigned a California Rare Plant Rank (CRPR). The CDFW system includes three rarity and endangerment ranks for categorizing plant species of concern, summarized as follows:
 - CRPR 1A Plants presumed to be extinct in California;
 - CRPR 1B Plants that are rare, threatened, or endangered in California and elsewhere; and
 - CRPR 2 Plants that are rare, threatened, or endangered in California but more common elsewhere.



Source: Data downloaded from the 2020 Santa Cruz and Santa Clara county fine scale vegetation map; adapted by Ascent in 2024.

Figure 3.3-1 Land Cover



Source: Data downloaded from USFWS in 2024; adapted by Ascent in 2024.

Figure 3.3-2 Aquatic Resources

The term "California species of special concern" is applied by CDFW to animals not listed under ESA or CESA, but that are considered to be declining at a rate that could result in listing, or that historically occurred in low numbers and known threats to their persistence currently exist. CDFW's fully protected status was California's first attempt to identify and protect animals that were rare or facing extinction. Most species listed as fully protected were eventually listed as threatened or endangered under CESA; however, some species remain listed as fully protected but do not have simultaneous listing under CESA.

Table 3.3-1 provides a list of special-status species potentially occurring in the Specific Plan Area vicinity. Special-status plant and wildlife species that could occur within or adjacent to the Specific Plan Area are evaluated in this SEIR and are discussed in further detail below.

Table 3.3-1 Special-Status Plant Species Known to Occur in the Vicinity of the Specific Plan Area and Their Potential for Occurrence in the Specific Plan Area

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence ²
Alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i>	—	—	1B.2	Low ground, alkali flats, and flooded lands; in annual grassland or in playas or vernal pools. 0–550 ft in elevation. Blooms March–June. Annual.	May occur. The Specific Plan Area contains grassland habitat and seasonal wetland habitat that may be suitable for this species.
Brittlescale <i>Atriplex depressa</i>	—	—	1B.2	Chenopod scrub, meadows, seeps, playas, valley and foothill grassland, and vernal pools. Usually in alkali scalds or alkaline clay in meadows or annual grassland; rarely associated with riparian, marshes, or vernal pools. 5–1,065 ft in elevation. Blooms April–October. Annual.	May occur. The Specific Plan Area contains grassland and seasonal wetland habitat that may be suitable for this species.
Lesser saltscale <i>Atriplex minuscula</i>	—	—	1B.1	Chenopod scrub, alkali playas, valley and foothill grassland. In alkali sink and grassland in sandy, alkaline soils. 0–740 ft in elevation. Blooms May–October. Annual.	May occur. The Specific Plan Area contains grassland habitat that may be suitable for this species.
Big-scale balsamroot <i>Balsamorhiza macrolepis</i>	—	—	1B.2	Chaparral, valley and foothill grassland, cismontane woodland. Sometimes on serpentine. 115–4,805 ft in elevation. Blooms March–June. Perennial.	Not expected to occur. The Specific Plan Area does not contain chaparral, woodland, or undisturbed grassland suitable for this species.
Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congdonii</i>	—	—	1B.1	Valley and foothill grassland. Alkaline soils, sometimes described as heavy white clay. 0–800 ft in elevation. Blooms May–October. Annual.	Known to occur. There is an occurrence from 2008 along the eastern boundary of the Specific Plan Area, between Topaz Street and the railroad.
Point Reyes salty bird's-beak <i>Chloropyron maritimum</i> ssp. <i>palustre</i>	—	—	1B.2	In coastal salt marsh with <i>Salicornia</i> , <i>Distichlis</i> , <i>Jaumea</i> , <i>Spartina</i> , etc. 0–375 ft in elevation. Blooms June–October. Annual.	Not expected to occur. The Specific Plan Area does not contain coastal salt marsh habitat suitable for this species.
Robust spineflower <i>Chorizanthe robusta</i> var. <i>robusta</i>	FE	—	1B.1	Cismontane woodland, coastal dunes, coastal scrub, chaparral. Sandy terraces and bluffs or in loose sand. 30–805 ft in elevation. Blooms April–September. Annual.	Not expected to occur. The Specific Plan Area does not contain sandy terraces or bluffs with loose sand substrate suitable for this species.
Mt. Hamilton thistle <i>Cirsium fontinale</i> var. <i>campylon</i>	—	—	1B.2	Ultramafic. Cismontane woodland, chaparral, valley and foothill grassland. In seasonal and perennial drainages on serpentine. 330–2,920 ft in elevation. Blooms April–October. Perennial.	Not expected to occur. The Specific Plan Area is outside of the elevational range of this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence ²
San Francisco collinsia <i>Collinsia multicolor</i>	—	—	1B.2	Closed-cone coniferous forest, coastal scrub. On decomposed shale (mudstone) mixed with humus; sometimes on serpentine. 100–820 ft in elevation. Blooms March–May. Annual.	Not expected to occur. The Specific Plan Area does not contain closed-cone coniferous forest or coastal scrub habitat suitable for this species.
Hospital Canyon larkspur <i>Delphinium californicum</i> <i>ssp. interius</i>	—	—	1B.2	Cismontane woodland, chaparral, coastal scrub. In wet, boggy meadows, openings in chaparral and in canyons. 640–3,595 ft in elevation. Blooms April–June. Perennial.	Not expected to occur. The Specific Plan Area does not contain closed-cone coniferous forest or coastal scrub habitat suitable for this species.
Western leatherwood <i>Dirca occidentalis</i>	—	—	1B.2	Broadleaved upland forest, chaparral, closed-cone coniferous forest, cismontane woodland, north coast coniferous forest, riparian forest, riparian woodland. On brushy slopes, mesic sites; mostly in mixed evergreen and foothill woodland communities. 80–1,395 ft in elevation. Blooms January–March. Perennial.	Not expected to occur. The Specific Plan Area is outside of the geographical range of this species, and the Specific Plan Area does not contain brushy slope habitat suitable for this species.
Santa Clara Valley dudleya <i>Dudleya abramsii</i> <i>setchellii</i>	FE	—	1B.1	Ultramafic. Valley and foothill grassland, cismontane woodland. On rocky serpentine outcrops. 195–1,495 ft in elevation. Blooms April–October. Perennial.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species and does not contain serpentine substrate suitable for this species.
Hoover's button-celery <i>Eryngium aristulatum</i> <i>var. hooveri</i>	—	—	1B.1	Alkaline depressions, vernal pools, and other wet places near the coast. 5–165 ft in elevation. Blooms July. Annual/Perennial.	May occur. The Specific Plan Area contains a vernal wet depression near Elmwood Correctional Facility that may be marginally suitable for this species.
San Joaquin spearscale <i>Extriplex joaquinana</i>	—	—	1B.2	Chenopod scrub, alkali meadow, playas, valley and foothill grassland. In seasonal alkali wetlands or alkali sink scrub with <i>Distichlis spicata</i> , <i>Frankenia</i> , etc. 5–2,740 ft in elevation. Blooms April–October. Annual.	May occur. The Specific Plan Area contains grassland and wetland habitat potentially suitable for this species.
Fragrant fritillary <i>Fritillaria liliacea</i>	—	—	1B.2	Coastal scrub, valley and foothill grassland, coastal prairie, cismontane woodland. Often on serpentine; various soils reported though usually on clay. 10–1,310 ft in elevation. Blooms February–April. Geophyte.	Not expected to occur. The Specific Plan Area does not contain coastal scrub, coastal prairie, or undisturbed grassland habitat with serpentine substrate suitable for this species.
Loma Prieta hoita <i>Hoita strobilina</i>	—	—	1B.1	Ultramafic. Chaparral, cismontane woodland, riparian woodland. Serpentine; mesic sites. 195–3,200 ft in elevation. Blooms May–July. Perennial.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species and does not contain serpentine substrate suitable for this species.
Contra Costa goldfields <i>Lasthenia conjugens</i>	FE	—	1B.1	Valley and foothill grassland, vernal pools, alkaline playas, cismontane woodland. Swales and low depressions, in open grassy areas. 5–1,475 ft in elevation. Blooms March–June. Annual.	Not expected to occur. The Specific Plan Area does not contain alkali playa or vernal pool habitat suitable for this species.
Mmooth lessingia <i>Lessingia micradenia</i> <i>var. glabrata</i>	—	—	1B.2	Ultramafic. Chaparral, cismontane woodland. Serpentine; often on roadsides. 395–1,380 ft in elevation. Blooms July–November. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species and does not contain serpentine substrate suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence ²
Arcuate bush-mallow <i>Malacothamnus arcuatus</i>	—	—	1B.2	Chaparral, cismontane woodland. Gravelly alluvium. 5–2,410 ft in elevation. Blooms April–September. Perennial.	Not expected to occur. The Specific Plan Area does not contain chaparral or woodland habitat with gravelly alluvium substrate suitable for this species.
Hall's bush-mallow <i>Malacothamnus hallii</i>	—	—	1B.2	Chaparral, coastal scrub. Some populations on serpentine. 35–2,395 ft in elevation. Blooms May–September. Perennial.	Not expected to occur. The Specific Plan Area does not contain chaparral or coastal scrub habitat suitable for this species.
Woodland woollythreads <i>Monolopia gracilens</i>	—	—	1B.2	Chaparral, valley and foothill grassland, cismontane woodland, broadleafed upland forest, north coast coniferous forest. Grassy sites, in openings; sandy to rocky soils. Often seen on serpentine after burns but may have only weak affinity to serpentine. 330–3,935 ft in elevation. Blooms March–July. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species.
Prostrate vernal pool navarretia <i>Navarretia prostrata</i>	—	—	1B.2	Alkaline soils in wet grassland or coastal scrub, or in vernal pools. Mesic, alkaline sites. 10–4,050 ft in elevation. Blooms April–July. Annual.	May occur. The Specific Plan Area contains wet grassland habitat potentially suitable for this species.
Hairless popcornflower <i>Plagiobothrys glaber</i>	—	—	1A	Coastal salt marsh, alkaline grasslands, and vernal pools. 15–590 ft in elevation. Blooms March–May. Annual.	Not expected to occur. This species is presumed extirpated in California, and it is unlikely to occur in a highly urbanized environment such as the Specific Plan Area.
California alkali grass <i>Puccinellia simplex</i>	—	—	1B.2	Meadows and seeps, vernal pools, sinks, flats and lake margins within chenopod scrub and valley and foothill grasslands. Alkaline, vernal mesic. 5–3,000 ft in elevation. Blooms March–May. Annual.	May occur. The Specific Plan Area contains vernal wet depressions and grassland habitat potentially suitable for this species.
Chaparral harebell <i>Ravenella exigua</i>	—	—	1B.2	Chaparral. On rocky, usually serpentinite, substrate. 900–4,100 ft in elevation. Blooms May–June. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species.
Chaparral ragwort <i>Senecio aphanactis</i>	—	—	2B.2	Chaparral, cismontane woodland, coastal scrub. Drying alkaline flats. 65–2,805 ft in elevation. Blooms January–April. Annual.	Not expected to occur. The Specific Plan Area does not contain chaparral, woodland, or coastal scrub habitat suitable for this species.
Long-styled sand-spurrey <i>Spergularia macrotheca</i> var. <i>longistyla</i>	—	—	1B.2	Marshes and swamps, meadows and seeps, vernal pools, and alkaline grasslands. Can tolerate disturbed habitat. Alkaline. 0–835 ft in elevation. Blooms February–May. Perennial.	May occur. The Specific Plan Area contains grassland and wetland habitat that may be suitable for this species.
Metcalf Canyon jewelflower <i>Streptanthus albidus</i> ssp. <i>albidus</i>	FE	—	1B.1	Ultramafic. Valley and foothill grassland. Relatively open areas in dry grassy meadows on serpentine soils; also on serpentine balds. 150–2,625 ft in elevation. Blooms April–July. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species and does not contain serpentine substrate suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence ²
Most beautiful jewelflower <i>Streptanthus albidus ssp. peramoenus</i>	—	—	1B.2	Ultramafic. Chaparral, valley and foothill grassland, cismontane woodland. Serpentine outcrops, on ridges and slopes. 310–3,280 ft in elevation. Blooms April–September. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species.
Northern slender pondweed <i>Stuckenia filiformis ssp. alpina</i>	—	—	2B.2	Marshes, swamps, and shallow, clear water of lakes and drainage channels. 985–7,055 ft in elevation. Blooms May–July. Geophyte.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species.
California seablite <i>Suaeda californica</i>	FE	—	1B.1	Margins of coastal salt marshes. 0–15 ft in elevation. Blooms July–October. Perennial.	Not expected to occur. The Specific Plan Area does not contain coastal marsh or swamp habitat suitable for this species.
Saline clover <i>Trifolium hydrophilum</i>	—	—	1B.2	Marshes and swamps, valley and foothill grassland, vernal pools. Mesic, alkaline sites. 0–985 ft in elevation. Blooms April–June. Annual.	May occur. The Specific Plan Area contains wetland and grassland habitat potentially suitable for this species.

Notes: CRPR = California Rare Plant Rank; CEQA = California Environmental Quality Act; ESA = Endangered Species Act

¹ Legal Status Definitions

Federal:

FE Federally Listed as Endangered (legally protected by ESA)

California Rare Plant Ranks (CRPR):

- 1A Plant species that are presumed extirpated or extinct because they have not been seen or collected in the wild in California for many years. A plant is extinct if it no longer occurs anywhere. A plant that is extirpated from California has been eliminated from California but may still occur elsewhere in its range.
- 1B Plant species considered rare or endangered in California and elsewhere (protected under CEQA, but not legally protected under ESA or CESA).
- 2B Plant species considered rare or endangered in California but more common elsewhere (protected under CEQA, but not legally protected under ESA or CESA).

CRPR Threat Ranks:

- 0.1 Seriously threatened in California (over 80% of occurrences threatened; high degree and immediacy of threat)
- 0.2 Moderately threatened in California (20-80% occurrences threatened; moderate degree and immediacy of threat)

² Potential for Occurrence Definitions

Not expected to occur: Species is unlikely to be present because of poor habitat quality, lack of suitable habitat features, or restricted current distribution of the species.

May occur: Suitable habitat is available and there have been nearby recorded occurrences of the species.

Known to occur: The species has been observed within the treatment areas.

Sources: CNDDDB 2024; CNPS 2024.

Table 3.3-2 Special-Status Wildlife Species Known to Occur in the Vicinity of the Specific Plan Area and Their Potential for Occurrence in the Specific Plan Area

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Amphibians and Reptiles				
California tiger salamander - central California DPS <i>Ambystoma californiense</i> pop. 1	FT	ST	Lives in vacant or mammal-occupied burrows throughout most of the year; in grassland, savanna, or open woodland habitats. Need underground refuges, especially ground squirrel burrows, and standing bodies of fresh water such as ponds, vernal pools and other ephemeral or sometimes permanent water bodies for breeding.	Not expected to occur. Due to urban development, most California tiger salamander populations within the Santa Clara Valley floor have been extirpated (CNDDDB 2024). The remaining populations occur along the valley floor's edges, in the surrounding foothills, and in some undeveloped areas south of San Jose (CNDDDB 2024). The Specific Plan Area is located in the middle of the valley floor and is surrounded by dense urbanization. Penitencia and Wrigley Ford creeks are largely channelized and often concrete-lined, therefore they do not offer high-quality breeding habitat. In addition, the areas surrounding these creeks lack sufficient upland habitat as it is surrounded by urban uses along its borders. The seasonal wetland near Elmwood Correctional Facility is in a highly urbanized environment and is surrounded by development and busy roads on all sides, so it is unlikely to provide habitat suitable for this species.
Santa Cruz black salamander <i>Aneides niger</i>	—	SSC	Mixed deciduous and coniferous woodlands and coastal grasslands in San Mateo, Santa Cruz, and Santa Clara counties. Adults found under rocks, talus, and damp woody debris.	Not expected to occur. The Specific Plan Area is out of the known geographical range of this species and lacks woodland and coastal grassland habitat suitable for this species.
Northern California legless lizard <i>Anniella pulchra</i>	—	SSC	Chaparral. Coastal dunes. Coastal scrub. Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. Prefers soils with a high moisture content.	Not expected to occur. The Specific Plan Area does not contain chaparral, coastal dune, or coastal scrub habitat suitable for this species.
California giant salamander <i>Dicamptodon ensatus</i>	—	SSC	Meadow and seep, north coast coniferous forest, and riparian forest. Known from wet coastal forests near streams and seeps from Mendocino County south to Monterey County and east to Napa County. Aquatic larvae found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Not expected to occur. The Specific Plan Area is out of the known geographical range of this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Northwestern pond turtle <i>Actinemys marmorata</i>	FP	SSC	Ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6,000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	May occur. Penitencia Creek may provide aquatic and basking habitat suitable for northwestern pond turtle. There is very little natural habitat (i.e. sandy banks or grassy open fields) along Penitencia Creek and the high levels of disturbance associated with developed land use along the creek make it unsuitable for egg-laying.
Alameda whipsnake <i>Masticophis lateralis euryxanthus</i>	FT	ST	Chaparral, cismontane woodland, coastal scrub, valley and foothill grassland. Typically found in chaparral and scrub habitats but will also use adjacent grassland, oak savanna and woodland habitats. Mostly south-facing slopes and ravines, with rock outcrops, deep crevices or abundant rodent burrows, where shrubs form a vegetative mosaic with oak trees and grasses.	Not expected to occur. The Specific Plan Area is out of the known geographical range of this species and lacks chaparral and scrub habitat suitable for this species.
California red-legged frog <i>Rana draytonii</i>	FT	SSC	Artificial flowing waters, artificial standing waters, freshwater marsh, marsh & swamp, riparian forest, riparian scrub, riparian woodland, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, south coast flowing waters. Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	May occur. Wrigley Ford Creek may provide aquatic habitat suitable for red-legged frog and the dense riparian corridor along the creek may provide upland habitat.
Foothill yellow-legged frog (Central Coast DPS) <i>Rana boylei</i> pop. 4	FT	SE	San Francisco Peninsula and Diablo Range south of San Francisco Bay Estuary, and south through the Santa Cruz and Gabilan Mountains east of the Salinas River in the southern inner Coast Ranges. Partly shaded shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying and at least 15 weeks to attain metamorphosis.	Not expected to occur. All occurrences of foothill yellow-legged frog in Santa Clara Valley have been extirpated due to urbanization (CNDDDB 2024). All known occurrences are restricted to the surrounding foothills and mountains (CNDDDB 2024).
Birds				
Tricolored blackbird <i>Agelaius tricolor</i> (nesting colonies)	—	ST SSC	Freshwater marsh, marsh and swamp, swamp, wetland. Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few kilometers of the colony.	May occur. Tricolored blackbirds may fly through the Specific Plan Area or temporarily use the thin strip of riparian vegetation along Penitencia Creek and Wrigley Ford Creek, however, they are unlikely to nest in these areas due to the small size of the riparian corridor and high levels of disturbance from surrounding developed land uses. In addition, the Specific Plan Area does not contain foraging habitat (i.e. extensive wetlands or agricultural fields) suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Golden eagle <i>Aquila chrysaetos</i> (nesting and wintering)	—	FP	Broadleaved upland forest, cismontane woodland, coastal prairie, Great Basin grassland, Great Basin scrub, lower montane coniferous forest, pinyon and juniper woodlands, upper montane coniferous forest, and valley and foothill grassland. Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	Not expected to occur. The Specific Plan Area is surrounded by dense urban development and lacks cliff-walled canyons or large trees in open areas for nesting, as well as open space with grassland, woodland, coastal prairie, scrub, or forest habitat for foraging.
Burrowing owl <i>Athene cucularia</i> (burrow sites)	—	SSC SC	Coastal prairie, coastal scrub, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, Sonoran desert scrub, and valley and foothill grassland. Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Can also be found in vacant lots, road medians and airports. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	May occur. There are historical observations of burrowing owl in the Specific Plan Area from 1998 and 2006 (CNDDDB 2024). The 1998 occurrence has since been turned into a residential neighborhood and is now considered extirpated (CNDDDB 2024). The 2006 occurrence, found in the vicinity of the Elmwood Correctional Facility, may be extirpated because most of the grasslands in the mapped occurrence area have been developed. However, small fragments of grassland habitat still exist in the area that could support this species. Both occurrences were surrounded by urban development and were found in low quality habitats such as sewer drainages and small areas of ruderal, disced grassland. Other grassland habitat within the Specific Plan Area may provide habitat marginally suitable for this species.
Swainson's hawk <i>Buteo swainsoni</i> (nesting)	—	ST	Great Basin grassland, riparian forest, riparian woodland, valley and foothill grassland. Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Not expected to occur. There are very few observations of Swainson's hawk in the urbanized areas of the Santa Clara Valley, and all observations are either considered extirpated or note that Swainson's Hawk was only flying overhead towards other areas (CNDDDB 2024; eBird 2024). In addition, the Specific Plan Area does not contain large open grasslands or agricultural areas suitable for foraging. Consequently, Swainson's hawk is unlikely to nest in the Specific Plan Area due to lack of high-quality foraging habitat and the high levels of human disturbance.
Western snowy plover <i>Charadrius nivosus nivosus</i> (nesting)	FT	SSC	Sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Not expected to occur. The Specific Plan Area does not contain beach or shore habitat with sandy substrate suitable for this species.
Northern harrier <i>Circus hudsonius</i> (nesting)	—	SSC	Coastal salt and freshwater marsh. Nest and forage in grasslands, from salt grass in desert sink to mountain cienagas. Nests on ground in shrubby vegetation, usually at marsh edge; nest built of a large mound of sticks in wet areas.	Not expected to occur. The Specific Plan Area does not contain marsh habitat suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i> (nesting)	FT	SE	Riparian forest. Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	Not expected to occur. Western yellow-billed cuckoo generally requires large areas of riparian woodland that contain habitat for nesting and foraging in incontiguous or nearly contiguous patches that are greater than 325 ft in width and 200 acres or more in extent (USFS 2014). The fragmented riparian habitat along the creeks in the Specific Plan Area have a very narrow width (95 ft or less), and are surrounded by urban development; they do not provide the size of habitat necessary for western yellow-billed cuckoo. There is a historical observation of western yellow-billed cuckoo from 1899 in the general vicinity of the Specific Plan Area, however, it is considered extirpated due to urban development (CNDDDB 2024).
Yellow rail <i>Coturnicops noveboracensis</i> (nesting and wintering)	—	SSC	Freshwater marsh, wet meadow and seep. Summer resident in eastern Sierra Nevada in Mono County.	Not expected to occur. The Specific Plan Area does not contain marsh or wet meadow habitat suitable for this species.
White-tailed kite <i>Elanus leucurus</i> (nesting)	—	FP	Cismontane woodland, marsh and swamp, riparian woodland, valley and foothill grassland, and wetlands. Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	May occur. White-tailed kites are frequently observed in the urban areas of the Santa Clara Valley, including the vicinity of Milpitas (eBird 2024). Although white-tailed kite is more likely to use less urbanized areas with higher quality foraging habitat outside of the Specific Plan Area, it is possible that they may use the small fragments of grassland or riparian habitat within the Specific Plan Area for foraging and nearby tall trees for nesting.
Saltmarsh common yellowthroat <i>Geothlypis trichas sinuosa</i> (year-round)	—	SSC	Marsh and swamp. Resident of the San Francisco Bay region, in fresh and salt water marshes. Requires thick, continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	Not expected to occur. The Specific Plan Area does not contain marsh or swamp habitat suitable for this species.
California black rail <i>Laterallus jamaicensis coturniculus</i> (nesting)	—	ST FP	Brackish marsh, freshwater marsh, marsh and swamp, salt marsh, wetland. Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	Not expected to occur. The Specific Plan Area does not contain marsh or swamp habitat suitable for this species.
Alameda song sparrow <i>Melospiza melodia pusillula</i> (year-round)	—	SSC	Salt marsh. Resident of salt marshes bordering south arm of San Francisco Bay. Inhabits pickleweed (<i>Salicornia</i> spp.) marshes; nests low in <i>Grindelia</i> bushes (high enough to escape high tides) and in pickleweed.	Not expected to occur. The Specific Plan Area does not contain salt marsh habitat suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
California Ridgway's rail <i>Rallus obsoletus obsoletus</i> (year-round)	FE	SE FP	Brackish marsh, marsh and swamp, salt marsh, wetlands. Salt-water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	Not expected to occur. The Specific Plan Area does not contain brackish or salt marsh habitat suitable for this species.
Bank swallow <i>Riparia riparia</i> (nesting)	—	ST	Riparian scrub, riparian woodland. Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	Not expected to occur. Creeks within the Specific Plan Area do not contain tall, vertical, unvegetated banks suitable for nesting.
Black skimmer <i>Rynchops niger</i> (nesting colony)	—	SSC	Alkali playa, sand shore. Nests on gravel bars, low islets, and sandy beaches, in unvegetated sites. Nesting colonies usually less than 200 pairs.	Not expected to occur. The Specific Plan Area does not contain alkali playa or sandy shore habitat suitable for this species.
California least tern <i>Sternula antillarum browni</i> (nesting colony)	FE	SE FP	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, landfills, or paved areas.	Not expected to occur. The Specific Plan Area is outside of the known geographical range of this species and does not contain shore habitat suitable for this species.

Fish

Green sturgeon - southern DPS <i>Acipenser medirostris</i> pop. 1	FT	—	Aquatic, estuary, marine bay, Sacramento/San Joaquin flowing waters Spawning site fidelity. Spawns in the Sacramento, Feather and Yuba Rivers. Presence in upper Stanislaus and San Joaquin Rivers may indicate spawning. Non-spawning adults occupy marine/estuarine waters. Delta Estuary is important for rearing juveniles. Spawning occurs primarily in cool (11–15 C) sections of mainstem rivers in deep pools (25–30 feet) with substrate containing small to medium sized sand, gravel, cobble, or boulder.	Not expected to occur. Penitencia and Wrigley Ford Creek do not provide habitat suitable for green sturgeon because they are channelized and often shallow and concrete-lined, and may contain multiple fish passage constraints such as culverts, roads and bridges (CDFW 2024b). In addition, green sturgeon is not known from any river or creek in Santa Clara County or surrounding areas (CNDDDB 2024).
Steelhead - central California coast DPS <i>Oncorhynchus mykiss irideus</i> pop. 8	FT	—	Sacramento/San Joaquin flowing waters. From Russian River, south to Soquel Creek and to, but not including, Pajaro River. Also San Francisco and San Pablo Bay basins.	Not expected to occur. Penitencia and Wrigley Ford Creek are channelized and often shallow and concrete-lined and may contain multiple fish passage constraints such as culverts, roads and bridges (CDFW 2024b). In addition, Steelhead is only known from the Guadalupe River in Santa Clara County, which does not have a connection to Penitencia or Wrigley Ford creeks (CNDDDB 2024).
Longfin smelt <i>Spirinchus thaleichthys</i>	FC	ST SSC	Estuary. Euryhaline, nektonic and anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column. Prefer salinities of 15-30 ppt, but can be found in completely freshwater to almost pure seawater.	Not expected to occur. The Specific Plan Area does not contain estuary habitat suitable for longfin smelt. In addition, longfin smelt is only known from the San Francisco Bay and not from any tributaries in Santa Clara County or surrounding counties (CNDDDB 2024).

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Invertebrates				
Crotch's bumble bee <i>Bombus crotchii</i>	—	SC	Found primarily in California: mediterranean, Pacific coast, western desert, Great Valley, and adjacent foothills through most of southwestern California. Habitat includes open grassland and scrub. Nests underground.	May occur. Small patches of grassland habitat within the Specific Plan Area may provide nesting and foraging habitat for Crotch's bumble bee, and forested areas may provide overwintering habitat. There have been observations of Crotch's bumble bee in the last couple years in the Santa Clara Valley, including urbanized areas in San Jose (Xerces Society et al. 2024).
Western bumble bee <i>Bombus occidentalis</i>	—	SC	Once common throughout much of its range, in California, this species is currently largely restricted to high elevation sites in the Sierra Nevada and the northern California coast. Habitat includes open grassy areas, chaparral, scrub, and meadows. Requires suitable nesting sites for the colonies, availability of nectar and pollen from floral resources throughout the duration of the colony period (spring, summer, and fall), and suitable overwintering sites for the queens.	Not expected to occur. The Specific Plan Area is outside of the current known range of western bumble bee (CDFW 2023).
Monarch <i>Danaus plexippus</i>	FC	—	Closed-cone coniferous forest. Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby.	May occur. The Specific Plan Area is near the overwintering range for monarch, and floral resources within the Specific Plan Area may provide foraging habitat. However, the Specific Plan Area is unlikely to provide overwintering habitat, as overwintering sites are generally within 1.5 miles of the coast (Leong et al. 2004, cited in Pelton et al. 2016), and no overwintering sites have been recorded in Santa Clara County (Xerces Society 2024).
Bay checkerspot butterfly <i>Euphydryas editha bayensis</i>	FT	—	Coastal dunes, ultramafic, valley and foothill grassland. Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. <i>Plantago erecta</i> is the primary host plant; <i>Orthocarpus densiflorus</i> and <i>O. purpurascens</i> are the secondary host plants.	Not expected to occur. The Specific Plan Area does not contain serpentine grassland suitable for this species.
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	FE	—	Valley and foothill grassland, vernal pool, wetland. Inhabits vernal pools and swales in the Sacramento Valley containing clear to highly turbid water. Pools commonly found in grass bottomed swales of unplowed grasslands. Some pools are mud-bottomed and highly turbid.	Not expected to occur. The Specific Plan Area does not contain vernal pool habitat suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Mammals				
Pallid bat <i>Antrozous pallidus</i>	—	SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Tree roosting has also been documented in large conifer snags, inside basal hollows of redwoods and giant sequoias, and bole cavities in oaks. May occasionally utilize buildings and bridges for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	May occur. Pallid bats may forage in grasslands within and in the vicinity of the Specific Plan Area. Roosting habitat may be present in buildings, bridges and tree cavities in the Specific Plan Area.
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	—	SSC	Throughout California in a wide variety of habitats. Most common in mesic sites. Requires large cavities for roosting, which may include abandoned buildings and mines, caves, and basal cavities of trees. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Not expected to occur. The Specific Plan Area is within a highly urbanized setting and is unlikely to provide roosting habitat suitable for Townsend's big-eared bat due to regular human disturbance.
Western Red Bat <i>Lasiurus blossevillii</i>	—	SSC	Cismontane woodland, lower montane coniferous forest, riparian forest, riparian woodland Roosts primarily in trees, 2–40 feet above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	May occur. Riparian habitat along Wrigley Ford and Penitencia creeks may provide roosting habitat for this species.
San Francisco dusky-footed woodrat <i>Neotoma fuscipes annectens</i>	—	SSC	Chaparral, redwood. Forest habitats of moderate canopy and moderate to dense understory. Constructs nests of shredded grass, leaves and other material. May be limited by availability of nest-building materials.	Not expected to occur. The Specific Plan Area does not contain chaparral or redwood habitat suitable for this species.
Salt-marsh harvest mouse <i>Reithrodontomys raviventris</i>	FE	SE FP	Marsh and swamp, wetland. Only in the saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed is primary habitat, but may occur in other marsh vegetation types and in adjacent upland areas. Does not burrow, build loosely organized nests. Requires higher areas for flood escape.	Not expected to occur. Salt-marsh harvest mouse is only known from the saline emergent wetlands directly surrounding the San Francisco Bay (CNDDDB 2024), and the Specific Plan Area does not contain marsh or swamp habitat suitable for this species.
Salt-marsh wandering shrew <i>Sorex vagrans halicoetes</i>	—	SSC	Marsh and swamp, wetland. Salt marshes of the south arm of San Francisco Bay. Medium high marsh 6-8 feet above sea level where abundant driftwood is scattered among pickleweed (<i>Salicornia</i> spp.).	Not expected to occur. Salt-marsh wandering shrew is only known from the salt marshes directly surrounding the San Francisco Bay (CNDDDB 2024), and the Specific Plan Area does not contain marsh or swamp habitat suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
American badger <i>Taxidea taxus</i>	—	SSC	Alkali marsh, alkali playa, alpine, alpine dwarf scrub, bog a fen, brackish marsh, broadleaved upland forest, chaparral, chenopod scrub, cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal dunes, coastal prairie. Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Not expected to occur. The Specific Plan Area does not contain open, uncultivated ground suitable for this species.

Notes: CNDDDB = California Natural Diversity Database; CEQA = California Environmental Quality Act; DPS = Distinct Population Segment

¹ Legal Status Definitions

Federal:

- FE Federally Listed as Endangered (legally protected)
- FT Federally Listed as Threatened (legally protected)
- FP Proposed for Listing under the federal Endangered Species Act
- FC Candidate for Listing under the federal Endangered Species Act

State:

- FP Fully Protected (legally protected)
- SSC Species of Special Concern (no formal protection other than CEQA consideration)
- SE State Listed as Endangered (legally protected)
- ST State Listed as Threatened (legally protected)
- SC State Candidate for listing (legally protected)

² Potential for Occurrence Definitions

Not expected to occur: Species is unlikely to be present because of poor habitat quality, lack of suitable habitat features, or restricted current distribution of the species.

May occur: Suitable habitat is available; however, there are little to no other indicators that the species might be present.

Sources: CDFW 2023; CDFW 2024b; CNDDDB 2024; eBird 2024; Leong et al. 2004, cited in Pelton e. al. 2016; Xerces Society 2024; Xerces Society et al. 2024.

Sensitive Natural Communities and Habitats

Sensitive habitats include those that are of special concern to resource agencies or are afforded specific consideration through CEQA or other federal or state laws. Sensitive natural habitats may be of special concern to regulatory agencies and conservation organizations for a variety of reasons, including their locally or regionally declining status, or because they provide important habitat to common and special-status species. Sensitive natural communities are those native plant communities defined by CDFW as having limited distribution statewide or within a county or region and that are often vulnerable to environmental effects of projects (CDFW 2018). Goodding's willow - red willow riparian woodland and forest, which has a state rarity rank of S3, is present within the Specific Plan Area along the eastern perimeter (Figure 3.3-1). A state rarity rank of S3 means that this community is rare and threatened in California.

Wildlife Movement Corridors

A wildlife movement corridor is generally a topographical/landscape feature or movement zone that connects two or more natural habitat areas. Wildlife corridors link areas of wildlife habitat that are separated by variation in vegetation, rugged terrain, human disturbance and habitat fragmentation, or other biophysical factors. Movement corridors may provide favorable locations for wildlife to travel between different habitat areas, such as foraging sites, breeding sites, cover areas, and preferred summer and winter range locations. They may also function as dispersal corridors, allowing animals to move between various locations in their range. Therefore, wildlife movement and

migration corridors are considered an important ecological resource by CDFW and other agencies and are protected by many local governments in California.

Some of the important areas for habitat connectivity in California were mapped as Essential Connectivity Areas (ECAs) for the California Essential Habitat Connectivity Project, which was commissioned by the California Department of Transportation and CDFW with the purpose of making transportation and land use planning more efficient and less costly, while helping reduce dangerous wildlife-vehicle collisions (Spencer et al. 2010). The ECAs were not developed to define areas subject to specific regulations by CDFW or other agencies. The Specific Plan Area is not located in any ECA modeled by the California Essential Habitat Connectivity Project (CDFW 2024a). The Specific Plan Area contains very little natural habitat and is surrounded by major freeways and urban development that likely limits wildlife movement within these areas. The Specific Plan Area does not currently function as a critical habitat linkage or as a movement corridor for wildlife species.

Wildlife Nursery Sites

Nursery sites are locations where fish or wildlife concentrate for hatching and/or raising young, such as nesting rookeries for birds (e.g., herons, egrets), spawning areas for native fish, fawning areas for mule deer (*Odocoileus hemionus*), and maternal roosts for bats. As described above, the Specific Plan Area contains very little natural habitat and is surrounded by urban development, and most of the area likely does not contain significant wildlife nursery sites. However, maternal bat roosts may be present in large trees and buildings in the Specific Plan Area.

Aquatic Habitat

Portions of Penitencia Creek and Wrigley Ford Creek exist in the Specific Plan Area (Figure 3.3-2). Wrigley Ford Creek goes by different names, such as Penitencia Creek Lower, depending on the source. For the purposes of this SEIR, it will be referred to as Lower Wrigley Ford Creek. These creeks are channelized but have not been entirely lined with concrete, so the creeks support areas of wetland and riparian vegetation such as cattail (*Typha* spp.), water primrose (*Ludwigia peploides*), and willows (*Salix* spp.) (EDAW 2001). There is limited vegetation in Penitencia Creek and the southern portion of the creek runs through a concrete channel, whereas Lower Wrigley Ford Creek has more heavily vegetated areas, particularly in the northern portion of the of the specific plan area (EDAW 2001).

The Midtown SP EIR identifies two wetland areas in the Specific Plan Area near the Elmwood Correctional facility. One area is located near the intersection of Thompson Street and Great Mall Parkway and contains seasonal ponding in grassland habitat with a few shrubs and trees surrounding it. The second area is north of Machado Avenue; however, the area has since been developed with residential uses. Other wetlands may be present in the Specific Plan Area that have not been identified, such as areas along the edges of Penitencia and Wrigley Ford Creek, or small wetland features (e.g, seeps) that are not easily identified due to their small size and subtle nature.

3.3.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The biological resources information and impact analysis presented in this section is based on a review of biological resource databases, scientific studies, and aerial photographs of the Specific Plan Area and region. Information sources reviewed include:

- ▶ The California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CNDDDB) records search of the following USGS 7.5-minute quadrangles: Milpitas, Mountain View, Calaveras Reservoir, Newark, Niles, La Costa, San Jose East, San Jose West, and Cupertino (CNDDDB 2024);
- ▶ California Native Plant Society's (CNPS's) online Inventory of Rare and Endangered Plants of California for the nine USGS 7.5-minute quadrangles listed above (CNPS 2024);
- ▶ The USFWS Information for Planning and Consultation (IPaC) species list for the Specific Plan Area (USFWS 2024a);
- ▶ Biogeographic Information and Observation System (BIOS) Habitat Connectivity Viewer (CDFW 2024a);

- ▶ eBird (eBird 2024);
- ▶ Santa Cruz and Santa Clara Fine Scale Vegetation Map (Tukman Geospatial and Aerial Information Systems 2023);
- ▶ National Wetlands Inventory (USFWS 2024b);
- ▶ Environmental Impact Report for the City of Milpitas General Plan (De Novo Planning Group 2020); and
- ▶ Environmental Impact Report for the Midtown Specific Plan (Midtown SP EIR) (EDAW 2001).

THRESHOLDS OF SIGNIFICANCE

An impact on biological resources is considered significant if implementation of the proposed Specific Plan would do any of the following:

- ▶ 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 CDFW or USFWS;
- ▶ have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS;
- ▶ 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 native wildlife nursery sites;
- ▶ have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- ▶ conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or
- ▶ conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

ISSUES NOT DISCUSSED FURTHER

Wildlife Movement Corridors

As described in Section 3.3.2, "Environmental Setting," the Specific Plan Area does not contain any portion of a modeled ECA or natural landscape block. The Specific Plan Area contains little natural habitat and is surrounded by urban development that limits wildlife movement within the region surrounding the project area. Furthermore, the Specific Plan Area is adjacent to I-880 to the west and I-680 to the east, which are a significant barrier to wildlife movement. The Specific Plan Area does not currently function as a critical habitat linkage or as a significant movement corridor for wildlife species therefore, this element will not be discussed further.

Conflict with the Provisions of an Adopted Habitat Conservation Plan

The Specific Plan Area is within the Expanded Study Area for burrowing owl conservation in the Santa Clara Valley Habitat Plan (SCVHP). The geographical area of the primary SCVHP Study Area was determined inefficient to adequately mitigate and contribute to the recovery of western burrowing owl due to its small size, which limited conservation opportunities that would increase the local population. Therefore, the expanded study area, which is an additional 48,464 acres outside of the primary SCVHP Study Area and includes the City of Milpitas, was included to help meet these goals. However, projects or actions initiated by other jurisdictions not listed as Permittees in the SCVHP are excluded from this coverage. The City of Milpitas is not listed as a Permittee under the SCVHP, and the Specific Plan would include conservation measures for western burrowing owl consistent with the SCVHP's conservation strategies for this species. Therefore, there would be no conflict with the SCVHP and this issue is not evaluated further.

New Specific Plan Area Boundary

As described above, the Specific Plan proposes a new Specific Plan Area boundary (Figure 2-3) which includes additional areas that currently have other designations in the General Plan Land Use Element (see Section 2, "Project Description,"). These additional areas are primarily composed of residential and commercial zones, with small fragments of parks and open space at Parc Metro West and Parc Metro East. Changes to land use are only proposed for the residential elements to increase residential density, and the parks and open space are to remain as-is. Areas where changes to residential density are proposed are currently developed with some small strips of landscaped trees along busy roads. These areas do not contain habitat for special-status species, riparian habitat, or other sensitive natural communities, therefore, changes to existing zoning and land use in these areas are not expected to adversely affect these sensitive biological resources. Native birds without special status protected by the federal MBTA and California Fish and Game Code may potentially use trees in this area for nesting. However, impacts on nesting native birds were discussed for the General Plan and in Impact 3.3-2 below. Therefore, there will be no new substantial impact on biological resources because of the new project boundary, and this element will not be discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.3-1: Substantially Affect Special-Status Plant Species Either Directly or Through Habitat Modifications

General Plan Update EIR Impact 3.4-1 identified less-than-significant impacts on special-status plant species through compliance with existing state and federal regulations and General Plan Update actions and policies. Implementation of the proposed Specific Plan would result in future development that may result in loss of or disturbance to Congdon's tarplant, alkali milk-vetch, brittlescale, lesser saltscale, Hoover's button-celery, San Joaquin spearscale, prostrate vernal pool navarretia, California alkali grass, long-styled sand-spurrey, and saline clover if present in or near a project area. Adherence to General Plan Action CON-3b would provide protection for special-status plants through pre-construction surveys, implementation of mitigation measures identified by a qualified biologist such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The Specific Plan Area contains habitat potentially suitable for nine special-status plant species: alkali milk-vetch, brittlescale, lesser saltscale, Hoover's button-celery, San Joaquin spearscale, prostrate vernal pool navarretia, California alkali grass, long-styled sand-spurrey, and saline clover. These species are typically found in wetland habitats in grasslands, often on alkaline soils (Table 3.3-1). While the Specific Plan Area is largely developed, as described above, a seasonally ponded wetland occurs near the Elmwood Correctional Facility that is surrounded by grassland that may provide habitat marginally suitable for these species. This wetland area, as well as the majority of the Specific Plan Area, contains Urbanland-Newpark soil complex, which Newpark soil series are known to support salt tolerant native plants (Web Soil Survey 2024; USDA 2015). It is also possible that other wetland areas exist in the Specific Plan Area that have not been identified through a formal wetland delineation. A tenth species, Congdon's tarplant, is known to occur along the eastern boundary of the Specific Plan Area along the eastern side of the railroad, in an area zoned as Heavy Industrial. The Specific Plan allows for the continuation of existing manufacturing, warehousing, and industrial activities under the current Heavy Industrial land use designation. While the proposed Specific Plan does not directly authorize any development or infrastructure projects in the area occupied by Congdon's tarplant, development of future projects in that area may directly remove Congdon's tarplant or habitat that supports this species. Other future projects developed in grassland or wetland areas have potential to affect these ten special-status species, if present. Individual plants may be directly removed or damaged, including being broken, crushed, or buried from vehicle and equipment operation, vegetation trimming and removal, soil excavation and compaction, and grading associated with new construction activities. Damaged plants may experience altered growth and development, or reduced or eliminated seed-set and reproduction, and mortality of individuals could occur.

General Plan Action CON-3b would require pre-construction surveys to be conducted for special-status plants prior to implementation of future projects under the Specific Plan. If special-status species are identified on or immediately adjacent to a project site, Action CON-3b of the General Plan requires that projects shall include appropriate mitigation measures identified by a qualified biologist, such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no substantial adverse effects on special-status plant species would occur as a result of implementation of the Specific Plan. No new significant or substantially more severe impacts on special-status plants would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.3-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications

General Plan Update EIR Impact 3.4-1 identified less-than-significant impacts on special-status wildlife species through compliance with existing state and federal regulations and General Plan Update actions and policies. Implementation of the Specific Plan may result in future development that could result in disturbance, injury, or mortality of several special-status wildlife species, if present; reduced breeding productivity of these species; and loss of species habitat. Adherence to General Plan Action CON-3b would provide protection for special-status wildlife by requiring pre-construction surveys, implementing mitigation measures identified by a qualified biologist such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no new significant or substantially more severe impacts on special-status wildlife would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Nine special-status wildlife species have potential to occur in the Specific Plan Area: northwestern pond turtle, California red-legged frog, tricolored blackbird, white-tailed kite, burrowing owl, Crotch's bumble bee, monarch, pallid bat, and western red bat (Table 3.3-1). Additionally, native birds without special status but protected by the California Fish and Game Code and the federal MBTA may also nest in the Specific Plan Area.

Impacts on tricolored blackbirds were analyzed in the General Plan Update EIR. Since the implementation of the General Plan Update, tricolored blackbirds have been listed as threatened under CESA. Tricolored blackbirds may pass through the Specific Plan Area or make temporary use of the narrow riparian vegetation along Penitencia Creek and Wrigley Ford Creek. However, it is unlikely that the species would nest in these areas due to the limited size of the riparian habitat and the high levels of disturbance from nearby urban development. Additionally, the Specific Plan Area lacks foraging habitat, such as extensive wetlands or agricultural fields, which are essential for this species. Future development implemented under the Specific Plan would not result in the loss of foraging or nesting habitat for tricolored blackbird. As a result, significant impacts on tricolored blackbirds are not anticipated, and this species is not discussed further.

Where sensitive biological habitats have been identified on or immediately adjacent to a project site, Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as preconstruction surveys for special-status species, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat.

Northwestern Pond Turtle

Northwestern pond turtle forages in ponds, marshes, slow-moving streams, and sloughs where there is open water. The species nests in nearby uplands with low, sparse vegetation, such as grassland. Portions of Penitencia Creek within the Specific Plan Area may provide aquatic habitat suitable for northwestern pond turtle. Upland bank habitat along Penitencia Creek may provide basking habitat. However, there is very little natural habitat (i.e., sandy banks or grassy open fields) along Penitencia Creek, and the high levels of disturbance associated with developed land use along the creek make it unsuitable for egg-laying. Therefore, any future development under the Specific Plan along Penitencia Creek are not expected to interfere with breeding habitat or reproductive success for northwestern pond turtle.

The Specific Plan proposes trail developments for the pedestrian trail system along Penitencia Creek. Although the implementation of the proposed Specific Plan does not directly permit any development or infrastructure projects

within Penitencia Creek or its banks, potential future construction and maintenance activities near the creek, including the proposed pedestrian trails, could lead to aquatic or basking habitat loss from habitat conversion or disturbance due to vegetation removal, sedimentation, and water pollution.

General Plan Policies CON 3-1, CON 3-2, CON 3-3, and CON 3-5, and Actions CON 3-b, CON-3c, CON-3d, CON-3e, CON-3f, CON-3g, and CON-3h pertain to the protection of riparian habitat and water quality and would therefore help protect northwestern pond turtle and its habitat. The policies focus on preserving and enhancing biological communities, particularly riparian corridors, by minimizing disturbances to water bodies and protecting these areas from pollutants and urban runoff. Action CON-3b ensures that projects near sensitive habitats include mitigation measures, such as pre-construction surveys and protection barriers, to prevent damage. Action CON-3c strengthens compliance with guidelines to avoid adverse impacts on riparian corridors by encouraging collaboration with the SCVWD and adherence to guidelines in the Santa Clara Valley Water Resources Protection Collaborative *Guidelines and Standards for Land Use Near Streams* (SCVWRPC 2006). These guidelines emphasize the importance of maintaining riparian corridors and preventing the removal of native vegetation, outline measures to reduce surface runoff, manage erosion, and stabilize streambanks, and require jurisdictions to develop a riparian buffer of at least 40 to 150 feet from top of bank, depending on the site's specific biotic and geomorphic conditions, to protect sensitive habitats and prevent disturbances from development activities. Actions CON-3d and CON-3e focus on incorporating low-impact development (LID) measures and implementing stormwater pollution prevention programs to reduce pollution and runoff impacts. Additionally, Action CON-3f aims to preserve the natural state of creeks, while Actions CON-3g and CON-3h encourage the use of native plants and removal of invasive species, further enhancing riparian habitats. These measures would minimize impacts on northwestern pond turtle habitat by protecting vegetation used as basking sites and cover and protecting water quality. Therefore, implementation of the Specific Plan is not expected to result in a significant loss of overall aquatic habitat for northwestern pond turtle.

Construction of the pedestrian trail system or other future development activities under the Specific Plan near or within Penitencia Creek could result in northwestern pond turtles being crushed and killed, if present. Additionally, noise and vibration from future construction may disturb northwestern pond turtle and could result in injury. Impacts on northwestern pond turtle were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as pre-construction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Subsequent development projects under the proposed Specific Plan would be required to comply with the policies and actions of the General Plan Update and adopted state and federal regulations for the protection of special-status wildlife habitat, which would prevent injury to and disturbance and loss of northwestern pond turtle. As a result, no new significant or substantially more severe impacts on northwestern pond turtles would occur compared to the General Plan Update EIR and impacts on northwestern pond turtle would remain **less than significant**.

California Red-Legged Frog

Habitat suitable for California red-legged frog is typically characterized by an aquatic breeding area (e.g., pools within streams and creeks, ponds, marshes, stock ponds) within a matrix of riparian and upland dispersal habitat (USFWS 2002). Adult and juvenile California red-legged frogs are known to travel through upland habitat (e.g., riparian, woodland, grassland) to move between breeding and nonbreeding sites (e.g., other ponds, deep pools in streams, moist and cool riparian understory, burrows) for access to refugia and foraging habitat, or to disperse to new breeding locations. Wrigley Ford Creek in the northern section of the Specific Plan Area may provide aquatic breeding habitat for California red-legged frog, and the riparian vegetation along the creek may provide upland habitat.

As described above for northwestern pond turtle, Policies CON 3-1, CON 3-2, CON 3-3, and CON 3-5, and Actions CON 3-b, CON-3c, CON-3d, CON-3e, CON-3f, CON-3g, and CON-3h from the General Plan pertain to the protection of riparian habitat and water quality and would therefore help protect California red-legged frogs and associated habitat. These policies and actions would minimize impacts on California red-legged frog by preventing sedimentation and water pollution, and preserving riparian vegetation used as upland habitat. Therefore, implementation of the Specific Plan is not expected to result in a significant loss of overall habitat for California red-legged frog and impacts would not be substantial.

If future development under the Specific Plan occurs in the riparian corridor of Wrigley Ford Creek, ground disturbance or vegetation removal may directly harm, crush, or kill individuals if they are using these areas for migration or dispersal. Impacts on California red-legged frog were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as preconstruction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Subsequent development projects under the proposed Specific plan would be required to comply with the policies and actions of the General Plan Update and adopted state and federal regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of California red-legged frog. As a result, no new significant or substantially more severe impacts would occur compared to the General Plan Update EIR and impacts on California red-legged frog would remain **less than significant**.

Special-Status Birds, Raptors, and Common Nesting Birds

White-tailed kite, other raptors, and common birds have potential to nest and forage in the Specific Plan Area. White-tailed kites are common in urban areas throughout the Santa Clara Valley, including near the Specific Plan Area (eBird 2024). While white-tailed kites and other raptors are more likely to frequent less urbanized areas with higher-quality foraging habitat outside the Specific Plan Area, they may still utilize small patches of grassland or riparian habitat within the plan area for foraging, and nearby tall trees for nesting. Common birds can also utilize buildings, grasslands, and native and landscaped trees or shrubs for nesting.

Any future potential projects developed under the Specific Plan that include tree removal, vegetation clearing, ground disturbance, staging, or heavy equipment operation may result in direct loss of special-status or common birds and active nests, if present in or adjacent to the project area. Additionally, operation of heavy equipment, construction activities, and an increase in human presence associated with potential new development could generate noise or visual stimuli that could result in disturbance of nearby nesting birds, which may result in nest abandonment and potential loss of eggs or chicks. Further, buildings constructed in the Specific Plan Area as part of future development could pose a collision risk for birds. Most of these impacts on special-status birds were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as pre-construction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Subsequent development projects under the proposed Specific Plan would be required to comply with the policies and actions of the General Plan Update and adopted state and federal regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of special-status birds. While bird collisions with buildings were not analyzed in the General Plan Update EIR, the Specific Plan incorporates measures aimed at reducing this risk, including preventing the use of mirrored or reflective glass on any exterior building facade, as well as restricting the use of freestanding transparent glass panels as shading devices, signage, or other architectural elements (see section 4.2.4 "Windows and Glazing"). As a result of General Plan actions and Objective Design Standards included in the Specific Plan, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on special-status birds would remain **less than significant**.

Burrowing Owl

The Specific Plan Area contains small fragments of grassland habitat potentially suitable for burrowing owl foraging and nesting. There is a historical record of a burrowing owl colony within the Specific Plan Area from 2006, near the Elmwood Correctional Facility (CNDDDB 2024). It is possible this occurrence may be extirpated due to the subsequent development of most of the grasslands in the area. However, small fragments of grassland habitat remain in this area, which could still support this species. The occurrence was found in sub-optimal habitat consisting of sewer drainages and small patches of ruderal, disked grassland, surrounded by urban development. Other grassland areas within the Specific Plan Area may also provide habitat that is marginally suitable for this species.

Future potential development proposed under the Specific Plan Update that involves conversion of grassland habitat into urban uses can result in habitat loss for burrowing owl. Any future development that includes vegetation

clearing, heavy equipment or other ground disturbing activities may result in direct loss of active burrows associated with burrowing owls, if present in the area. Additionally, operation of heavy equipment and other construction activities could generate noise or visual stimuli that could result in disturbance of nearby nesting burrowing owl, which may result in nest abandonment and potential loss of eggs or chicks.

Impacts on burrowing owl were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as pre-construction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Since the adoption of the General Plan EIR, the California Fish and Game Commission designated burrowing owl as a candidate for listing under CESA. However, Action CON-3b would still apply. Subsequent development projects would be required to comply with the policies and actions of the General Plan Update and adopted state regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of burrowing owl. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on burrowing owl would remain **less than significant**.

Crotch's Bumble Bee

Crotch's bumble bee has recently undergone a decline in abundance and distribution and is no longer present across much of its historic range. In California, the Crotch's bumble bee's range includes the Mediterranean region (ecoregion encompassing the greater Central Valley, Sierra foothills, and central Coast Ranges of California south to Mexico), Pacific Coast, Great Valley, and adjacent foothills through most of southwestern California (CDFW 2023). The Specific Plan Area is within this range.

Although all life history characteristics of Crotch's bumble bees are not well understood, bumble bees have three basic habitat requirements: suitable nesting sites for the colonies, availability of nectar and pollen from floral resources throughout the duration of the colony period (spring, summer, and fall), and suitable overwintering sites for queens. Bumble bees in general can fly up to about six miles from the nest while foraging; however, most foraging activity is likely conducted much closer to the nest (Williams et al. 2014).

Known native floral resources for Crotch's bumble bee include milkweed (*Asclepias* spp.), lupine (*Lupinus* spp.), poppy (*Eschscholzia* spp.), vetch (*Vicia* spp.) and *Centaurea* spp. (Xerces Society 2023). Bumble bees are typically generalist foragers and are known to use other native and nonnative floral resources, such as clover (*Trifolium* spp.) (Williams et al. 2014). These floral species, as well as other native and nonnative floral resources, are known to occur in the Specific Plan Area (iNaturalist 2024).

In California, Crotch's bumble bees typically inhabit open grassland and scrub habitats (Xerces Society 2018). Crotch's bumble bees nest underground and likely use, at least in part, old rodent burrows (Williams et al. 2014; Xerces Society 2018). Some bumble bees favor nest sites near woody transitional habitats and nest in holes or crevices in leaf litter, beneath woody debris, at the base of a tree, in herbaceous plant debris, or near grass clumps (Lanterman et al. 2019). Overwintering likely occurs primarily in woodlands (USFWS 2021). Overwintering queens may prefer shaded areas near trees in areas without dense vegetation and north-facing slopes (Liczner and Colla 2019; Williams et al. 2019). Bumble bees in California have been documented overwintering under 1–2 inches of duff, between leaf or needle litter and mineral soil (Williams et al. 2014).

Developed land is the dominant land cover in the Specific Plan Area, which makes it unlikely to support a high concentration of Crotch's bumble bee colonies, if the species is present; however, small fragments of grassland and forested habitat in the Specific Plan Area may provide habitat for the species. Grassland habitat in the Specific Plan Area is dominated by nonnative grasses and forbs and may include flowering plants that could be used by bumble bees for foraging. Future development under the proposed Specific Plan that remove open and vegetated areas for development, such as new trail developments for the pedestrian trail system along Penitencia and Wrigley Ford creeks, may temporarily remove potential foraging habitat or permanently convert foraging habitat for Crotch's bumble bee. However, the Specific Plan proposes to introduce more native plantings along Penitencia Creek, and a minimum of 20 percent of the open space in common outdoor open spaces shall be planted with native plantings, trees, ground cover, or shrubs. The recommended planting palette for landscaped areas within the Specific Plan Area include species known

to be used by Crotch's bumble bee, such as *Salvia* spp. and *Buddleja davidii* (see The Specific Plan, Table 6-2, page 139). Any removal of foraging habitat would likely be temporary, and new, native vegetation would be introduced through revegetation and landscaping efforts. Therefore, implementation of the Specific Plan is not expected to result in a significant loss of foraging habitat for Crotch's bumble bee and impacts would not be substantial.

Grassland within the Specific Plan Area may also provide habitat suitable for nesting, and nonnative forested areas may provide habitat for overwintering Crotch's bumble bees. Vegetation removal, equipment laydown, vehicle and equipment operation, and other ground-disturbing activities in these areas from potential future development under the Specific Plan could result in direct mortality of Crotch's bumble bees while they are foraging or within nesting colonies or overwintering sites (e.g., in underground rodent holes, loose soil, leaf litter, log or tree cavities, surface vegetation). The population status of Crotch's bumble bee is poorly understood, and loss of a colony as a result of future development could have a substantial effect on the population.

Impacts on Crotch's bumble bee were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as pre-construction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Subsequent development projects under the proposed Specific Plan would be required to comply with the policies and actions of the General Plan Update and adopted state regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of Crotch's bumble bees. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on Crotch's bumble bee would remain **less than significant**.

Monarch

Impacts on monarch were analyzed in the General Plan Update EIR; however, the EIR did not disclose that monarch was petitioned to be listed under the ESA in 2014 and remains a candidate for listing under ESA. The Specific Plan Area is outside of the monarch overwintering range; however, it is within the breeding and foraging range of the species. Monarchs require milkweed (*Asclepias* spp.) as a structure for egg laying and a food source for caterpillars, and floral resources for foraging adults. There are no documented occurrences of monarchs in the Specific Plan Area and the nearest documented sighting of a monarch is approximately 0.5 mile west of the Specific Plan Area along Coyote Creek, and the closest documented breeding monarch is over 4 miles west in Sunnyvale (Western Monarch Milkweed Mapper 2024).

Milkweed and other floral resources suitable for monarch foraging may be present in the Specific Plan Area in grasslands, landscaped areas, and other open space areas. Vegetation removal, equipment laydown, vehicle and equipment operation, and other ground-disturbing activities from future potential development could crush or bury floral resources during construction, temporarily removing potential foraging and breeding habitat. Habitat conversion to urban use from the construction of trails (i.e., the proposed pedestrian trail system) or other potential future development could permanently remove floral resources that could be used by monarch for foraging or egg laying. However, the Specific Plan Area is dominated by developed land cover types and it is unlikely that it supports a high concentration of floral resources for foraging or breeding monarchs. In addition, the Specific Plan proposes to introduce more native plantings along Penitencia Creek, and a minimum of 20 percent of the open space in common outdoor open spaces shall be planted with native plantings, trees, ground cover, and/or shrubs. Therefore, any removal of vegetation associated with foraging would likely be temporary, and new, native vegetation suitable for foraging would be introduced. Therefore, implementation of the Specific Plan is not expected to result in a significant loss of overall foraging habitat for monarch.

Milkweed species are not included on the planting list so permanent loss of milkweed plants could reduce breeding habitat for monarch. In addition, potential direct loss of individual monarch butterfly eggs and caterpillars may occur if they are present on milkweed plants in potential development areas during construction. While future development associated with implementation of the Specific Plan could result in loss of individual monarchs and loss of breeding habitat for the species, the Specific Plan Area is not expected to support large numbers of monarch butterflies due to the lack of documented occurrences nearby and the disturbed nature of the Specific Plan Area. As a result,

implementation of the Specific Plan is not expected to substantially reduce the number of monarchs, restrict the range of the species, or cause the population to drop below self-sustaining levels. Further, the Specific Plan Area is relatively small compared to natural habitat areas surrounding the Specific Plan Area, and future development under the Specific Plan is not expected to result in a significant loss of foraging or breeding habitat for the local and statewide populations of monarchs. Therefore, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on monarch would remain **less than significant**.

Special-Status Bats

Pallid bats may roost in tree cavities or within buildings and structures in the Specific Plan Area, especially in buildings with stucco, or abandoned or infrequently used buildings, and structures such as under bridges. Western red bat may roost in trees within the riparian areas along Wrigley Ford and Penitencia creeks. Future tree removal, construction of new buildings or infrastructure, or changes to existing buildings or infrastructure under the Specific Plan could adversely affect potential bat roosting sites, especially if they involve the removal of larger trees, or removal or alteration of buildings or bridges. These activities could also result in increased noise and human disturbance to roosts, which could affect the reproductive success of pallid and western red bat.

Impacts on pallid bat were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as preconstruction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Western red bat was not analyzed in the General Plan Update EIR, however, Action CON-3b would still apply to this species because it is a CDFW Species of Special Concern. In addition, pursuant to CON 2-3 of the General Plan, removal of large, mature trees that provide wildlife habitat will be avoided through appropriate project design and building siting. If complete avoidance is not feasible, replacement trees will be prioritized for on-site locations rather than off-site, and will typically be of a similar species, providing comparable habitat functionality, where suitable site conditions allow. Subsequent development projects under the proposed Specific Plan would be required to comply with the policies and actions of the General Plan Update and adopted state regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of special-status bats. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on special-status bats would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-3: Substantially Affect any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, or Regulations or by CDFW or USFWS

General Plan Update EIR Impact 3.4-2 identified less than significant impacts on riparian habitat and sensitive natural communities through compliance with existing local, state and federal regulations and General Plan Update actions and policies. Implementation of future development under the Specific Plan could result in the degradation or loss of riparian habitat, other sensitive natural communities, or the reduction in the function of these habitats, if present. Adherence to General Plan Action CON-3b would provide protection for riparian habitat and sensitive natural communities by requiring protective barriers for any sensitive habitats identified, reducing soil compaction, and providing pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Further protections under Policies CON 3-1, CON 3-2, CON 3-3, and CON 3-5 and Actions CON-3c, CON-3d, CON-3e, CON-3f, CON-3g, and CON-3h from the General Plan would minimize impacts on riparian habitat and sensitive natural communities. As a result, no new significant or substantially more severe impacts on these resources would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Sensitive natural communities are identified at the alliance level using the Manual of California Vegetation (Sawyer et al. 2009). Sensitive natural communities are defined by unique assemblages of vegetation that may include, or even be dominated by, relatively common species, but it is the assemblage of species that is rare. Goodding's willow - red willow riparian woodland and forest, which is considered a sensitive natural community, is present within the Specific

Plan Area along the eastern perimeter near the known occurrence of Congdon's tarplant (Figure 3.3-1). Additionally, other plant communities in the grassland sections of the Specific Plan Area may qualify as sensitive natural communities, if the species assemblage, percent cover, and patch size are sufficient to meet membership rules and sensitive natural community requirements. Riparian habitat is also present within the Specific Plan Area along Wrigley Ford Creek and portions of Penitencia Creek (Figure 3.3-1). The dominant species along Wrigley Ford Creek is arroyo willow, and nonnative vegetation is prevalent along Penitencia Creek (Figure 3.3-1).

Future development under the Specific Plan that would occur in riparian habitat or any sensitive natural community, such as trail developments for the pedestrian trail system along Penitencia Creek, may include ground disturbance, vegetation removal, or land development. These activities could result in degradation (e.g., reduction of vegetation cover, trampling, alteration of root structure) or removal of sensitive natural communities or riparian habitat or reduction in the function of these habitats, if they are present within or adjacent to a particular project site.

Impacts on riparian habitat and sensitive natural communities were analyzed in the General Plan Update EIR and were determined to be less than significant because, as described above in Impact 3.3-2, Policies CON 3-1, CON 3-2, CON 3-3, and CON 3-5 and Actions CON 3-b, CON-3c, CON-3d, CON-3e, CON-3f, CON-3g, and CON-3h from the General Plan and the Specific Plan's proposed Objective Design Standards would protect riparian habitats and sensitive natural communities, such as the riparian habitat along Lower Wrigley Ford and Penitencia creeks in the Specific Plan Area. The policies focus on preserving and enhancing biological communities, particularly riparian corridors, by minimizing disturbances to water bodies and protecting these areas from pollutants and urban runoff. Action CON-3b ensures that projects near sensitive habitats include mitigation measures, such as protection barriers, to prevent damage. The Actions promote compliance with riparian protection by collaborating with SCVWD and following SCVWRPC guidelines to maintain riparian corridors, manage erosion, and establish riparian buffers; implementing low-impact development and stormwater programs to reduce runoff and pollution; preserving the natural state of creeks; and promoting the use of native plants and removing invasive species to enhance riparian habitats. Additionally, Objective Design Standards in Section 4.1.3 "Special Conditions and Adjacencies" in the proposed Specific Plan would ensure that development, such as creek crossings, shall be required to obtain applicable permits from SCVWD, and would require building and side yard setbacks adjacent to creeks and drainage channels. Subsequent development projects under the proposed Specific Plan would be required to comply with these policies and actions of the General Plan Update, Specific Plan design standards, and adopted local, state, and federal regulations for the protection of sensitive habitats, which would reduce impacts on riparian habitat and sensitive natural communities. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on riparian habitat and sensitive natural communities would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-4: Interfere With or Impede the Use of Wildlife Nurseries

General Plan Update EIR Impact 3.4-4 identified less-than-significant impacts on wildlife nurseries through compliance with existing federal, state, and local regulations and General Plan Update actions and policies. Construction of new buildings or infrastructure, or changes to existing buildings or infrastructure under the Specific Plan could adversely affect potential bat maternity roosts, especially if they involve the removal of large or riparian trees, older buildings, or bridges. Adherence to General Plan Action CON-3b would provide protection for bat roosts, and CON 2-3 would minimize impacts on bat roosts by requiring future development to avoid removing large, mature trees that provide wildlife habitat, and, if avoidance is not feasible, replacement trees would be prioritized on-site and chosen to provide similar habitat benefits. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As described in Impact 3.3-2, trees and buildings located in and adjacent to the Specific Plan Area may provide roosting habitat potentially suitable for common and special-status bat species. Construction of new buildings or infrastructure, or changes to existing buildings or infrastructure under the Specific Plan could adversely affect potential bat roosting sites, especially if they involve the removal of large or riparian trees, older buildings, or bridges.

Future development implemented under the Specific Plan would adhere to the policies and actions in the General Plan Update. Action CON 2-3 of the General Plan would minimize impacts on bat roosts by preventing the removal of large, mature trees that provide wildlife habitat through appropriate project design and building siting. If complete avoidance is not feasible, replacement trees would be prioritized for on-site locations rather than off-site, and would typically be of a similar species, providing comparable habitat functionality, where suitable site conditions allow and in adherence with the Specific Plan's proposed Objective Design Standards for Open Space, identified in Section 3.9.2 "Common Outdoor Open Space". This design standard includes replacement requirements required by the City of Milpitas Tree Removal Checklist and Application and ensures that a minimum of 20 percent of open space area shall be planted with native trees. Where sensitive biological habitats have been identified, Action CON-3b requires that projects include appropriate mitigation measures identified by a qualified biologist, such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no substantial adverse effects on bat maternity roosts are expected as a result of implementation of the Specific Plan. No new significant or substantially more severe impacts on wildlife nursery sites (i.e., bat roosts) would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-5: Have A Substantial Adverse Effect on State or Federally Protected Wetlands and Waters

General Plan Update EIR Impact 3.4-3 identified less-than-significant impacts on wetlands through compliance with existing federal, state, and local regulations and General Plan Update actions and policies. Future development implemented under the Specific Plan may include ground disturbance, vegetation removal, and land development, which could result in adverse effects to water quality, or in fill or discharge into wetlands, Penitencia Creek, and Wrigley Ford Creek if present within or adjacent to the development. Implementation of existing federal, state, and local regulations and General Plan actions and policies would reduce significant impacts on state and federally protected wetlands as a result of ground disturbance, vegetation removal, and construction because they would require a biological resources evaluation to identify sensitive habitats, avoidance of wetlands and riparian areas, and implementation of appropriate mitigation to preserve and enhance these habitats as required by local, state, and federal law. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As described above, one potential wetland feature is present in the Specific Plan Area that may meet the state and federal definition of wetlands (See Section 3.3.2, "Environmental Setting"). It is also possible that other wetlands exist that have yet to be identified due to their small size or subtle nature, such as small seeps or wetlands abutting creek margins. In addition, two aquatic features, Penitencia Creek and Wrigley Ford Creek, are present in the Specific Plan Area that meet the definition of waters of the United States because they are connected to the San Francisco Bay. Future projects developed under the Specific Plan may include ground disturbance, vegetation removal, and land development, and could result in fill or discharge to wetlands or waters. These impacts were identified in Impact 3.4.3 of the General Plan Update EIR.

In addition, construction-related erosion and sediments could enter nearby aquatic features in close proximity to work areas or staging areas, which could result in adverse effects to water quality, of wetlands, Penitencia Creek, and Wrigley Ford Creek. However, as discussed in Section 1.3.4, current regulatory requirements that govern water quality and enforce the Basin Plan are designed to prevent water quality degradation. These regulatory requirements include obtaining approval from the Regional Water Quality Control Boards for NPDES permits, other discharge permits, Water Quality Management Plans, and Storm Water Pollution Prevention Plans; as well as implementing Best Management Practices. Adhering to mandatory federal and state regulations as discussed below, along with compliance with the existing regulations under the Santa Clara Valley Urban Runoff Pollution Prevention Program,

General Plan policies, the Specific Plan's proposed Objective Design Standards, and the Milpitas Municipal Code, would ensure that impacts on drainage patterns, erosion, and water quality remain less than significant.

Policies CON 3-1, CON 3-2, CON 3-3, CON 3-5, and CON 3-7 and Actions CON-3c, CON-3d, CON-3f, and CON-3j of the General Plan minimize impacts on aquatic habitat in the Specific Plan Area. The policies directly target the preservation and enhancement of wetlands and riparian corridors along creeks, limiting disturbances to natural water bodies, conserving open space and protecting creek channels from urban runoff and pollutants, and requiring collaboration with the SCVWD to enforce land-use guidelines near streams and encourage the use of Green Stormwater Infrastructure to prevent runoff from harming creeks. Action CON-3c requires cooperation with state, local, and federal agencies to comply with their regulations, such as through implementation of the Specific Plan's proposed Objective Design Standard 7.1.2 "Recommended Stormwater Infrastructure Improvements", which would ensure future development fulfills the most current requirements set forth by the San Francisco Bay Regional Water Quality Control Board Municipal Stormwater Permit, known as MRP 3.0. Cooperation and compliance with state, local, and federal agencies and their regulations also includes the requirement of a biological resources evaluation to identify sensitive habitats, avoidance of wetlands and riparian areas, and implementation of appropriate mitigation to preserve and enhance these habitats as required by local, state, and federal law. This may include CDFW imposing mitigation for habitat impacts as part of its authority in issuing Streambed Alteration Agreements under Section 1600 of the Fish and Game Code, or USFWS imposing mitigation for projects requesting permits to fill federally regulated wetlands under Section 404 of the CWA. Action CON-3d mandates that new developments incorporate LID measures to prevent creek pollution. Action CON-3f restricts future piping and channelization of creeks, favoring natural flood control methods. Action CON-3j promotes collaboration to establish riparian management guidelines to protect creeks from urban impacts.

Future development implemented under the Specific Plan would adhere to the policies and actions in the General Plan Update and comply with federal, state, and local regulations to protect state and federally protected wetlands and waters. The policies and actions described above are specifically aimed at safeguarding wetlands and waters of the United States from potential adverse effects of future development. Although development could adversely affect protected water features, implementing the policies and actions outlined in the General Plan, along with federal and state regulations, would minimize these impacts. As a result, no substantial adverse effects on state and federally protected wetlands and waters are expected as a result of implementation of the Specific Plan. No new significant or substantially more severe impacts on these resources would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-6: Conflict with Local Policies and Ordinances

General Plan Update EIR Impact 3.4-5 related to a conflict with local policies and ordinances was identified as less than significant because the General Plan Update, as a foundational policy document, inherently aligns with the local policies and ordinances that are established from it. Future development implemented under the Specific Plan could result in the removal of trees, which would conflict with the City Milpitas Tree Protection Regulations (Municipal Code Title X, Chapter 2). City of Milpitas ordinance codes and policies are developed to reflect and support the goals of the General Plan Update. Future development under the Specific Plan would comply with Objective Design Standards related to removal of trees, and the measures outlined in the General Plan Update, therefore, they will inherently comply with local ordinance codes and policies, including City of Milpitas Tree Protection Regulations. In addition, projects would adhere to General Plan Action CON-2b, which aims to strengthen City of Milpitas Tree Protection Regulations by establishing stricter criteria for tree removal, detailed tree replacement requirements, enhanced penalties for unpermitted removals, and additional protections for high-value trees. It also proposes expanding the list of protected tree species and setting construction guidelines to minimize impacts on significant trees. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Applicable local policies and ordinances in the Specific Plan Area include the General Plan and City of Milpitas Ordinance Code (see Section 3.3.1, "Regulatory Setting"). The General Plan includes policies intended to protect aquatic resources, riparian areas, sensitive habitats, and rare, threatened, and endangered species and their habitats. City of Milpitas Tree Protection Regulations includes natural resources regulations that apply to street trees, heritage trees, and protected trees.

Riparian areas and sensitive habitats are present in the Specific Plan Area, and special-status species occur or have potential to occur. As discussed above for Impacts 3.3-1, 3.3-2, and 3.3-3, although future development under the Specific Plan may affect special-status plants, special-status wildlife, riparian areas and sensitive habitat, mitigation measures would be implemented to reduce impacts. In addition, the implementation of these measures would avoid any conflict with the General Plan policies protecting these resources. Therefore, there would be no conflict with General Plan policies as a result of implementation of the Specific Plan.

City of Milpitas Ordinance codes and policies are developed to reflect and support the goals of the General Plan. Development under the Specific Plan would comply with the measures outlined in the General Plan, therefore, they will inherently comply with local ordinance codes and policies, including the City of Milpitas Tree Protection Regulations. While the Specific Plan does not directly authorize individual projects, any future projects under it would align with these regulations through their compliance with the General Plan. In addition, projects would adhere to General Plan Action CON-2b, which aims to strengthen the City of Milpitas Tree Protection Regulations by establishing stricter criteria for tree removal, detailed tree replacement requirements, enhanced penalties for unpermitted removals, and additional protections for high-value trees. It also proposes expanding the list of protected tree species and setting construction guidelines to minimize impacts on significant trees. In addition, the Specific Plan proposed Objective Design Standards detail protections to minimize tree removals. For example, Design Standard 3.9.2 "Common Outdoor Open Space" includes replacement requirements required by the City of Milpitas Tree Removal Checklist and Application and Design Standards identified in Section 4.3.4 "Landscape Design" of the Specific Plan describes specific requirements for protection and replacement of mature trees, such as setbacks to protect tree root and canopy growth. As a result, no conflicts with local ordinances are expected as a result of the implementation of the Specific Plan. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on known and unknown cultural resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include pre-historic resources, historic-period resources, and “tribal cultural resources” (the latter as defined by Assembly Bill [AB] 52, Statutes of 2014, in Public Resources Code [PRC] Section 21074).

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-period physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or built-environment) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places and objects, with cultural value to a tribe.

One comment letter regarding cultural resources was received in response to the Notice of Preparation (see Appendix A). The letter was from the Native American Heritage Commission and it laid out the requirements under CEQA, AB52, and SB18 as well as recommended that consultation occur with California Native American tribes.

3.4.1 Regulatory Setting

FEDERAL

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation’s master inventory of known historic properties. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
3. It possesses at least one of the following characteristics:

Criterion A Is associated with events that have made a significant contribution to the broad patterns of history (events).

Criterion B Is associated with the lives of persons significant in the past (persons).

Criterion C Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).

Criterion D Has yielded, or may be likely to yield, information important in prehistory or history (information potential).

For a property to retain and convey historic integrity, it must possess most of the seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where the historic property was constructed or the place where a historic event occurred. Integrity of location refers to whether the property has

been moved since its construction. Design is the combination of elements that create the form, plan, space, structure, and style of a property. Setting is the physical environment of a historic property that illustrates the character of the place. Materials are the physical elements that were combined or deposited during a particular period and in a particular pattern or configuration to form a historic property. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Feeling is a property's expression of the aesthetic or historic sense of a particular period. This intangible quality is evoked by physical features that reflect a sense of a past time and place. Association is the direct link between the important historic event or person and a historic property. Continuation of historic use and occupation help maintain integrity of association.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee consideration in planning for federal or federally assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. In addition, project effects on properties listed in the NRHP must be evaluated under CEQA.

The National Register Bulletin series was developed to assist evaluators in the application of NRHP criteria. For example, National Register Bulletin #36 provides guidance in the evaluation of archaeological site significance. If a property cannot be placed within a particular theme or time period, and thereby lacks "focus," it will be unlikely to possess characteristics that would make it eligible for listing in the NRHP.

STATE

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are also listed in the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant in the context of California's history. It is a Statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

California Historical Landmarks—buildings, structures, sites, or places that have been determined to have statewide historical significance—are also automatically listed in the CRHR. California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance. Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the CRHR.

A historical resource must be significant at the local, state, or national level under one or more of the criteria defined in CCR Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria listed below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

- Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or to the cultural heritage of California or the United States.
- Criterion 2. Is associated with the lives of persons important to local, California, or national history.
- Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.
- Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet one of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same seven aspects of integrity used by the NRHP.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on “historical resources,” “unique archaeological resources,” and “tribal cultural resources.” Pursuant to PRC Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources. PRC Section 21084.2 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”

Historical Resources

“Historical resource” is a term with a defined statutory meaning (PRC Section 21084.1; State CEQA Guidelines Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR is considered a historical resource (PRC Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1).
- 4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or not identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects would affect unique archaeological resources. PRC Section 21083.2(g) states that “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

1. Contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Tribal Cultural Resources

CEQA also requires lead agencies to consider whether projects would affect tribal cultural resources. PRC Section 21074 states:

- a) “Tribal cultural resources” are either of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

- 2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Public Resources Code Section 21080.3

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in PRC Section 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration. CEQA Sections 21080.3.1 and 21080.3.2 state that within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, provisions under PRC Section 21084.3 (b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource
 - (B) Protecting the traditional use of the resource
 - (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Public Resources Code Section 21083.2

Treatment options under PRC Section 21083.2(b) to mitigate impacts to archaeological resources include activities that preserve such resources in place in an undisturbed state. PRC Section 21083.2 states:

- (a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue

of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

- (b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
- (1) Planning construction to avoid archaeological sites.
 - (2) Deeding archaeological sites into permanent conservation easements.
 - (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
 - (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.
- (c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision.
- (d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.
- (e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:
- (1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.
 - (2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.
 - (3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:
 - (A) Two hundred dollars (\$200) per unit for any of the next 99 units.
 - (B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.
 - (C) One hundred dollars (\$100) per unit in excess of 500 units.
- (f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both State and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the Native American Heritage Commission (NAHC), which notifies and has the authority to designate the most likely descendant (MLD) of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Health and Safety Code, Sections 7050.5

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact NAHC.

Public Resources Code, Section 5097

PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The disposition of Native American burials falls within the jurisdiction of NAHC. Section 5097.5 of the code states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

CITY OF MILPITAS GENERAL PLAN 2040

Conservation and Sustainability Element

The City of Milpitas General Plan (City of Milpitas 2021) includes a Conservation and Sustainability Element which includes sections Cultural and Historical Resources and Architectural Resources.

- ▶ **Policy CON 4-1:** Review proposed developments and work in conjunction with the California Historical Resources Information System, Northwest Information Center at Sonoma State University, to determine whether project areas contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources.
- ▶ **Policy CON 4-2:** If found during construction, ensure that human remains are treated with sensitivity and dignity, and ensure compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
- ▶ **Policy CON 4-3:** Work with Native American representatives to identify and appropriately address, through avoidance or mitigation, impacts to Native American cultural resources and sacred sites during the development review process.
- ▶ **Policy CON 4-4:** Consistent with State, local, and tribal intergovernmental consultation requirements such as SB 18 and AB 52, the City shall consult as necessary with Native American tribes that may be interested in proposed new development and land use policy changes.
 - **Action CON-4a:** Require a cultural and archaeological survey prior to approval of any project which would require excavation in an area that is sensitive for cultural or archaeological resources. If significant cultural or archaeological resources, including historic and prehistoric resources, are identified, appropriate measures shall be implemented, such as documentation and conservation, to reduce adverse impacts to the resource.
 - **Action CON-4b:** Require all development, infrastructure, and other ground-disturbing projects to comply with the following conditions in the event of an inadvertent discovery of cultural resources or human remains:
 - If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Planning Department shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Planning Department.
 - If human remains are discovered during any ground disturbing activity, work shall stop until the Planning Department and the County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Planning Department.
- ▶ **Policy CON 5-1:** Protect significant historic resources and use these resources to promote a sense of place and history in Milpitas through implementation of the Milpitas Cultural Resources Preservation Program (Municipal

Code, Title XI, Chapter 4), the Conceptual Historic Resources Master Plan, the conservation and preservation of the City's historical collection at the Milpitas Community Museum, and other applicable codes, regulations, and area plans.

- ▶ **Policy CON 5-2:** Evaluate the condition of historical buildings, the costs of rehabilitation, and the feasibility of preservation or conservation alternatives when considering the demolition or movement of historic structures; when possible, encourage the adaptive re-use of the historic structure.
- ▶ **Policy CON 5-3:** Provide readily available public information on the Mills Act and encourage people to renovate historic homes in disrepair using property tax savings available through the Mills Act.
 - **Action CON-5a:** Periodically update the City's Cultural Resources Register with new sites or buildings that are of local, State or federal significance.
 - **Action CON-5b:** Require recordation of the designation of a Milpitas Cultural Resources Register property on the property title.
 - **Action CON-5c:** Create incentives to promote historic preservation, maintenance and adaptive reuse by property owners, such as, expedited permits, lower permit fees, Mills Act Contracts for tax benefits, tax credits, and zero or low interest loans for income-qualified residents.
 - **Action CON-5d:** Continue to implement the City's Conceptual Historic Resources Master Plan and periodically review and modify the Plan as necessary in order to ensure that it continues to meet the City's historic preservation goals.
 - **Action CON-5e:** Develop an annual work plan in coordination with the City Council, the Parks, Recreation and Cultural Resources Commission, and the Milpitas Historical Society to further preservation goals.
 - **Action CON-5f:** Continue to provide educational resources and public outreach efforts that inform citizens of ways to become involved with local historical preservation efforts including:
 - School age programs, adult lectures, on-line exhibits;
 - Partnerships with other cultural and historical institutions to promote local awareness and appreciation of Milpitas' rich history; and
 - Collaboration among community groups, educational institutions, the Milpitas Library and the Milpitas Historical Society.
 - **Action CON-5g:** Use amenities such as signs and historical lighting in key public access areas. Consider incorporating public art to reflect historical elements.
 - **Action CON-5h:** Leverage public and private resources to further preservation goals.
 - **Action CON-5i:** Consider creation of a City Council policy establishing criteria and standards for new Mills Act contracts.

CULTURAL RESOURCES PRESERVATION PROGRAM, CITY OF MILPITAS ZONING ORDINANCE

The Cultural Resources Preservation Program is identified in Chapter 4 of the City's Zoning, Planning, and Annexation Code and applies to all cultural resources in the City of Milpitas. Chapter 4 seeks to balance the needs of the community for preservation and the needs of the community for development by:

- a. The creation of a Parks, Recreation and Cultural Resources Commission;
- b. A hearing procedure allowing the inventory of and classification of community cultural resources;
- c. A permit procedure to allow guidance to owners in the preservation of valuable cultural assets;

- d. To provide provision for a reasonable time during which cultural assets (that might otherwise be lost) can be acquired for preservation by interested individuals or organizations;
- e. Utilizing statutes and ordinances heretofore or hereafter enacted providing for the preservation of cultural assets;
- f. The recognition of the right of a landowner to develop property on which cultural assets are located if there are no practical preservation alternatives available.

The program empowers the Cultural Resources Commission to identify potential cultural resources and to recommend designation of official cultural resources for consideration by the City Council. The program makes it unlawful for a person to alter a locally-designated cultural resource or cultural resource site without obtaining a permit from the City. The Commission is tasked with reviewing these permit application packets and making recommendations to the City Council to either grant the permit as-is, grant it with conditions, or deny it.

Milpitas Historical Sites Inventory

The City of Milpitas maintains a list of significant historical sites within the city boundaries called the Milpitas Historical Sites Inventory, previously known as the Register of Cultural Resources. The following are located within the Specific Plan area (City of Milpitas 2024):

- ▶ Milpitas Grammar School/Senior Center – 160 North Main Street,
- ▶ DeVries Home/Dr. Renselaer Smith House – 163 North Main Street,
- ▶ 27 S. Main Street – craftsman residence,
- ▶ Venturini House/Pashote House – 99 South Main Street,
- ▶ Cracolice Store/Pashote Bros. Store – 111-129 South Main Street,
- ▶ Kozy Kitchen/Pashote Bros. Meat Market – 114 South Main Street,
- ▶ Campbell’s Corner/Smith’s Corner – 167 South Main Street,
- ▶ 225 Bothelo Road – craftsman residence,
- ▶ Torres House – 155 Sinnott Lane,
- ▶ Harker Home/Silveria Home – 121 Sinnott Lane,
- ▶ 87 Sinnott Lane – craftsman residence,
- ▶ 69 Sinnott Lane – craftsman residence,
- ▶ Deniz Home/Crabb Home – 236 South Main Street,
- ▶ 250 South Main Street - craftsman residence,
- ▶ Caudillo House/Silveria House – 280 South Main Street,
- ▶ Evatt Home/Dr. Al Curlin Home and Office - 290 South Main Street,
- ▶ St. Johns Church Chapel – 279 South Main Street,
- ▶ Milpitas Beauty Salon/Rose Home – 429 South Main Street,
- ▶ Pimental Home/Almeida Home – 437 South Main Street,
- ▶ Davis Apartments/Dophna Home – 449 South Main Street,
- ▶ Elm Alee – a double row of 33 elmwood trees – Main Street to Abel Avenue, and
- ▶ Milpitas Historical Commercial District.

CONCEPTUAL HISTORIC RESOURCES MASTER PLAN FOR THE CITY OF MILPITAS

In 2011, the City of Milpitas and Architectural Resources Group completed a Conceptual Historic Resources Master Plan for the city. The purpose of the document was to “outline appropriate preservation efforts that reflect a balance of public fiscal commitment, private property rights, historic resource priorities, and cultural and educational purposes” (City of Milpitas and ARG 2011).

3.4.2 Environmental Setting

REGIONAL PRECONTACT HISTORY

Precontact history of the southern San Francisco Bay area is complex due to the dramatic increase in human populations from middle to late Holocene times. Cultural chronology is quite variable spatially but is generally framed within a tripartite sequence that is commonly used in central California—Early (5,500–2,500 before present [BP]), Middle (2,500–1,000 BP), and Late (1,000–500 BP). These temporal periods are preceded by early to middle Holocene occupation (9,000–5,500 BP), open characterized as the Millingstone Period (Milliken et al. 2007).

Millingstone Period (9,000-5,500 BP)

The Millingstone Period is characterized by small groups who travelled widely and practiced broad spectrum foraging of easily acquired plant and animal resources. Artifacts common to this time period are handstones and millingstones. Flaked stone implements, such as projectile points, are much less common than grinding and battering tools. Common foods are thought to have included a variety of small seeds, shellfish, and small mammals.

Early Period (5,500-2,500 BP)

The Early Period ranges encompasses an era where people are thought to still have practiced wide-ranging residential mobility but placed a greater emphasis on hunting larger game. Large pinnipeds, such as northern fur seal, are common to coastal archaeological sites during this time. Several styles of large projectile points correspond to this general time frame, which also marks the initial use of mortar and pestle technology.

Middle Period (2,500-1,000 BP)

The Middle Period appears to represent a time when people were somewhat more residentially stable and practiced more logistical (short-term) mobility. By this time, people apparently went on extended resource acquisition forays for the purpose of bringing subsistence or trade items back to residential base camps. Large, terrestrial mammals were hunted more often during this time and grinding implements became more common.

Late Period (1,000-500 BP)

The Late Period is characterized by increased sociopolitical complexity and settlement centralization. Large village sites in the northern Santa Clara Valley are often found in the valley center along perennial streams. There is continued prevalence of mortar and pestle technology, thought to signify a greater reliance on acorn than in earlier times. Other labor-intensive foods were also used with greater frequency during this latest time period. For example, sea otter and harbor seal were exploited more heavily. These animals are thought to be more labor-intensive to capture compared to other pinnipeds and large mammals, which were more commonly hunted in earlier times. Bow and arrow technology is also believed to have been adopted by aboriginal hunters during this latest precolonial interval (Milliken et al. 2007).

CALIFORNIA NATIVE AMERICAN TRIBES

Aboriginal inhabitants of Santa Clara Valley have been classified by anthropologists as Costanoan. This is a Spanish word that translates to *costanos*, or coastal dweller. The term Costanoan, as applied by anthropologists, does not imply the existence of a politically unified entity, but rather, it refers to different groups of people who shared similar cultural traits and belonged to the same linguistic family, the Utian family. There are two sub-groups associated with

the Utian, the Miwokan and Costanoan. There are eight branches of the Costanoan family, and each branch has their own separate language. These eight languages consisted of the Tamien (Santa Clara), Karkin, Chochenyo (East Bay), Ramaytush (San Francisco), Awaswas (Santa Cruz), Mutsun (San Juan Bautista and the Pajaro River drainage), Rumsen (Carmel and the lower Salinas River), and Chalon (Soledad, farther up the Salinas River).

It is difficult to find an exact point time at which the following cultural descriptions of the Costanoan apply. This is due to the skewed information gathered by ethnographers that were interested in recording precontact culture as a stagnant culture, and not the continuous growth of Costanoan culture during and after European contact (Levy 1978).

The Costanoan people practiced a hunting, fishing and collecting economy focusing on the collection of seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. They traded with neighboring groups including the Yokuts to the east and exported salt, shells, and cinnabar among other items. The Costanoan obtained and sustained a surplus of plant and animal foods by carefully managing the land. Control burns of extensive areas of land was carried out each fall to promote the growth of seed-bearing annuals. Acorns were probably the most important plant food source for the Costanoan. Some of the animals eaten by the Costanoan included black-tailed deer, antelope, elk, grizzly bear, Roosevelt elk, sea lion, and whale. There were small animals eaten as well such as jackrabbit, raccoon, skunk, dog, tree squirrel, mole, and cottontail. The Costanoan also consumed a variety of bird and fish species (Levy 1978).

Effects of Spanish-Mexican Contact

The natives of Santa Clara County were disrupted with the arrival of the Europeans. This disruption had two main components. The first component brought lethal diseases for which the natives had no resistance against. The diseases brought by the Spaniards often swept through the Native American populations faster than Spanish settlement. As a result, Native American settlements were at times deserted or depopulated before the first Spaniards visited them. The second component involved the establishment of missions. Native Americans were brought into the missions for purposes of indoctrination, baptism, and labor. Native Americans of different languages and dialects were kept in forced proximity to other missions and each other. Consequently, disease was spread more rapidly and took a heavy toll in the Native American population (Hester 1974).

KNOWN ETHNOGRAPHIC VILLAGES AND ANCESTRAL HERITAGE CEMETERIES

Two Costanoan village sites are within the Milpitas city limits, one of which is located in the Specific Plan Area. It is a large shellmound site that was discovered in 1949 and dates to the 18th century (City of Milpitas 1994).

In consultation with the Muwekma Ohlone tribe the city has been notified that there are three ancestral heritage cemetery sites within or near the project site, which makes the Specific Plan Area potentially highly sensitive (Muwekma Ohlone 2024).

CONTEMPORARY NATIVE AMERICAN SETTING

Tamien Nation

The Tamien Nation Tribal citizens have direct lineages to precontact villages of the Greater Santa Clara Valley. Some of these villages include the San Juan Bautista Rancheria, Santa Clara Rancheria, San Antonio Rancheria, San Francisco Solano Rancheria, and Ritocsi village. The Tamien Nation's vision is to obtain lands within their aboriginal territory so they could live their lives with prosperity, peace, and dignity. The Tamien Nation's mission is as follows:

- 1) To treat their citizens with equality, dignity, and respect,
- 2) To protect their Tribal cultural resources and environment,
- 3) To promote and preserve their culture, religion, and language,
- 4) To enhance the economic sustainability and quality of life for their citizens,
- 5) To promote their traditional values honoring their agreeing with the world,

6) And to reacquire their unceded traditional homelands to secure their worldview and way of life.

The Tamien Nation's relationship with the land is one of deep respect, reciprocity, and agreement. They continue to pass down thousands of years of intergenerational teachings to ensure the sustainability of their indigenous food sources. Hunting (*payta*), fishing (*huyini*), and harvesting (*ruta*) food sources is multifaceted as it manufactures and supports their culture, language, religion, and economy. The Tamien Nation also engages in language preservation by conducting a community-based language program that provides a safe space for their citizens to learn and engage with the larger Ohlone community. Another program they have is the cultural fire stewardship and prescribed burn program. Through this program, Tamien Nation citizens are trained to become certified qualified Type 2 Wildland Firefighters and mentor trainees for ultimate qualification as California Certified Prescribed Burn Boss to lead cultural prescribed burn projects.

The Tamien Nation hosts various community events throughout the year some of which involve community outreach. On April 23, 2022, they hosted a virtual event to teach the community about the history of whose aboriginal homeland is located at Alum Rock Park. Tamien Nation Chairwoman, Quirina Luna Geary, discussed topics such as programming, efforts to protect their sacred lands, and other aspects of their culture (Tamien 2023).

Muwekma Ohlone

The Muwekma Ohlone Tribe of the San Francisco Bay Area region is comprised of all of the known surviving American Lineages aboriginal to the San Francisco Bay region who trace their ancestry through the Missions Dolores, Santa Clara, and San José. Their aboriginal land includes several counties such as San Mateo, San Francisco, Alameda, Contra Costa, Santa Cruz, Solano, San Joaquin, portions of Napa, and most of Santa Clara. The Muwekma Ohlone participates in various aspects of their culture such as cultural resources by bridging their ancestral past and future. They also engage in language revitalization (Muwekma Ohlone 2023).

In the mid-19th century families established several rancherias in East Bay of the San Francisco Bay Area including: the Alisal in Pleasanton, El Molino in Niles, Del Mocho in Livermore, Sonol, and the Springs in San Leandro/San Lorenzo. In the early 20th century, the Muwekma Ohlone was federally recognized by the Indian Service Bureau identified as the Verona Band of Alameda County (Muwekma Ohlone 2024).

HISTORIC SETTING

Regional History

Initial Spanish contact with the local Native Americans probably began somewhat before the establishment of Mission Dolores in San Francisco in 1776 and Mission Santa Clara in San José in 1777. The missions' goals of "civilizing" the local Native American community was accomplished by using them to provide the labor for building, construction, and daily operations of the missions. At first, the missions' labor force was a medley of local Native Americans from the nearby area, but as they died off in alarming numbers from introduced diseases for which they had no resistance, groups from further afield were used. After secularization of the missions, vast areas of land were open for land grants. Also in 1777, California's first pueblo was founded in San José (EDAW 2001).

Milpitas

In 1769[,] the expedition of Gaspar de Portola passed through the Milpitas area, inaugurating the historic era. The Spanish presence in the South Bay region was initiated with the missions. Over the following half-century, the mission holdings were broken up by secularization, supplanted by private land grants such as the Rancho de Milpitas. The name Milpitas, meaning "little cornfields," was given to the area by these early Spanish settlers.

The area that was to become Milpitas was established as a stopover point by the late 1840s when the Higuera Adobe welcomed travelers on the immigrant trail between Sutter's Fort and San Jose, via Livermore Pass. In 1855, settlers in the Calaveras Valley petitioned for a county road across the flats to Alviso. The resulting intersection – where the Alviso Road crossed the Mission Road – encouraged the development of Milpitas. By the late 1850s, a stage line was operating between San Jose and Oakland, with stops at Milpitas, including on at the Higuera Adobe, operating as a hotel and stage depot. Soon businesses such as general stores, stables, saloons, hotels, blacksmiths, carriage shops,

and a post office catered to the needs of farming families. The first structures to be built in Milpitas were adobe houses located along the foothills east of town (now east of Piedmont and Evans Road) and along both sides of the Calaveras Road between Main Street and the foothills. During the 1850s to 1870s, many frame farmhouses were constructed.

Businesses that catered to travelers (saloons, restaurants, blacksmiths, service stations, and hotels) and those that supplied the local population (general stores, meat markets, and lumberyards) developed near the intersection of the Alviso-Milpitas Road (Calaveras Boulevard) and the San Jose-Oakland Road (Main Street). Clustered around this nucleus of commercial and service buildings were the homes of the merchants, railway employees, and working members of the community. In the latter part of the 19th century, Milpitas emerged as a marketing center for farmers. The Southern Pacific Railroad ran a line from Stockton to San Jose reaching Milpitas in 1869, which initiated new commercial enterprises and consolidation of Milpitas' position as an important shipping point of the rapidly growing valley. In the 1920s, construction of the San Jose branch of the Western Pacific Railroad gave the community access to a second rail line. As late as the early 1950s, orchards and farms dotted the Milpitas landscape.

The Ford Motor Company began constructing an assembly plant south of downtown in a strip between the two railroad tracks in 1953, and the town was incorporated in the following year. When incorporated in 1954, Milpitas covered 2.9 square miles and had a population of 825 people. Over the next two decades Milpitas' population grew at a rate of 38 percent each year, making it one of the fastest growing areas in Santa Clara County. During the City's rapid expansion, any of the older buildings in the Midtown planning area [now the Milpitas Gateway-Main Street Specific Plan], were demolished and replaced (EDAW, Inc. 2001).

RECORDS SEARCHES, SURVEYS, AND CONSULTATION

On September 12, 2024, a records search of the project site was conducted at the Northwest Information Center, at Sonoma State University. The following information was reviewed as part of the records search:

- ▶ NRHP and CRHR,
- ▶ California Office of Historic Preservation Historic Property Directory,
- ▶ California Inventory of Historic Resources,
- ▶ California State Historic Landmarks,
- ▶ California Points of Historical Interest, and
- ▶ Historic properties reference map.

Nine previously recorded cultural resources were identified within the project site; this includes five archaeological sites (four precontact and one historic-period) and four built-environment features.

Archaeological Sites

P-43-000057/CA-SCL-38

P-43-000057 consists of lithic scatter, burials, and habitation debris. The original site record for this site was prepared in 1952 with updates in 1984 and, 1985. The resource is described as an extensive habitation site with artifacts from the Late Horizon occupation and possible Middle Horizon. The boundary is unknown. Muwekma Ohlone Tribe refers to this site as the Yukisma Mound, an ancestral heritage cemetery site (Muwekma Ohlone 2024). The resource has not been evaluated for the NRHP or CRHP.

P-43-000139/CA-SCL-126

P-43-000139 consists of shells, pestle fragments, pitted stone, and burnt rock. In 1973 when the site was recorded it was described as a distinct mound. Additional information was recorded in 1984. The resource has not been evaluated for the NRHP or CRHP.

P-43-000624/CA-SCL-677

P-43-000624 consists of marine shell, fire cracked rock, and lithics deposit. The site was first recorded in 1989 with additional survey completed in 1995, 2014, and 2015. These subsequent efforts expanded the boundaries; discovered a human burial; and confirmed the presence of human bone, faunal bone, marine shell, and debitage. Muwekma Ohlone Tribe refers to this site as an ancestral heritage cemetery site (Muwekma Ohlone 2024).

P-43-001060/CA-SCL-678

P-43-001060 consists of burials, a chert flake, scapula saw, a mano, and other ground stone fragments. The site was recorded in 1989.

P-43-002275

P-43-002275 is a buried historic-period archaeological deposit that includes bottles, cans, boots, coal, and metal fragments. The site dates to the late 1950s to early 1960s.

Historic Features**P-43-002654/P-01-002190 - Western Pacific Railroad San Jose Branch - Warm Springs Yard to Santa Clara Street**

P-43-002654/P-01-002190 is a rail line and its associated features. The segment in the specific plan area was part of the Western Pacific Railway Company until it was acquired by the Union Pacific Core. The Western Pacific Railway Company began operation in 1903 and remains in operation as a commuter and freight carrier.

In 2002, the segment from Santa Clara Street in San Jose to just north of Warm Springs Blvd in Fremont (San Jose Branch) was recorded. It was recommended ineligible for the NRHP and deemed not a historical resource for CEQA.

In 2013, the Union Pacific Railroad Trestle at Berryessa Creek was rerecorded and recommended ineligible for the NRHP.

P-43-003543

P-43-003543 is the Milpitas Grammar School at 160 North Main Street. The school was built in 1916 in the Neoclassical style. It was nominated in 1993 and is currently listed on the NRHP and therefore is automatically included in the CRHR.

P-43-003548

P-43-003548 is a correctional facility called the Elmwood Rehabilitation Center located at 701 S. Abel Street. It was originally called the Santa Clara County Almshouse. The facility was first established in 1884; however, the original alms house was torn down in 1938. The earliest remaining buildings likely date to the late 1930s or early 1940s. It was evaluated in 1984 and recommended ineligible, but it is unclear which buildings and structures were included in this evaluation.

P-43-003554

P-43-003554 is Fire Station #1 located at 25 W. Curtis Street. It was documented in 1995. No evaluation was provided by the Northwest Information Center at Sonoma State University (NWIC).

Tribal Cultural Resources**Native American Consultation**

On August 9, 2024, in compliance with AB 52 requirements, the City of Milpitas sent notification letters to all tribal representatives identified by the NAHC. The City met with both the Muwekma Ohlone and Tamien Nation tribes. Consultation will continue through the SEIR review process.

The specific details of the consultations are confidential pursuant to California law; however, a summary of events related to communication between the tribes and the Board is provided below in Table 3.4-1.

Table 3.4-1 AB 52 Consultation

Native American Tribe and Contact	Date of Initial Response	City Follow-up Response	Comment
Amah Mutsun Tribal Band, Ed Ketchum, Vice-Chairperson	NA	NA	
Amah Mutsun Tribal Band, Valentin Lopez, Chairperson	NA	NA	
Amah Mutsun Tribal Band of Mission San Juan Bautista, Irene Zwielerlein, Chairperson	NA	NA	
Confederated Villages of Lisjan Nation, Deja Gould, Language Program Manager	NA	NA	
Confederated Villages of Lisjan Nation, Cheyenne Gould, Tribal Cultural Resource Manager	NA	NA	
Confederated Villages of Lisjan Nation, Corrina Gould, Chairperson	NA	NA	
Costanoan Rumsen Carmel Tribe, Carla Munoz, Tribal Council	NA	NA	
Costanoan Rumsen Carmel Tribe, Desiree Munoz, Tribal Liaison	NA	NA	
Indian Canyon Mutsun Band of Costanoan, Ann Marie Sayers, Chairperson	NA	NA	
Indian Canyon Mutsun Band of Costanoan, Kanyon Sayers-Roods, MLD Contact	NA	NA	
Muwekma Ohlone Tribe of the SF Bay Area, Richard Massiatt, Councilmember/MLD Tribal Rep.	August 29, 2024*	September 27, 2024	On October 2, 2024, the City held a virtual meeting. Muwekma requested the records search and reports for the project area, and suggested some mitigation measures
Muwekma Ohlone Tribe of the SF Bay Area, Charlene Nijmeh, Chairperson	August 29, 2024*		See above.
Northern Valley Yokut / Ohlone Tribe, Timothy Perez, Tribal Compliance Officer	NA	NA	
Northern Valley Yokut / Ohlone Tribe, Katherine Perez, Chairperson	NA	NA	
Tamien Nation, Johnathan Wasaka Costillas, THPO	NA	NA	
Tamien Nation, Lillian Camarena, Secretary	NA	NA	
Tamien Nation, Quirina Luna Geary, Chairperson	September 10, 2024		October 15, 2024 – requested to review the mitigation measures; suggested some mitigation measures
The Ohlone Indian Tribe, Vincent Medina, Cultural Leader	NA	NA	
The Ohlone Indian Tribe, Andrew Galvan, Chairperson	NA	NA	
The Ohlone Indian Tribe, Desiree Vigil, THPO	NA	NA	
Wuksachi Indian Tribe/Eshom Valley Band, Kenneth Woodrow, Chairperson	NA	NA	

Notes - *One letter sent from Charlene, Chairwoman; Richard Massiatt, Executive Director; Alan Leventhal, Tribal Archaeologist of the Muwekma Ohlone Tribe of the SF Bay Area.

Source: Data compiled by Ascent in 2024.

3.4.3 Impacts and Mitigation Measures

METHODOLOGY

The impact analysis for archaeological and historical resources is based on the results of the NWIC records search completed on September 12, 2024, and information provided by the tribes. The analysis for tribal cultural resources is based on the tribal consultation under AB 52. The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources. No site survey was conducted to verify the presence or condition of previously identified resources.

PRC Section 21083.2(g) defines a “unique archaeological resource” as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following CRHR-related criteria: (1) that it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) that it has a special and particular quality, such as being the oldest of its type or the best available example of its type; or (3) that it is directly associated with a scientifically recognized important prehistoric or historic event or person. An impact on a resource that is not unique is not a significant environmental impact under CEQA (State CEQA Guidelines Section 15064.5[c][4]). If an archaeological resource qualifies as a resource under CRHR criteria, then the resource is treated as a unique archaeological resource for the purposes of CEQA.

PRC Section 21074 defines “tribal cultural resources” as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” that are listed or determined eligible for listing in the CRHR, listed in a local register of historical resources, or otherwise determined by the lead agency to be a tribal cultural resource.

For the purposes of the impact discussion, “historical resource” is used to describe built-environment historic-period resources. Archaeological resources (both prehistoric and historic-period), which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, the project would result in a significant impact on cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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; or
- ▶ disturb any human remains, including those interred outside of formal cemeteries.

ISSUES NOT DISCUSSED FURTHER

All potential archaeological, historical, and tribal cultural resources issues identified in the significance criteria are evaluated below.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource

The General Plan Update EIR (Impact 3.5-1) determined that impacts related to historical resources, including the Gateway-Main Specific Plan, would be less than significant, requiring no mitigation. Implementing the Specific Plan would increase the maximum density of development which would increase development pressures and could result in more requests for the demolition of historical resources. This may cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines resulting in a **potentially significant** impact. As a result, a substantially more severe impact would occur compared to the General Plan Update EIR.

Historical (or architectural) resources include standing buildings (e.g., houses, barns, cabins) and intact structures (e.g., dams, bridges). Over the years, historical resources in Milpitas have been identified through historic building surveys and cultural resource studies. These surveys and studies have led to the identification of 21 historic buildings and sites as listed on the Milpitas Historical Sites Inventory within the Specific Plan Area.

The Specific Plan proposes updates to the adopted Milpitas Midtown Specific Plan (Midtown Plan) including changes to existing zoning and land use to allow for increased density. These zoning changes can increase the development pressure on those sites that would then be considered underdeveloped leading to the demolition of older buildings and structures.

An exhaustive survey and evaluation of historic age buildings in the specific plan area has not been conducted and projects could be proposed under the Specific Plan for many years during which time buildings and structures could become historic age (50 years old or older) and require evaluation. Activities proposed as a result of the Specific Plan could be in areas with known historical sites, or in areas where buildings and structures have not yet been evaluated for historical significance. Therefore, there is a potential that some of these buildings could be historically significant. Damage to or destruction of a building or structure that is a designated historic resource, eligible for listing as a historic resource, or a potential historic resource that has not yet been evaluated, could result in a substantial adverse change in its historical significance. By changing the zoning to allow greater density the development pressure could increase and result in more requests for the demolition of historical resources. As a result, substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 3.4-1a: Conduct Project-Specific Level Surveys

Prior to altering or otherwise affecting a building or structure 50 years old or older and has not been previously evaluated as a potential historic resource, the City shall require the project applicant to retain a qualified architectural historian to evaluate and record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation. Its significance shall be assessed by a qualified architectural historian and evaluated against NRHP, CRHR, and local criteria. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance. For buildings or structures that do not meet significance and integrity criteria, no further mitigation is required.

Mitigation Measure 3.4-1b: Historical Resources Documentation

Prior to the alteration or demolition of any building or structure that qualifies as a historical resource, a qualified architectural historian, the project applicant, and the City shall consult to consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. If the project cannot avoid modifications to a historic building or structure that would result in a substantial adverse change the City shall ensure that the project applicant have a qualified architectural historian thoroughly documents the building and associated landscaping and setting. If the historic building or structure is eligible or listed on the NRHP, documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural

descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the City, the Milpitas Historical Society, and the Milpitas Library. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-1a and 3.4-1b would reduce potentially significant impacts on historic resources because actions would be taken to evaluate historic age buildings and record those that are determined to be historical resources under CEQA. These mitigation measures would be consistent with General Plan Policy CON 5-1 and CON-5-2. However, the State CEQA Guidelines (Section 15126.4[b][2]) note that in some circumstances, documentation of an historical resource will not mitigate the effects of demolition of that resource to a less-than-significant level because the historic resources would no longer exist. Therefore, because the potential for permanent loss of a historic resource or its integrity cannot be precluded, the Specific Plan's impact on historical resources would remain **significant and unavoidable**, which would be more severe compared to the General Plan Update EIR.

Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources

The General Plan Update EIR (Impact 3.5-1) determined that impacts related to archaeological resources, including the Gateway-Main Specific Plan, would be less than significant, requiring no mitigation. However, additional information obtained since the General Plan Update EIR indicates that the area is highly sensitive for archaeological and tribal cultural resources. Project-related ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. As a result, a substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would be **potentially significant**.

The NWIC records search revealed five archaeological sites within the Specific Plan Area (P-43-000057, P-43-000139, P-43-000624, P-43-001060, and P-43-002275). P-43-000057, P-43-000139, P-43-000624, P-43-001060 are all precontact archaeological sites and P-43-002274 is a historic-era archaeological site. Some of these sites include human remains, which is specifically discussed under Impact 3.4-4 below.

None of these sites have been evaluated for information potential or possible eligibility for listing in the NRHP or CRHR. Therefore, none of the sites are considered "unique archaeological resources" for the purposes of CEQA. However, it is possible that these sites could be evaluated in the future and be determined eligible for listing in the CRHR. Additionally, ground disturbance activities may encounter previously undiscovered or unrecorded archaeological sites and materials.

Implementation of the Specific Plan would include the development of several different types of uses to support population in the area and would include various levels of ground disturbance. The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program. As ground disturbance could damage or destroy previously undiscovered archaeological resources and development would be more likely to occur, this impact would be more severe compared to the General Plan Update EIR, and this impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 3.4-2a: Prepare and Implement Worker Training Program

A training program will be provided to all construction personnel active on a given project site prior to implementation of earth moving activities. A qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall prepare the program and provide the training to all construction personnel. The program will include relevant information regarding archaeological resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance as well as the actions that need to be taken after a find is made.

Mitigation Measure 3.4-2b: Identify and Protect Unknown Archaeological Resources

During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall hire a qualified archaeologist to determine the potential for the project to result in significant impacts. At a minimum, the effort shall include the following steps:

- (i) Record's search – The qualified archaeologist shall request a record's search of the entire project area plus a one-half mile buffer from the Northwest Information Center at Sonoma State University.
- (ii) Surface survey exposed soil – The qualified archaeologist shall complete a pedestrian survey of any exposed soils on the project site.
- (iii) Reporting – The qualified archaeologist shall complete a report/memo that summarizes the results of the record search and pedestrian survey as well as provides recommendations for additional study and/or mitigation measures to protect and/or reduce significant impacts to archaeological resources, as needed. If indigenous materials are identified, the associated tribe(s) will be contacted by the City and will be given the opportunity to review the report and provide input for consideration.
- (iv) Preservation in place – The project applicant shall consult with the qualified archaeologist to consider means of avoiding or reducing ground disturbance within the archaeological site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. If avoidance or substantial preservation in place is not possible, the project applicant shall implement Mitigation Measure 3.4-2(e).

Mitigation Measure 3.4-2c: Identify and Protect Known Unique Archaeological Resources

During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall define each project's area of effect for archaeological resources. The project applicant shall determine the potential for the project to result in cultural resources impacts, based on the extent of ground disturbance and site modification anticipated for the project. The project applicant shall implement the following steps where it has been determined under Mitigation Measure 3.4-2b(iv) that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with the City, and Native American tribe(s) as applicable, shall:

- 1) Retain a qualified archaeologist to conduct a subsurface investigation of the archaeological site, to ascertain whether buried archaeological materials are present and, if so, the extent of the deposit relative to the project's area of effects. The project applicant shall be responsible for facilitating access to the archaeological site if it is paved at the moment of testing. If an archaeological deposit is discovered, the archaeologist shall prepare a site record and a written report of the results of investigations and filed with the appropriate Information Center of the California Historical Resources Information System. The archaeological resource shall be evaluated by a qualified archaeologist, who shall determine whether it qualifies as a historical resource or a unique archaeological resource under the criteria of CEQA Guidelines § 15064.5.
- 2) If the resource does not meet the criteria of CEQA Guidelines § 15064.5, then it shall be noted in the environmental document and no further mitigation is required unless there is a discovery during construction. In the event of a discovery Mitigation Measure 3.4-2e below shall be implemented. However, the archaeological resource may be identified as a tribal cultural resource regardless even if it is determined that it is not a unique archaeological resource (See Mitigation Measures 3.4-3b and 3.4-3c below for further information).
- 3) If archaeological material within the project's area of effects is determined to qualify as a historical resource or a unique archaeological resource (as defined by CEQA), the project applicant shall consult with the qualified archaeologist to prepare a research design and archaeological data recovery plan for the recovery that will capture those categories of data for which the site is significant and implement the data recovery plan prior to or during development of the site. The archaeologist shall prepare a written report of the results of the data recovery and filed with the appropriate Information Center of the California Historical Resources Information System.

- 4) If, in the opinion of the qualified archaeologist and tribe(s) as applicable and in light of the data available, the significance of the site is such that data recovery cannot capture the values of the resource, the project applicant shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, the project applicant shall implement Mitigation Measure 3.4 2d.

Mitigation Measure 3.4-2d: Retain Archaeological Monitor

During project-specific environmental review of development under the Specific Plan, the project applicant shall retain an archaeological monitor for projects where an archaeological resource cannot be preserved or avoided. The archaeological monitor shall be retained prior to the commencement of any ground-disturbing activities (e.g., tree removals, boring, excavation, drilling, and trenching) for the future projects within 100 feet from all known archaeological resources that have been determined eligible or listed in the CRHR and NRHP, California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. A copy of the executed monitoring agreement shall be submitted to the project applicant and the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries. Monitor logs will identify and describe any discovered archaeological resource. Copies of monitor logs will be provided to the project applicant.

Mitigation Measure 3.4-2e: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features

During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-2b and 3.4-2c, in the event that any precontact or historic era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, the project applicant shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. Mitigation Measure 3.4-2b(iv) or Mitigation Measure 3.4-2c and Mitigation Measure 3.4-2d shall be implemented.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-2a through 3.4-2e would require a workers awareness training, it would reduce impacts to known and unknown archaeological resources because it would seek to protect in place, recover information, record, or otherwise treat the discovered resource appropriately, and require monitoring within 100 of known unique archaeological resources and unevaluated resources. These mitigation measures would be consistent with General Plan Policy CON 4-3 and CON 4-4 and Actions CON-4a and CON-4b. However, due to the sensitivity of the area some archaeological resources may not be able to be avoided during future projects, the Specific Plan's impact on archaeological resources would be more severe compared to the General Plan Update EIR, and this impact would be **significant and unavoidable**.

Impact 3.4-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

The General Plan Update EIR did not analyze impacts related to tribal cultural resources. AB 52 went into effect in 2014 and prior to that, tribal consultation was not required as part of the EIR process. However, additional information obtained through tribal consultation since the General Plan Update EIR was completed indicates that the area is highly sensitive for tribal cultural resources. Consultation with the Muwekma Ohlone Tribe of the SF Bay Area and Tamien Nation has not resulted in specific resources being identified as tribal cultural resources as described under PRC Section 21074. Therefore, the Specific Plan's impact on tribal cultural resources would be more severe compared to the General Plan Update EIR, and this impact would be **potentially significant**.

Although neither of the consulting tribes, the Muwekma Ohlone Tribe of the SF Bay Area and Tamien Nation, have specifically identified any of these archaeological sites as a tribal cultural resource as defined in PRC Section 21074, the tribe(s) have expressed great concern for these resources and have identified the Specific Plan Area as highly sensitive for tribal cultural resources.

California law recognizes the need to protect tribal cultural resources from inadvertent destruction and the procedures for the treatment of tribal cultural resources are contained in PRC Section 21080.3.2 and Section 21084.3 (a). Within 14 days of the City determining that it may undertake a project, the City must provide formal notification, in writing, to the California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project that have requested notification of proposed projects in the lead agency's jurisdiction. If any affiliated tribe wishes to engage in consultation on the project, the tribe must respond to the City within 30 days of receipt of the formal notification. The City would be required to begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If the City determines that a subsequent project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the PRC describe measures that, if determined by the lead agency to be feasible, could be implemented to reduce potential effects of development on tribal cultural resources, although no specific resources were identified through AB 52 compliance for the Specific Plan. Compliance with PRC Section 21080.3.2 and Section 21084.3 (a) would provide an opportunity to avoid or minimize the disturbance of tribal cultural resources, and to appropriately treat any remains that are discovered.

Although the Specific Plan Area is largely developed and past construction activities have damaged or removed some subsurface elements, past investigations have demonstrated that there is the high potential for presence of subsurface resources, including artifacts, features, and human remains that contribute to the tribal cultural resource. Construction activities for future projects under the Specific Plan, including earth-moving, excavation, and use of heavy equipment that may cause ground compaction, may disturb or destroy any previously undisturbed and significant tribal cultural resources or deposits, which was not accounted for in the General Plan Update EIR. Therefore, the Specific Plan's impact on tribal cultural resources would be more severe compared to the General Plan Update EIR, and this impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 3.4-3a: Conduct Tribal Cultural Resources Awareness Training

During project-specific environmental review for development under the Specific Plan, the City shall coordinate with California Native American tribe(s) to prepare tribal cultural resource awareness and sensitivity training. All crew members and contractors shall be trained in the protection of tribal cultural resources and sensitive archaeological resources that the tribe(s) deems important. Workers will be trained to halt work if tribal cultural resources or sensitive archaeological resources are encountered and the construction method consists of physical disturbance of land surfaces (e.g., soil disturbance). The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values. The tribe(s) shall determine the most appropriate method of training (e.g., in person, brochure, or archaeological consultant).

Mitigation Measure 3.4-3b: Identify and Protect Unknown Tribal Cultural Resources

During project-specific environmental review under the Specific Plan, if the City in consultation or coordination with the tribe(s) determines that a project activity may cause a substantial adverse change to a tribal cultural resource, and measures to protect the resource are not otherwise identified in the consultation process, the project applicant shall implement the following steps to identify and protect tribal cultural resources or archaeological resources significant to the tribe that may be present in the project's area of effects.

- 1) If a tribal cultural resource is identified, the project lead shall consult with the tribe(s) to consider means of avoiding or reducing ground disturbance within the resource boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (e.g., capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. Similar to Mitigation Measure 3.4-2b(iv).
- 2) If avoidance or substantial preservation in place of tribal cultural resources is not possible, the project lead shall implement Mitigation Measure 3.4-3(c).
- 3) For projects that require subsurface testing of archaeological sites that contain indigenous materials, the project applicant shall retain the Native American tribe(s) to monitor the subsurface testing of the project area that is required under Mitigation Measure 3.4-2c. The type of subsurface testing (e.g., ground-penetrating radar, core, forensic dogs, excavation) shall be coordinated with the consulting tribe(s).

Mitigation Measure 3.4-3c: Identify and Protect Known Tribal Cultural Resources

If the City determines that avoidance or preservation in place of a tribal cultural resource is not feasible and ground disturbance cannot be avoided, the project lead and Native American tribe(s) as applicable, shall develop a treatment plan. The treatment plan shall include, but not be limited to testing, excavation strategy, research design, resource significance assessment methods, a burial treatment agreement (if applicable), reporting requirements and health and safety procedures. The burial treatment agreement (if applicable) shall include a discussion of reburial options, locations, and potential easements, considering tribal preferences. This may be developed in conjunction with Mitigation Measure 3.4-2c.

Mitigation Measure 3.4-3d: Retain a Native American Monitor

Irrespective of pedestrian survey or subsurface testing findings, the project lead shall notify the appropriate Native American tribe(s) and retain a representative for tribal cultural resource monitoring prior to the commencement of any ground-disturbing activities within 100 feet from all known tribal and archaeological resources (containing indigenous materials) that have been determined eligible or listed in the CRHR and NRHP, as well as California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. The project applicant shall contact the tribal representatives a minimum of seven days prior to beginning earthwork or other ground disturbing activities; construction activities will proceed if no response is received 48 hours prior to ground disturbing activities. The tribal monitor shall only be present onsite during the construction phases that involve ground disturbing activities, including but not limited to tree removals, boring, excavation, drilling, and trenching. The tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the site grading and excavation activities are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources.

Mitigation Measure 3.4-3e: Implement Native American Response and Treatment Protocol

During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-3b and 3.4-3c, in the event that any tribal cultural resources and/or precontact subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted. The project applicant shall contact the appropriate Native American tribe(s) for their input on the preferred treatment of the find. Mitigation Measure 3.4-3b (1) or Mitigation Measure 3.4-3c and Mitigation Measure 3.4-3d shall be implemented. If artifacts are recovered from significant tribal cultural resources, the first option shall be to transfer the artifacts to an appropriate tribal representative. If possible, accommodations shall be made to reinter the artifacts at the project site or another mutually agreed upon (with the Native American representative) location within the Specific Plan Area. Only if no other options are available will recovered precontact archaeological material be housed at a qualified curation facility, if approved by the consulting tribe(s).

Significance after Mitigation

Implementation of Mitigation Measures 3.4-3a through 3.4-3e would reduce potentially significant impacts to tribal cultural resources because it would require: a tribal cultural resource awareness; steps to protect known and unknown tribal cultural resources; tribal monitoring; and stop work in case of a discovery. These mitigation measures would be consistent with General Plan Policy CON 4-3 and CON 4-4 and Actions CON-4a and CON-4b. However, because it some resources may not be able to be avoided during future projects, the Specific Plan's impact on tribal cultural resources would be more severe compared to the General Plan Update EIR, and this impact would be **significant and unavoidable**.

Impact 3.4-4: Disturb Human Remains

The General Plan Update EIR (Impact 3.5-2) determined that impacts related to the disturbance of human remains, including the Gateway-Main Specific Plan, would be less than significant. Based on documentary research, there is ample evidence that suggests that un-marked human interments are present within or in the immediate vicinity of the Specific Plan Area. While known burials can be avoided, ground-disturbing construction activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would be required. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Based on documentary research, there is ample evidence that suggests that un-marked human interments are present within or in the immediate vicinity of the Specific Plan Area. While known burials can be avoided it is not certain that the extent of these locations is known. Also, the location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the Specific Plan Area and could be uncovered by project-related construction activities.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.

These statutes require that, if human remains are discovered, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the appropriate County coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, NAHC shall be notified within 24 hours and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated Most Likely Descendant, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

Mitigation Measures

No mitigation is required for this impact.

3.5 ENERGY

This section was prepared pursuant to CEQA Guidelines Section 15126 and Appendix F of the CEQA guidelines, which require that EIRs include a discussion of the potential energy impacts of projects. The analysis considers whether the proposed Gateway–Main Street Specific Plan (Specific Plan) would result in inefficient, wasteful, and unnecessary consumption of energy.

No comment letters were received in response to the Notice of Preparation that pertained to air quality (see Appendix A).

3.5.1 Regulatory Setting

Energy conservation is required by many federal, State, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the U.S. Environmental Protection Agency’s [EPA] EnergyStar™ program) and transportation (e.g., fuel efficiency standards). At the State level, Title 24 of the California Code of Regulations sets forth energy standards for buildings. Further, the State provides rebates/tax credits for installation of renewable energy systems, and offers the Flex Your Power program, which promotes conservation in multiple areas. At the local level, individual cities and counties establish policies in their general plans and climate action plans (CAPs) related to the energy efficiency of new development and land use planning and to the use of renewable energy sources.

FEDERAL

Energy Policy and Conservation Act, and CAFE Standards

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Pursuant to this Act, the National Highway Traffic and Safety Administration, part of the U.S. Department of Transportation (DOT), is responsible for revising existing fuel economy standards and establishing new vehicle economy standards.

The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturer compliance with the government’s fuel economy standards. Compliance with the CAFE standards is determined based on each manufacturer’s average fuel economy for the portion of their vehicles produced for sale in the country. EPA calculates a CAFE value for each manufacturer based on the city and highway fuel economy test results and vehicle sales. The CAFE values are a weighted harmonic average of the EPA city and highway fuel economy test results. Based on information generated under the CAFE program, DOT is authorized to assess penalties for noncompliance. Under the Energy Independence and Security Act of 2007 (described below), the CAFE standards were revised for the first time in 30 years.

The CAFE Standards, which were first enacted by Congress in 1975, set fleet-wide averages that must be achieved by each automaker for its car and truck fleet. The purpose of the CAFE Standards is to reduce energy consumption by increasing the fuel economy of cars and light trucks. On April 1, 2022, Transportation Secretary Pete Buttigieg unveiled new CAFE standards for 2024–2026 model year passenger cars and light-duty trucks, requiring new vehicles sold in the US to average at least 40 miles per gallon.

Energy Policy Act of 1992 and 2005

The Energy Policy Act of 1992 (EPAAct) was passed to reduce the country’s dependence on foreign petroleum and improve air quality. EPAAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally-fueled fleets in metropolitan areas. EPAAct requires certain federal, state, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are also included in EPAAct. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs. The Energy Policy Act of 2005 provides renewed and expanded tax credits for

electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 is designed to improve vehicle fuel economy and help reduce U.S. dependence on oil. It represents a major step forward in expanding the production of renewable fuels, reducing dependence on oil, and confronting global climate change. The Energy Independence and Security Act of 2007 increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022, which represents a nearly five-fold increase over 2007 levels; and reduces U.S. demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020—an increase in fuel economy standards of 40 percent.

By addressing renewable fuels and the CAFE standards, the Energy Independence and Security Act of 2007 builds upon progress made by the Energy Policy Act of 2005 in setting out a comprehensive national energy strategy for the 21st century.

STATE

CEQA Guidelines Appendix F

California Environmental Quality Act (CEQA) Guidelines Appendix F requires that EIRs include a discussion of the potential energy impacts of proposed projects. Furthermore, it provides a list of items that may be considered in the energy analysis, as described below in Section 3.5.3, “Impacts and Mitigation Measures,” under the “Thresholds of Significance” subheading.

Warren-Alquist Act

The 1975 Warren-Alquist Act established the California Energy Resources Conservation and Development Commission, commonly known as the California Energy Commission (CEC). The Act established State policy to reduce wasteful, uneconomical, and unnecessary uses of energy by employing a range of measures. The California Public Utilities Commission regulates privately owned utilities in the energy, rail, telecommunications, and water fields.

State of California Energy Action Plan

CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The previous plan was the 2003 *Energy Action Plan* (2008 update), which calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assisting public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, as well as encouraging urban design that reduces vehicle miles traveled (VMT) and accommodates pedestrian and bicycle access.

The 2008 update has been supplemented by the 2019 California Energy Efficiency Action Plan, which includes three goals to drive energy efficiency: doubling energy efficiency savings by 2030, removing and reducing barriers to energy efficiency in low-income and disadvantaged communities, and reducing greenhouse gas (GHG) emissions from the buildings sector (CEC 2019).

Assembly Bill 2076: Reducing Dependence on Petroleum

Pursuant to AB 2076 (Chapter 936, Statutes of 2000), CEC and the California Air Resources Board (CARB) prepared and adopted a joint agency report in 2003, *Reducing California's Petroleum Dependence*. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT (CEC and

CARB 2003). Further, in response to the CEC's 2003 and 2005 *Integrated Energy Policy Reports*, Governor Davis directed CEC to take the lead in developing a long-term plan to increase alternative fuel use.

A performance-based goal of AB 2076 was to reduce petroleum demand to 15 percent below 2003 demand by 2030.

Integrated Energy Policy Report

SB 1389 (Chapter 568, Statutes of 2002) required CEC to "conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The Energy Commission shall use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety" (PRC Section 25301[a]). This work culminated in preparation of the first Integrated Energy Policy Report (IEPR).

CEC adopts an IEPR every 2 years and an update every other year. The 2022 IEPR Update Report, which is the most recent IEPR, was adopted on November 9, 2022. The 2022 IEPR Update Report provides a summary of priority energy issues currently facing the State, outlining strategies and recommendations to further the State's goal of ensuring reliable, affordable, and environmentally responsible energy sources. Energy topics covered in the report include progress toward Statewide renewable energy targets and issues facing future renewable development; efforts to increase energy efficiency in existing and new buildings; progress by utilities in achieving energy efficiency targets and potential; improving coordination among the State's energy agencies; streamlining power plant licensing processes; results of preliminary forecasts of electricity, natural gas, and transportation fuel supply and demand; future energy infrastructure needs; the need for research and development efforts to Statewide energy policies; and issues facing California's nuclear power plants (CEC 2022).

Legislation Associated with Electricity Generation

The State has passed multiple pieces of legislation requiring the increasing use of renewable energy to produce electricity for consumers. California's Renewable Portfolio Standard (RPS) Program was established in 2002 (SB 1078) with the initial requirement to generate 20 percent of their electricity from renewable by 2017, 33 percent of their electricity from renewables by 2020 (SB X1-2 of 2011), 52 percent by 2027 (SB 100 of 2018), 60 percent by 2030 (also SB 100 of 2018), and 100 percent by 2045 (also SB 100 of 2018). More detail about these regulations is provided in Section 3.6, "Greenhouse Gas Emissions and Climate Change."

Senate Bill 350: Clean Energy and Pollution Reduction Act of 2015

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

Assembly Bill 1007: State Alternative Fuels Plan

AB 1007 (Chapter 371, Statutes of 2005) required CEC to prepare a state plan to increase the use of alternative fuels in California. CEC prepared the State Alternative Fuels Plan (SAF Plan) in partnership with CARB and in consultation with other State, federal, and local agencies. The SAF Plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes the costs to California and maximizes the economic benefits of in-State production. The SAF Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuel use, reduce greenhouse gas (GHG) emissions, and increase in-State production of biofuels without causing a significant degradation of public health and environmental quality.

California Building Energy Efficiency Standards (Title 24, Part 6)

The energy consumption of new residential and nonresidential buildings in California is regulated by the California Energy Code. The code was established by CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy-efficiency standards for residential and nonresidential buildings. CEC updates the California Energy Code every 3 years, typically including more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions.

The 2022 California Energy Code went into effect on January 1, 2023. The 2022 California Energy Code advances the on-site energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump technology and use, establishing electric-ready requirements when natural gas is installed, expanding solar photovoltaic (PV) system and battery storage standards, and strengthening ventilation standards to improve indoor air quality. CEC estimates that the 2022 California Energy Code will save consumers \$1.5 billion and reduce GHGs by 10 million metric tons of carbon dioxide-equivalent over the next 30 years (CEC 2021).

California Green Building Standards (Title 24, Part 11)

The California Green Building Standards, also known as CALGreen, is a reach code (i.e., optional standards that exceed the requirements of mandatory codes) developed by CEC that provides green building standards for Statewide residential and nonresidential construction. The current version is the 2022 CALGreen Code, which took effect on January 1, 2023. As compared to the 2019 CALGreen Code, the 2022 CALGreen Code strengthened sections pertaining to electric vehicle (EV) and bicycle parking, water efficiency and conservation, and material conservation and resource efficiency, among other sections of the CALGreen Code. The CALGreen Code sets design requirements equivalent to or more stringent than those of the California Energy Code for energy efficiency, water efficiency, waste diversion, and indoor air quality. These codes are adopted by local agencies that enforce building codes and used as guidelines by State agencies for meeting the requirements of Executive Order B-18-12.

Legislation Associated with Greenhouse Gas Reduction

The State has passed legislation that aims to reduce GHG emissions. The legislation often has an added benefit of reducing energy consumption. SB 32 requires a Statewide GHG emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. AB 1279 requires carbon neutrality and a Statewide GHG emission reduction of 85 percent below 1990 levels by 2045.

SB 375 aligns regional transportation planning efforts, regional GHG emission reduction targets, and land use and housing allocation. The Advanced Clean Cars (ACC) program, approved by CARB, combines the control of GHG emissions and criteria air pollutants and the increase in the number of zero-emission vehicles (ZEV) into a single package of standards. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. In August 2022, CARB adopted the ACC II program, which sets sales requirements to reach the goal of 100 percent ZEV sales in the State by 2035. Additionally, in April 2023, CARB adopted the Advanced Clean Fleets regulation, which sets a goal of achieving a fully zero-emission truck and bus fleet within the State by 2045. Implementation of the State's legislation associated with GHG reduction will have the co-benefit of reducing California's dependency on fossil fuel and making land use development and transportation systems more energy efficient.

More details about legislation associated with GHG reduction are provided in the regulatory setting of Section 3.6, "Greenhouse Gas Emissions and Climate Change."

LOCAL

Milpitas General Plan

The Community Design, Conservation and Sustainability, and Utilities and Community Services elements of the 2040 *Milpitas General Plan* contain policies that address energy usage (Milpitas 2021):

- ▶ **Policy CD 11-2:** Encourage passive solar design and energy-efficient concepts, including, but not limited to natural heating and/or cooling, sun and wind exposure and orientation, and other solar energy opportunities.
- ▶ **Policy CD 11-5:** Encourage the use of building materials that conserve energy and material resources.
- ▶ **Policy CD 11-11:** Continue to apply and expand the Climate Action Plan to increase the energy efficiency of development.

- **Action CD-11a:** As part of the development review process, ensure that projects incorporate sustainable elements, such as passive solar design, energy-efficient features, water conservation measures, street trees, electric vehicle charging stations, and low impact development features to the extent feasible.
- ▶ **Policy CON 1-1:** Ensure that new development is consistent with the energy objectives and targets identified by the City's Climate Action Plan (CAP).
- ▶ **Policy CON 1-2:** Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
- ▶ **Policy CON 1-3:** Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, as feasible.
- ▶ **Policy CON 1-4:** Require large-scale industrial and manufacturing energy users to implement an energy conservation plan as part of the project review and approval process.
- ▶ **Policy CON 1-5:** Consider lifecycle costs when identifying opportunities for the replacement and retrofit of energy efficient technologies when upgrading or maintaining City facilities.
- ▶ **Policy CON 1-6:** Reduce the City's energy demand by pursuing the use of alternative energy and fuel-efficient City vehicles and equipment, and strive for a zero-emission City vehicle fleet to the extent feasible and practical.
- ▶ **Policy CON 1-9:** Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use.
 - **Action CON-1e:** Continue to review all new public and private development projects to ensure compliance with the California Code of Regulations (CCR), Title 24 standards as well as the energy efficiency standards established by California Green Building Standards Code (CALGreen), the General Plan, and the Milpitas Municipal Code Chapter 20 Green Building Regulations.
 - **Action CON-1f:** Continue to require all development project applications for new buildings to include a completed LEED or CALGreen Mandatory Measures Checklist.
- ▶ **Policy CON 7-13:** Implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources.
- ▶ **Policy UCS 1-3:** Require all future development projects to analyze their infrastructure and service impacts and either demonstrate that the City's existing infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be diminished or impaired, or make the necessary improvements to mitigate all potential impacts.
- ▶ **Policy UCS 6-1:** Work cooperatively with utility providers to ensure the provision of adequate electric power and natural gas services and facilities to serve the needs of existing and future residents and businesses.

Milpitas Climate Action Plan

The City of Milpitas updated its Climate Action Plan (CAP) in August 2022. The CAP builds upon previous versions of the City's CAPs to align with the reduction targets established in SB 32. The City's 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 MTCO₂e in 2030), 79 percent below 2019 levels by 2040 (a reduction to 94,606 MTCO₂e in 2040), as well as a goal of carbon neutrality by 2045 (Milpitas 2022). The CAP Update 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. CAP energy efficiency measures relevant to the proposed Specific Plan include:

- ▶ **BE-1.1:** Achieve 100 percent carbon-free electricity by 2030 in all existing and new development.
- ▶ **BE-1.2:** Facilitate innovative approaches to energy generation, distribution, and storage.

- ▶ **BE-1.3:** Strengthen community awareness of energy efficiency, energy conservation, electrification, and clean energy.
- ▶ **BE-2.1:** Adopt updated "reach" building codes with each building and energy code cycle to accelerate all-electric new development.
- ▶ **BE-2.2:** Facilitate all-electric development projects for industrial buildings.
- ▶ **BE-2.3:** Expand the City's Green Building Program.
- ▶ **BE-2.4:** Retrofit existing residential and nonresidential buildings and municipal facilities to improve energy efficiency and facilitate fuel switching.

3.5.2 Environmental Setting

PHYSICAL SETTING

Energy Facilities and Services in the Project Area

Electricity and natural gas are supplied to the County from Pacific Gas and Electric (PG&E). See Section 3.12, "Utilities and Service Systems," for more detailed information on electrical and natural gas infrastructure specifically serving the Specific Plan area. PG&E-delivered electricity generated from eligible renewable energy sources is anticipated to increase over the next three decades to comply with the SB 100 goals described in Section 3.5.1, "Regulatory Setting."

Energy Types and Sources

California relies on a regional power system composed of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources. One-third of energy commodities consumed in California is natural gas. In 2022, approximately 36 percent of natural gas consumed in the State was used to generate electricity. Large hydroelectric powered approximately 9 percent of electricity and renewable energy from solar, wind, small hydroelectric, geothermal, and biomass combustion totaled 36 percent (PG&E 2023). In 2022 PG&E provided its customers with 38 percent eligible renewable energy (i.e., biomass combustion, geothermal, small scale hydroelectric, solar, and wind); 49 percent from nuclear power; 8 percent, from large scale hydroelectric, and 5 natural gas (PG&E 2023). The contribution of in- and out-of-State power plants depends on the precipitation that occurred in the previous year, the corresponding amount of hydroelectric power that is available, and other factors.

The City is a member of Silicon Valley Clean Energy (SVCE), a local community-choice aggregator, that partners with PG&E and supplies carbon-free electricity to its members. The City supports the development and maintenance of electricity generation and storage at City-owned sites (i.e., on-site solar panels and battery storage at City facilities).

Alternative Fuels

A variety of alternative fuels are used to reduce demand for petroleum-based fuel. The use of these fuels is encouraged through various statewide regulations and plans (e.g., Low Carbon Fuel Standard, AB 32 Scoping Plan). Conventional gasoline and diesel may be replaced (depending on the capability of the vehicle) with many transportation fuels, including:

- ▶ biodiesel,
- ▶ electricity,
- ▶ ethanol (E-10 and E-85),
- ▶ hydrogen,
- ▶ natural gas (methane in the form of compressed and liquefied natural gas),
- ▶ propane,

- ▶ renewable diesel (including biomass-to-liquid),
- ▶ synthetic fuels, and
- ▶ gas-to-liquid and coal-to-liquid fuels.

California has a growing number of alternative fuel vehicles through the joint efforts of CEC, CARB, local air districts, federal government, transit agencies, utilities, and other public and private entities. As of October 2024, California contained nearly 18,000 alternative fueling stations (AFDC 2024).

A goal of the Milpitas CAP is to transition the City's fleet vehicles to fully electric vehicles and identify alternative fuel options for other vehicles and equipment (MVF-1.1.3). Additionally, the CAP states that over half of all GHG emissions in the city comes from the consumption of gasoline and diesel in internal combustion engines and thus the city supports increasing EV charging infrastructure, facilitating EV adoption, and other low-emission alternative fuels such as renewable diesel (TR-2).

ENERGY USE FOR TRANSPORTATION

In 2022, the transportation sector comprised the largest end-use sector of energy in the state, 42.6 percent, followed by the industrial sector totaling 22.5 percent, the residential sector at 17.6 percent, and the commercial sector at 17.4 percent (EIA 2024). On-road vehicles use about 85 percent of the petroleum consumed in California. CEC reported retail sales of 423 million and 45 million gallons of gasoline and diesel, respectively, in Santa Clara County in 2023 (the most recent data available) (CEC 2024).

In 2019 in Milpitas, the transportation sector also comprised the largest end-use sector of GHG emissions, 59 percent, followed by building energy at 32 percent, solid waste at 5 percent, off-road vehicles and equipment at 4 percent, with the remaining GHG emissions coming from wastewater treatment and the water supply (Milpitas 2022).

ENERGY USE AND CLIMATE CHANGE

Scientists and climatologists have produced evidence that the burning of fossil fuels by vehicles, power plants, industrial facilities, residences, and commercial facilities has led to an increase of the earth's temperature. For an analysis of greenhouse gas production and the project's impacts on climate change, refer to Section 3.6, "Greenhouse Gas Emissions and Climate Change."

3.5.3 Impacts and Mitigation Measures

METHODOLOGY

Levels of operation-related energy consumption associated with implementation of Specific Plan, are measured in megawatt-hours of electricity, therms of natural gas, gallons of gasoline, and gallons of diesel fuel. Energy consumption estimates were calculated using the California Emissions Estimator Model (CalEEMod) version 2022.11.28 computer program. Project-specific inputs were included in the modeling such as land use types, SF, and acreage, annual VMT and trip generation, etc. Where project-specific information was not known CalEEMod default values based on the proposed Specific Plan Area location and size were used. The proposed Specific Plan was evaluated and compared to the General Plan Update EIR (Milpitas 2020) with changes to the adopted Milpitas Midtown Specific Plan to the proposed Specific Plan. This change includes a decrease in non-residential SF and increase in residential SF development.

Efficiency of the two scenarios were determined by dividing the total energy consumption within the Specific Plan Area (buildout under the General Plan and buildout under the proposed Specific Plan) and divided by the service population provided in Fehr & Peers traffic impact analysis. Tables 3.5-1 and 3.5-2 summarize the building energy consumption and Tables 3.5-3 and 3.5-4 summarize the transportation energy consumption for the first year of operation during the buildout year of 2040.

THRESHOLDS OF SIGNIFICANCE

The following significance criteria area based on CEQA Guidelines Appendix F (energy), under which implementation of the proposed Specific Plan would have a potentially significant adverse impact if the project would:

- ▶ result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation;
- ▶ conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

ISSUES NOT DISCUSSED FURTHER

All the issues identified in the preceding list of thresholds are addressed in the following impact analysis.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.5-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy, During Plan Construction or Operation

The General Plan Update EIR (Impact 3.7-3) concluded that buildout of the General Plan would be in compliance with all applicable federal, state, and local regulations regulating energy usage and would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for during buildout of the General Plan, including during construction, operations, maintenance, and/or removal. Because of this, the General Plan Update EIR concluded that the impact would be less-than-significant. Since the adoption of the General Plan Update EIR, building energy efficiency has improved, vehicles and offroad equipment have become cleaner and more efficient, and VMT will continue to decrease. The proposed Specific Plan would continue to be consistent with relevant federal, state, and local regulations and thus, implementation of the proposed Specific Plan would not consume energy in a wasteful, inefficient, or unnecessary manner during construction or operation of future development allowed under the proposed Specific Plan. This impact would remain **less than significant**.

The General Plan Update EIR concluded that buildout of the General Plan would be in compliance with all applicable federal, state, and local regulations regulating energy usage and would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for during General Plan buildout, including during construction and operation.

Buildout of the proposed Specific Plan includes residential, commercial, office, industrial, mixed-use, open space, and other land uses and would contain more residential and less non-residential development under than identified in the General Plan Update EIR. The amount of energy used in the Specific Plan Area at buildout would directly correlate to the type and size of development, the energy consumption associated with unit appliances, outdoor lighting, and energy use associated with other buildings and activities. Other major sources of energy consumption include fuel used by vehicle trips generated during construction and operational activities, and fuel used by off-road and on-road construction vehicles during construction. The following discussion provides a breakdown of the energy uses in the Specific Plan Area upon buildout of the proposed Specific Plan.

Construction-Related Energy

Construction of future development under the proposed Specific Plan would generate on-road vehicle trips during construction activities from worker trips, vendors, hauling trips. The proposed Specific Plan would also use diesel fuel during construction activities through the use of typical off-road construction equipment. Since adoption of the General Plan Update EIR, construction equipment has become more fuel efficient and will continue to become more fuel efficient during buildout of the proposed Specific Plan. Additionally, the proposed Specific Plan would continue to be consistent with General Plan policies regarding construction energy usage such as Policies CD 11-5, CON 1-6, CON 1-9 which encourage the use of building materials that conserve energy and material resources, reduce the

City’s energy demand by encouraging alternative energy and fuel-efficient vehicles and equipment, and encouraging site planning and building techniques that promote energy conservation. Because vehicles and equipment would continue to become more fuel efficient during build out of the proposed Specific Plan and the proposed Specific Plan would continue to be consistent with the relevant general plan policies, this impact will not create a more severe impact than that identified in the General Plan Update EIR.

Building Energy

At buildout of the proposed Specific Plan, electricity and natural gas consumption would be used primarily to power buildings (all types of buildings, including residential, commercial, office, industrial, public, etc.). Electricity would primarily come from the electricity utility provider (PG&E) or through SCVE, though potential on-site solar generation could generate energy. Electrical and natural gas usage were evaluated at buildout (2040) for both the General Plan and the proposed Specific Plan. Results can be found below in Tables 3.5-1 and 3.5-2.

Table 3.5-1 General Plan Annual Operation-Related Building Energy Consumption (2040)

Energy Sector	Energy Consumption	Units
Area Sources	70,920,025	KWh
Energy Sources	156,176,855	kBTU
Area Source Consumption per Service Population	3,465	KWh/SP
Energy Source Consumption per Service Population	7,631	kBTU/SP

Note: kWh = kilowatt hours, kBTU/year = British thermal units per year; SP = Service Population Service population = 20,466 (Fehr & Peers 2024).

Source: Calculations prepared by Ascent in 2024.

Table 3.5-2 Proposed Milpitas Gateway-Main Street Specific Plan Annual Operation-Related Building Energy Consumption (2040)

Energy Sector	Energy Consumption	Units
Area Sources	49,282,575	KWh
Energy Sources	119,870,521	kBTU
Area Source Consumption per Service Population	2,248	KWh/SP
Energy Source Consumption per Service Population	5,467	kBTU/SP

Note: kWh = kilowatt hours, kBTU/year = British thermal units per year; SP = Service Population Service population = 21,925 (Fehr & Peers 2024).

Source: Calculations prepared by Ascent in 2024.

As shown in Tables 3.5-1 and 3.5-2, operations of the proposed Specific Plan would reduce energy consumption and energy consumption per service population within the Specific Plan Area. The proposed Specific Plan would increase residential density throughout the Specific Plan Area while also decreasing the development and operations of non-residential land uses such as commercial, industrial, and manufacturing land uses. Because the proposed Specific Plan would reduce energy consumption and increase energy efficiency in the Specific Plan Area, the proposed Specific Plan would be consistent with General plan Policies CD 11-2, CD 11-11, CON 1-1 through CON 1-5, CON 1-9 and CON 7-13. Each of these policies pertain to making the City a more energy efficient city through renewable energy sources, building energy efficiency, building best management practices such as LEED certification and Title 24 standards, implementing energy efficiency practices and materials, support the use of alternative and renewable energy, and promoting green energy initiatives. The proposed Specific Plan would incorporate design standards such as selecting energy-efficient roofing materials that would reduce building heat gain and provide natural sunlight, using smart light fixtures in streetscapes that will dim or turn off when not in use to conserve energy, and complying with the California Green Building Standards Code to reduce energy consumption, increase energy efficiency in the Specific

Plan Area. Thus, the proposed Specific Plan would continue to be consistent with the relevant general plan policies, this impact would not be a more severe impact than that identified in the General Plan Update EIR.

Transportation Energy

Buildout of the proposed Specific Plan would generate fewer operational VMT and more vehicle trips throughout the Specific Plan Area than that previously associated with buildout of the General Plan. Based on the traffic impact assessment conducted by Fehr & Peers (Fehr & Peers 2024), implementation of the proposed Specific Plan would reduce VMT throughout the Specific Plan area from 685,920 to 536,440 daily VMT or 250,360,800 to 195,800,600 annual VMT, while increasing annual trips from 13,782,035 to 20,703,895. The increase in trips but decrease in VMT is due to the increased service population in the Specific Plan Area but decrease in the trip lengths. Tables 3.5-3 and 3.5-4 below show the transportation energy in the Specific Plan area associated with buildout of the General Plan and proposed Specific Plan.

Table 3.5-3 General Plan Annual Transportation Energy Consumption (2040)

Metric	Consumption	Units
VMT	250,360,800	Annual Miles
Trips Generated	13,782,035	Annual Trips
VMT per Service Population	12,233	Annual VMT/SP
Gallons of Gasoline	7,248,350	Gallons
Gallons of Diesel	1,871,142	Gallons
Gallons of Gasoline per Service Population	354.2	Gallons/SP
Gallons of Diesel per Service Population	91.4	Gallons/SP

Note: kWh = kilowatt hours, kBTU/year = British thermal units per year; SP = Service Population Service population = 20,466 (Fehr & Peers 2024).

Source: Fehr & Peers 2024. Calculations prepared by Ascent in 2024.

Table 3.5-4 Proposed Milpitas Gateway-Main Street Specific Plan Annual Transportation Energy Consumption (2040)

Metric	Consumption	Units
VMT	195,800,600	Annual Miles
Trips Generated	20,703,895	Annual Trips
VMT per Service Population	8,930	Annual VMT/SP
Gallons of Gasoline	5,668,744	Gallons
Gallons of Diesel	1,463,371	Gallons
Gallons of Gasoline per Service Population	258.6	Gallons/SP
Gallons of Diesel per Service Population	66.7	Gallons/SP

Note: kWh = kilowatt hours, kBTU/year = British thermal units per year; SP = Service Population Service population = 21,925 (Fehr & Peers 2024).

Source: Fehr & Peers 2024. Calculations prepared by Ascent in 2024.

As shown in Tables 3.5-3 and 3.5-4, implementation of the proposed Specific Plan would reduce VMT, VMT per service population, gasoline and diesel consumption, and gasoline and diesel consumption per service population. As a result, the proposed Specific Plan would not have a more severe impact than that identified in the General Plan Update EIR.

Summary

The General Plan Update EIR concluded that implementation of the General Plan would result in the wasteful, inefficient, or unnecessary consumption of energy during construction or operation of future development. The proposed Specific Plan would continue to be consistent with general plan policies, would decrease total energy

consumption and energy consumption per service population, decrease VMT, and VMT per service population throughout the Specific Plan Area, and decrease the total usage of gasoline and diesel fuel and gasoline and diesel fuel consumption per service population throughout the Specific Plan Area. Thus, this impact would not have a more severe impact than that identified in the General Plan Update EIR and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.5-2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency

The General Plan Update EIR did not evaluate the General Plan for consistency with state or local plans for renewable energy or energy efficiency. For the proposed Specific Plan to have a less than significant impact, the proposed Specific Plan would not conflict with general plan policies, the Milpitas CAP, and Appendix D of the 2022 Scoping Plan. Each of these documents have various policies, strategies, measures, and standards the proposed Specific Plan would need to align with to expand renewable energy and energy efficiency in the Specific Plan area. Because the proposed Specific Plan would be consistent with each of these documents and it would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, this impact would be **less-than-significant**.

The proposed Specific Plan would need to align with general plan policies listed above in Section 3.5.1, "Regulatory Settings." Specifically, the proposed Specific Plan would need to be consistent with general plan policies CD 11-2, 11-5, and 11-11, CON 1-1 through 1-6, 1-9, and 7-13, and UCS 1-3 and 6-1. Policies CD 11-2, 11-5, and 11-11 encourage passive solar design and energy-efficient concepts, the use of building materials that conserve energy and material resources, and applying and expanding the Milpitas CAP to increase energy efficiency in the Specific Plan area. Policies CON 1-1 through 1-6 would ensure that future development under the proposed Specific Plan is consistent with the energy objectives and targets identified in the Milpitas CAP and with the standards of CALGreen code, support green building best management practices, require large-scale industrial and manufacturing energy users to implement an energy conservation plan as part of the project review and approval process, consider lifecycle costs when identifying opportunities for the replacement and retrofit of energy efficient technologies, pursue the use of alternative energy and fuel-efficient City vehicles and equipment to reduce energy demand within the Specific Plan Area. Policies CON 1-9 and 7-13 encourage site planning and building techniques that promote energy conservation, and implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources. Policies USC 1-3 and 6-1 require all future development projects to analyze their infrastructure and service impacts and to work with utility providers to ensure the provision of adequate electric power and natural gas services and facilities to serve the needs of existing and future residents and businesses.

The proposed Specific Plan would be consistent with the City's CAP, which would result in reduced energy demand and GHG emissions. The CAP, although designed to reduce GHG emissions, also plays a role in improving energy efficiency and enhancing renewable energy resources and therefore serves as the renewable energy or energy efficiency plan applicable to the proposed Specific Plan. Specifically, the proposed Specific Plan would align with the following applicable measures:

- ▶ **BE-1.1:** Achieve 100 percent carbon-free electricity by 2030 in all existing and new development.
- ▶ **BE-1.2:** Facilitate innovative approaches to energy generation, distribution, and storage.
- ▶ **BE-1.3:** Strengthen community awareness of energy efficiency, energy conservation, electrification, and clean energy.
- ▶ **BE-2.1:** Adopt updated "reach" building codes with each building and energy code cycle to accelerate all-electric new development.
- ▶ **BE-2.2:** Facilitate all-electric development projects for industrial buildings.
- ▶ **BE-2.3:** Expand the City's Green Building Program.

- ▶ **BE-2.4:** Retrofit existing residential and nonresidential buildings and municipal facilities to improve energy efficiency and facilitate fuel switching.

The proposed Specific Plan would comply with the applicable CAP measures identified above and would reduce the overall energy demand and would contribute to the citywide energy reductions identified in the CAP. Additionally, these measures are generally consistent with the direction provided to local governments in Appendix D of the 2022 Scoping Plan, which directs projects to be promote renewable energy and energy efficiency. Therefore, the proposed Specific Plan would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. This impact would be **less than significant**.

3.6 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

This section presents a summary of statutes, regulations, and plans applicable to greenhouse gas (GHG) emissions; a summary of climate change science and GHG sources in California; quantification of project-generated GHGs and discussion about their contribution to global climate change; and analysis of the project's resiliency to climate change-related risks.

No comment letters were received in response to the Notice of Preparation that pertained to GHGs (see Appendix A).

3.6.1 Regulatory Setting

FEDERAL

Supreme Court Ruling - Carbon Dioxide is an Air Pollutant

In *Massachusetts et al. v. Environmental Protection Agency et al.*, 549 U.S. 497 (2007), the Supreme Court of the United States ruled that carbon dioxide (CO₂) is an air pollutant as defined under the federal Clean Air Act and that the U.S. Environmental Protection Agency (EPA) has the authority to regulate GHG emissions.

In 2010, EPA started to address GHG emissions from stationary sources through its New Source Review permitting program, including operating permits for "major sources" issued under Title V of the federal Clean Air Act.

National Highway Traffic Safety Administration - Corporate Average Fuel Economy Standards

The National Highway Traffic Safety Administration regulates vehicle emissions through the Corporate Average Fuel Economy (CAFE) Standards. On April 1, 2022, the Secretary of Transportation unveiled new CAFE standards for 2024–2026 model year passenger cars and light-duty trucks. These new standards require new vehicles sold in the US to average at least 40 miles per gallon and apply to all states except those that enforce stricter standards.

STATE

Plans, policies, regulations, and laws established by the state agencies are generally presented in the order they were established.

Statewide GHG Emission Targets and Climate Change Scoping Plan

Reducing GHG emissions in California has been the focus of the State government for nearly two decades. GHG emission targets established by the State Legislature include reducing statewide GHG emissions to 1990 levels by 2020 (AB 32 of 2006) and reducing them to 40 percent below 1990 levels by 2030 (SB 32 of 2016). Executive Order (EO) S-3-05, signed by former Governor Arnold Schwarzenegger, calls for statewide GHG emissions to be reduced to 80 percent below 1990 levels by 2050. This target was superseded by AB 1279, which codifies a goal for carbon neutrality and the reduction of emissions by 85 percent below 1990 levels by 2045. These targets are in line with the scientifically established levels needed in the U.S. to limit the rise in global temperature to no more than 2 degrees Celsius, the warming threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected; these targets also pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (United Nations 2015).

On December 16, 2022, CARB adopted the *Final 2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan), which traces the State's pathway to achieve its carbon neutrality and an 85 percent reduction in 1990 emissions goal by 2045 using a combined top-down, bottom-up approach under various scenarios. It identifies the reductions needed by each GHG emission sector (e.g., transportation [including off-road mobile source emissions], industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste) to achieve these goals.

The state has also passed more detailed legislation addressing GHG emissions associated with transportation, electricity generation, and energy consumption, as summarized below.

Transportation-Related Standards and Regulations

As part of its Advanced Clean Cars program, CARB established more stringent GHG emission standards and fuel efficiency standards for fossil fuel-powered on-road vehicles than EPA has done. In addition, the program's zero-emission vehicle (ZEV) regulation requires battery, fuel cell, and plug-in hybrid electric vehicles (EVs) to account for up to 15 percent of California's new vehicle sales by 2025 (CARB 2018a). In August 2022, CARB adopted the Advanced Clean Cars (ACC) II program, which sets sales requirements for ZEVs to ultimately reach the goal of 100 percent ZEV sales in the state by 2035.

EO B-48-18, signed by former Governor Jerry Brown in January 2018, requires all State entities to work with the private sector to have at least 5 million ZEVs on the road by 2030, as well as 200 hydrogen-fueling stations and 250,000 EV-charging stations installed by 2025. It specifies that 10,000 of these charging stations must be direct-current fast chargers.

CARB adopted the Low Carbon Fuel Standard (LCFS) in 2007 to reduce the carbon intensity (CI) of California's transportation fuels. Low-CI fuels emit less CO₂ than other fossil fuel-based fuels such as gasoline and fossil diesel. The LCFS applies to fuels used by on-road motor vehicles and off-road vehicles, including construction equipment (Wade, pers. comm., 2017).

In addition to regulations that address tailpipe emissions and transportation fuels, the state Legislature has passed statutes to address the amount of driving by on-road vehicles. Since passage of SB 375 in 2008, CARB requires metropolitan planning organizations (MPOs) to develop and adopt sustainable communities strategies (SCSs) as a component of the federally-prepared regional transportation plans (RTPs) to show reductions in GHG emissions from passenger cars and light-duty trucks in their respective regions for 2020 and 2035 (CARB 2018b). These plans link land use and housing allocation to transportation planning and related mobile-source emissions. The Metropolitan Transportation Association/Association of Bay Area Governments (MTC/ABAG) serves as a combined entity fulfilling the MPO requirements for the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. The project site is in Marin County. Under the most recent targets of SB 375 (i.e., achieve a 10-percent and 19-percent below 2005 per capita reduction in automobile emissions by 2020 and 2035, respectively), MTC/ABAG completed and adopted its most recent RTP/SCS, Plan Bay Area 2050, in 2021 (MTC/ABAG 2021). CARB's technical evaluation of Plan Bay Area 2050 confirmed that the plan was sufficient to meet the reduction targets of SB 375 (CARB 2022).

Legislation Associated with Electricity Generation

The State has passed legislation requiring the increasing use of renewables to produce electricity for consumers. California utilities are required to generate 33 percent of their electricity from renewables by 2020 (SB X1-2 of 2011); 44 percent by 2024 (SB 100 of 2018); 52 percent by 2027 (also SB 100 of 2018); 60 percent by 2030 (also SB 100 of 2018); 90 percent by 2035 (SB 1020 of 2022); 95 percent by 2040 (also SB 1020 of 2022); and 100 percent by 2045 (also SB 100 of 2018). By 2035, 100 percent of electricity procured by state agencies shall be from renewables (also SB 1020 of 2022).

Building Energy Efficiency Standards (Title 24, Part 6)

The energy consumption of new residential and nonresidential buildings in California is regulated by the California Energy Code. The code was established by the California Energy Commission (CEC) in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy-efficiency standards for residential and nonresidential buildings. CEC updates the California Energy Code every 3 years, typically including more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions.

The 2022 California Energy Code went into effect on January 1, 2023. The 2022 California Energy Code advances the onsite energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump

technology and use, establishing electric-ready requirements when natural gas is installed, expanding solar photovoltaic (PV) system and battery storage standards, and strengthening ventilation standards to improve indoor air quality. CEC estimates that the 2022 California Energy Code will save consumers \$1.5 billion and reduce GHGs by 10 million metric tons of carbon dioxide equivalent (MMTCO₂e) over the next 30 years (CEC 2021).

California Green Building Standards (Title 24, Part 11)

The California Green Building Standards, also known as CALGreen, is a reach code (i.e., optional standards that exceed the requirements of mandatory codes) developed by CEC that provides green building standards for statewide residential and nonresidential construction. The current version is the 2022 CALGreen Code, which took effect on January 1, 2023. As compared to the 2019 CALGreen Code, the 2022 CALGreen Code strengthened sections pertaining to EV and bicycle parking, water efficiency and conservation, and material conservation and resource efficiency, among other sections of the CALGreen Code. The CALGreen Code sets design requirements equivalent to or more stringent than those of the California Energy Code for energy efficiency, water efficiency, waste diversion, and indoor air quality. These codes are adopted by local agencies that enforce building codes and used as guidelines by state agencies for meeting the requirements of EO B-18-12.

REGIONAL

Plan Bay Area 2050

Plan Bay Area 2050 prioritizes the preservation and improvement of land, air and water in Bay Area communities through strategies that conserve and better use current resources, mitigate the effects of climate change, adapt to hazardous climate events, or minimize the impacts of disastrous seismic episodes or events. Chapter 5, "Environment" contains near-, medium-, and long-term strategies to create a more resilient natural environment. Each strategy falls under the three themes of expanding access to parks and open spaces, reduce climate emissions from vehicles, and reducing hazard risks. Plan Bay Area 2050 proposes strategies to expand and modernize the Bay Area's open spaces, to mitigate emissions and reduce future climate impacts at the employer level by expanding commute trip reduction programs at major employers, encourages Bay Area residents to drive less through transportation demand management initiatives, and puts forward strategic adaptation measures to address climate change and other natural hazards.

LOCAL

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for addressing air quality concerns in the San Francisco Bay Area. Its role is discussed further in Section 3.3, "Air Quality." BAAQMD also recommends methods for analyzing project-related GHG emissions in CEQA analyses and recommends multiple GHG reduction measures for land use development projects. The BAAQMD's *2022 CEQA Guidelines* (CEQA Guide) provides a qualitative approach to assessing a project's cumulative contribution to climate change for CEQA analyses (BAAQMD 2022). The CEQA Guide is intended to be used to uniformly evaluate the significance of operation-related emissions from land use development projects. For land use development projects, BAAQMD recommends that, either as a project design feature or recommended mitigation, projects include the following measures:

- ▶ The elimination of on-site natural gas infrastructure to power appliances;
- ▶ The installation of EV charging stations meeting the Tier 2 requirements of the most recent version of Part 11 of the Title 24 California Building Code (CALGreen);
- ▶ No impacts from the unnecessary, wasteful, or inefficient use of energy resources; and
- ▶ Achievement of the vehicle miles traveled (VMT) reductions established by the Governor's Office of Planning and Research for residential (15 percent below a regional average), commercial (15 percent below a regional average), and retail projects (no net increase from a regional average).

The CEQA Guide also provides guidance for assessing the significance of climate change impacts through a climate action plan (CAP) or greenhouse gas reduction plan (GHGRP) consistency analysis using a qualified CAP or GHGRP. (A "qualified CAP" is one prepared in compliance with CEQA Guidelines section 15183.5.) BAAQMD makes the direct connection between these two qualitative, performance-based options to a project's ability to demonstrate that it is doing its "fair share" in assisting the state in meeting the long-term GHG reduction target of achieving carbon neutrality by 2045, as mandated by AB 1279.

Milpitas General Plan

The Circulation, Community Design, Conservation and Sustainability, and Safety chapters of the *2040 Milpitas General Plan* contain policies and goal that address climate change:

- ▶ **Policy CIR 5-1:** Develop, implement, and monitor vehicle trip reduction requirements for large development projects – including all land use types – to minimize the impact of new development on traffic congestion and to reduce vehicle emissions.
- ▶ **Policy CIR 6-2:** Support development of healthier communities through the use of lower- or non-polluting modes of transportation to reduce GHG vehicle emissions and local air pollution levels.
 - **Action CIR-6a:** Design sidewalks and pedestrian pathways using environmental design best practices principles or other techniques to provide safe and comfortable facilities for pedestrians at all times of day and night.
 - **Action CIR-6b:** Develop requirements for new commercial and multifamily residential development to provide electric vehicle charging infrastructure.
- ▶ **Policy CD 11-11:** Continue to apply and expand the Climate Action Plan to increase the energy efficiency of development.
 - **Action CD-11a:** As part of the development review process, ensure that projects incorporate sustainable elements, such as passive solar design, energy-efficient features, water conservation measures, street trees, electric vehicle charging stations, and low impact development features to the extent feasible.
- ▶ **Policy CON 1-1:** Ensure that new development is consistent with the energy objectives and targets identified by the City's Climate Action Plan (CAP).
- ▶ **Policy CON 1-2:** Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
- ▶ **Policy CON 1-3:** 3 Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, as feasible.
- ▶ **Policy CON 1-9:** Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use.
- ▶ **Policy CON 1-10:** Encourage distributed energy resources including solar, fuel cells etc. to provide environmental benefits, as well as energy security, and the support of the grid during peak energy use periods.
 - **Action CON-1e:** Continue to review all new public and private development projects to ensure compliance with the California Code of Regulations (CCR), Title 24 standards as well as the energy efficiency standards established by California Green Building Standards Code (CALGreen), the General Plan, and the Milpitas Municipal Code Chapter 20 Green Building Regulations.
 - **Action CON-1f:** Continue to require all development project applications for new buildings to include a completed LEED or CALGreen Mandatory Measures Checklist.
- ▶ **Policy CON 7-1:** Ensure that land use and transportation plans support air quality goals through a logical development pattern that focuses growth in and around existing urbanized areas, locates new housing near

places of employment, encourages alternative modes of transportation, supports efficient parking strategies, reduces vehicle miles traveled, and requires projects to mitigate significant air quality impacts.

- ▶ **Policy CON 7-13:** Implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources.
- ▶ **Policy SA 6-1:** Consider climate change impacts and adaptive responses in long-term planning and current development decisions.
- ▶ **Policy SA 6-3:** Encourage and support private sector investment in climate adaptation through climate-resilient infrastructure such as onsite renewable energy, integrated stormwater management and water conservation.

Milpitas Climate Action Plan

The City of Milpitas updated its CAP in August 2022. The CAP builds upon previous versions of the City's CAPs to align with the reduction targets established in SB 32. The City's 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 MTCO₂e in 2030), 79 percent below 2019 levels by 2040 (a reduction to 94,606 MTCO₂e in 2040), as well as a goal of carbon neutrality by 2045 (Milpitas 2022). The CAP Update 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. CAP GHG reduction measures relevant to the proposed Specific Plan include:

- ▶ **Measure OT-1.2:** Reduce construction-related emissions.
- ▶ **Measure TR-1.1:** Reduce VMT from new development in compliance with SB743.
- ▶ **Measure TR-1.2:** Reduce VMT from existing development.
- ▶ **Measure TR-1-3:** Continue to implement and adopt policies that support high-density, mixed-use, and transit-oriented development and housing near jobs.
- ▶ **Measure MBL-2.2:** Increase energy efficiency.

3.6.2 Environmental Setting

THE PHYSICAL SCIENTIFIC BASIS OF GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Certain gases in the earth's atmosphere, classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space. A portion of the radiation is absorbed by the earth's surface, and a smaller portion of this radiation is reflected toward space. The absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. The earth has a much lower temperature than the sun; therefore, the earth emits lower frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

Prominent GHGs contributing to the greenhouse effect are CO₂, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Human-caused emissions of these GHGs in excess of natural ambient concentrations are found to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. The Sixth Assessment Report contains IPCC's strongest warnings to date on the causes and impacts of climate change. Importantly, the report notes that, in terms of solutions, "We need transformational change operating on processes and behaviors at all levels: individual, communities, business, institutions, and governments. We must redefine our way of life and consumption" (IPCC 2021).

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas most pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately 1 day), GHGs have long atmospheric lifetimes (1 year to several thousand years). GHGs persist in the atmosphere long enough to be dispersed around the globe. Although the lifetime of any GHG molecule depends on multiple variables and cannot be determined with any certainty, it is understood that more CO₂ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. Of the total annual human-caused CO₂ emissions, approximately 55 percent are estimated to be sequestered through ocean and land uptake every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO₂ emissions remain stored in the atmosphere (IPCC 2013:467).

The quantity of GHGs in the atmosphere responsible for climate change is not precisely known, but it is enormous. No single project alone would measurably contribute to an incremental change in the global average temperature or to global or local climates or microclimates. From the standpoint of CEQA, GHG impacts relative to global climate change are inherently cumulative.

GREENHOUSE GAS EMISSION SOURCES

As discussed previously, GHG emissions are attributable in large part to human activities. The City conducted the most recent GHG inventory in the 2022 CAP update for GHG emission inventories for 2019 as a baseline and forecasted business-as-usual emissions for 2030, 2040, and 2045 (Milpitas 2021). Table 3.6-1 summarizes the GHG inventory for the Milpitas by MMTCO_{2e}.

As shown in Table 3.6-1, the on-road transportation sector comprises the greatest sources of GHGs in the City of Milpitas.

Emissions of CO₂ are byproducts of fossil fuel combustion. Methane, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices, landfills, and forest fires. Nitrous oxide is also largely attributable to agricultural practices and soil management. CO₂ sinks, or reservoirs, include vegetation and the ocean, which absorb CO₂ through sequestration and dissolution (CO₂ dissolving into the water) and are two of the most common processes for removing CO₂ from the atmosphere.

Table 3.6-1 City of Milpitas Greenhouse Gas Emissions Inventory for 2015, 2019, and Building-as-Usual Forecast Years (MTCO_{2e})

Emissions Sector	2019	2030	2040	2045
On-Road Transportation	259,627	236,310	218,898	221,388
Nonresidential Building Energy	98,319	93,467	82,288	77,177
Residential Building Energy	42,218	42,660	43,399	43,658
Solid Waste	23,566	25,026	27,215	28,074
Off-Road Vehicles and Equipment	15,554	21,139	22,984	23,421
Water Supply	694	421	153	0
Wastewater Treatment	1,578	1,612	1,692	1,713
Total	441,557	420,636	396,629	395,432
Percent Change from 2019	—	-5%	-10%	-10%

Notes: Totals may not equal the sum of the numbers because of independent rounding.

MTCO_{2e} = metric tons of carbon dioxide equivalent.

Source: Milpitas 2021.

EFFECTS OF CLIMATE CHANGE ON THE ENVIRONMENT

The global average temperature is expected to increase by 3 to 7°F by the end of the century, depending on future GHG emission scenarios (IPCC 2007). According to California's Fourth Climate Change Assessment, depending on future GHG emissions scenarios, average annual maximum daily temperatures in California are projected to increase between 3.6 and 5.8°F by 2050 and by 5.6 to 8.8°F by 2100 (OPR, CEC, and CNRA 2018).

Other environmental resources could be indirectly affected by the accumulation of GHG emissions and resulting rise in global average temperature. In recent years, California has been marked by extreme weather and its effects. Climate model projections for California demonstrate that impacts will vary throughout the state and show a tendency for the northern part of the state to become wetter while the southern portion of California to become drier (Pierce et al. 2018). According to California Natural Resources Agency's report, *Safeguarding California Plan: 2018 Update* (CNRA 2018), California experienced the driest four-year statewide precipitation on record from 2012 through 2015; the warmest years on average in 2014, 2015, and 2016; and the smallest and second smallest Sierra snowpack on record in 2015 and 2014 (CNRA 2018). Climate model projections included in California's Fourth Climate Change Assessment demonstrate that seasonal summer dryness in California may be prolonged due to earlier spring soil drying and would last longer into the fall and winter rainy season. Increases in temperature are also predicted to result in changes to California's snowpack. Based on climate model projections, the mean snow water equivalent, a common measurement which indicates the amount of water contained within snowpack, in California is anticipated to decline to two-thirds of its historic average by 2050 and between less than half and less than one-third of historic average by 2100, depending on future emissions scenarios (OPR, CEC, and CNRA 2018).

Climate model projections demonstrate that California will experience variation in precipitation patterns as well. The Northern Sierra Nevada range experienced its wettest year on record in 2016 (CNRA 2018). With a shifting climate, California has been more susceptible to the adverse effects of atmospheric rivers, which are large scale, high-precipitation events that deposit above-average levels of rainfall to California's coasts within a short duration. These events have the capacity to overwhelm existing stormwater systems leading to localized flooding impacts.

Climate change is also projected to result in tertiary impacts on energy infrastructure throughout California. Changes in temperature, precipitation patterns, extreme weather events, and sea-level rise have the potential to affect and decrease the efficiency of thermal power plants and substations, decrease the capacity of transmission lines, disrupt electrical demand, and threaten energy infrastructure with the increased risk of flooding (CNRA 2018).

According to California's Fourth Climate Change Assessment, climate change will create impacts on the state's transportation network that will have 'ripple effects,' including direct and indirect impacts on interdependent infrastructure networks as well as negative impacts on the economy. Without appropriate adaptations strategies for roadway materials (i.e., asphalt and pavement), researchers estimate that the median total cost to California for 2040-2070 will be between \$1 billion and \$1.25 billion (OPR, CEC, and CNRA 2018). The California Department of Transportation (Caltrans) owns and operates more than 51,000 miles along 265 highways, as well as three of the busiest passenger rail lines in the nation. Sea level rise, storm surge, and coastal erosion are imminent threats to highways, roads, bridge supports, airports, transit systems and rail lines near sea level and seaports. Shifting precipitation patterns, increased temperatures, wildfires, and increased frequency in extreme weather events also threaten transportation systems across the state. Temperature extremes and increased precipitation can increase the risk of road and railroad track failure, decreased transportation safety, and increased maintenance costs (CNRA 2018). Modeling for flood events in California demonstrates that approximately 370 miles of highways are susceptible to flooding in a 100-year storm event by the year 2100 (OPR, CEC, and CNRA 2018).

Water availability and changing temperatures affect the prevalence of pests, disease, and species, which will directly impact crop development, forest health, and livestock production. Other environmental concerns include decline in water quality, groundwater security, and soil health (CNRA 2018). Vulnerabilities of water resources also include risks to degradation of watersheds, alteration of ecosystems and loss of habitat, (OPR, CEC, and CNRA 2018).

California's Fourth Climate Change Assessment also identifies the impacts climate change will have on public health and social systems. Average temperature increases in California are estimated to have impacts on human mortality, with 6,700 to 11,300 additional annual deaths in 2050, depending on higher or lower emissions scenarios (Ostro et al.

2011). Studies have also shown that impacts from climate change can also have indirect impacts on public health, such as increased vector-borne diseases, and stress and mental trauma due to extreme events, economic disruptions, and residential displacement (Gould and Dervin 2012; McMichael and Lindgren 2011; US Global Change Research Program 2016).

With respect to the Specific Plan Area, by the end of the century, average daily maximum temperatures are projected to increase from 1.5–4.3 degrees Fahrenheit. Wildfire impacts are anticipated to increase moderately into the future in very high and high wildfire zones. Sea level rise is a particular concern to the Bay Area, where many homes, businesses, roads, utilities, and natural resources are at risk for flooding. Sea level has already risen 4-8 inches along the California Coast in the past century and is expected to rise another 1.41 meters by the end of the century. (Milpitas 2021).

3.6.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

GHG emissions from the proposed Specific Plan would be generated during future construction and operations associated with future development within the Specific Plan Area. Estimated levels of operation-related GHGs are presented below. Similar to the Milpitas 2040 General Plan Update EIR (Milpitas 2020), the proposed Specific Plan is evaluated for its consistency with adopted regulations, plans, and policies aimed at reducing GHG emissions, including the 2022 Scoping Plan, the City of Milpitas General Plan, CAP (updated after the adoption of the General Plan), and Plan Bay Area 2050.

The proposed Specific Plan was evaluated and compared to the General Plan Update EIR with changes to the adopted Milpitas Midtown Specific Plan to the proposed Specific Plan. This change includes a decrease in non-residential SF and an additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program. Construction impacts were evaluated qualitatively, similar to the methods used in the General Plan Update EIR.

Operation-related emissions of GHGs were estimated for the following sources: area sources (e.g., landscape maintenance equipment), energy use (i.e., electricity and natural gas consumption), water use, solid waste generated, and mobile sources. Operation-related mobile-source GHG emissions for both the scenarios were modeled based on the estimated VMT associated with associated VMT and average daily trips (ADT). VMT estimates were derived from data generated during the traffic impact analysis conducted by Fehr & Peers for the cumulative and cumulative plus project scenarios within the Specific Plan Area. Mobile-source emissions were calculated using CalEEMod. Indirect emissions associated with electricity and natural gas consumption were estimated using GHG emissions factors for the Pacific Gas & Electric Company (PG&E). Levels of electricity and natural gas use for both scenarios was based on 2019 Title 24-adjusted consumption rates provided by CalEEMod for both scenario's land use types.

To determine whether the proposed Specific Plan would be more efficient than the General Plan, GHG emissions, energy usage, and VMT were modeled and divided by service population provided by the VMT Report prepared by Fehr & Peers (Appendix D).

Detailed model assumptions and inputs for these calculations are presented in Appendix B.

THRESHOLDS OF SIGNIFICANCE

The issue of global climate change is inherently a cumulative issue because the GHG emissions of individual projects cannot be shown to have any material effect on global climate. Thus, the proposed Specific Plan's impact on climate change is addressed only as a cumulative impact.

The 2022 BAAQMD CEQA Guidelines has adopted plan-level thresholds of significance to assist lead agencies with determining significance for long-range local and regional plans. Local long-range plans are discretionary, program-level planning activities, such as general plans and general plan elements, specific plans, area plans, community plans, congestion management plans, and annexations of lands and service areas.

Under Section 3 of the BAAQMD CEQA Guidelines, implementing a project would result in a cumulatively considerable contribution to climate change if it would:

- ▶ not meet the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045, or;
- ▶ not be consistent with the local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

As noted above, the City's current 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.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.6-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment

The General Plan Update EIR (Impact 3.7-1) concluded that implementation of the General Plan would reduce VMT per service population and would be consistent with the then 2013 Milpitas CAP and thus the General Plan Update EIR concluded the impact to be less than significant. Implementation of the proposed Specific Plan would further reduce VMT per service population and would reduce GHG emissions in the Specific Plan Area and would be subject to the updated CAP. Thus, the proposed Specific Plan would not result in a more severe impact than that identified in the General Plan Update EIR, would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and would meet the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045. This impact would remain **less than significant**.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. Implementation of the proposed Specific Plan would contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development under the Specific Plan would be primarily associated with increases of CO₂ and other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O), from mobile sources and utility usage.

Future development that would occur as a result of implementation of the proposed Specific Plan would include activities that emit greenhouse gas emissions over the short and long term. A summary of short- and long-term emissions and the analysis for each are included below.

The major projected impacts of climate change in the Specific plan Area are expected to be more days of extreme heat over longer periods, as well as potential for flooding. According to the City's CAP, major sources of GHGs in the city include on-road transportation (59 percent), non-residential energy (22 percent), and residential building energy (10 percent). Short-term and long-term emissions typically associated with the construction and operation of future development under the proposed Specific Plan, are further described below.

Short Term Emissions

Short-term GHG emissions would occur during construction of future development from construction equipment and worker and haul trips to and from the proposed Specific Plan Area during construction. Chapter 7 of the 2022 BAAQMD CEQA Guidance does not recommend a threshold for evaluating construction GHG emissions.

However, similar to the General Plan, the proposed Specific Plan would align with the Milpitas CAP measures and General Plan policies to mitigate the impact from construction-generated GHG emissions. Specifically, the proposed

Specific Plan would be consistent with Milpitas CAP Measure OT-1.2 and General Plan Policy CON 7-13, which reduce construction-related emissions, by requiring projects to reduce idling of construction vehicles and equipment, prohibits the use of fossil fuel-powered generators at construction sites in all new discretionary projects, and require all construction projects to use renewable diesel in diesel-powered construction equipment. This CAP measure is consistent with the guidance provided by the BAAQMD in Section 8.2: Construction-Related GHG Impacts in the 2022 BAAQMD CEQA Guidelines.

Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR.

Long Term Emissions

Implementation of the proposed Specific Plan would directly generate GHG emissions from vehicle trips throughout the Specific Plan Area, through the use of on-site natural gas and electric to power residential uses from stoves, heaters, air conditioning units, etc., use of landscaping equipment, water usage and wastewater disposal, disposal of solid wastes, and the use of refrigerants. These sources combine to define the long-term greenhouse gas inventory for typical development projects.

The General Plan Update EIR concluded that the General Plan would reduce VMT per service population and would be consistent with the then 2013 Milpitas CAP and would result in a less than significant impact. Implementation of the proposed Specific Plan would lead to higher residential density, shorter commutes, and less VMT overall. Additionally, future development associated with implementation of the proposed Specific Plan would utilize green or low carbon building materials where feasible, including low carbon concrete; recycled or reclaimed materials that can reduce emissions associated with manufacturing new building material. Thus, implementation of the proposed Specific Plan would further reduce VMT per service population in the Specific Plan Area and would also reduce GHG emissions and GHG emissions per service population in the Specific Plan area, as shown below in Tables 3.6-2, 3.6-3, and 3.6-4.

Table 3.6-2 Project Generated VMT and Population

Project	Annual VMT	Service Population	VMT per Service Population
General Plan	250,360,800	20,466	12,233
Proposed Specific Plan	195,800,600	21,925	8,930
Change	-54,560,200	+1,459	-3,303
Percent Change	-21.8%	+7.1%	-27.0%

Source: Fehr & Peers 2024.

Table 3.6-3 General Plan Annual Operational GHG Emissions for Specific Plan Area

Emissions Sector	MTCO _{2e}
Mobile Source	68,317
Area Sources	292
Energy	14,937
Water Consumption and Wastewater Treatment	1,506
Solid Waste Disposal	1,948
Refrigerants	53
Total Operational GHG Emissions	87,053
Total Operational GHG Emissions Per Service Population	4.25

Notes: Totals may not add due to rounding.

MTCO_{2e} = metric tons of carbon dioxide equivalent.

Source: Modeled by Ascent Environmental in 2024.

Table 3.6-4 Proposed Gateway-Main Street Specific Plan Annual Operational GHG Emissions

Emissions Sector	MTCO _{2e}
Mobile Source	54,1963
Area Sources	358
Energy	10,983
Water Consumption and Wastewater Treatment	1,168
Solid Waste Disposal	1,895
Refrigerants	52
Total Operational GHG Emissions	68,618
Total Operational GHG Emissions Per Service Population	3.13

Notes: Totals may not add due to rounding.

MTCO_{2e} = metric tons of carbon dioxide equivalent.

Source: Modeled by Ascent Environmental in 2024.

As shown in Tables 3.6-2, 3.6-3, and 3.6-4, implementation of the proposed Specific Plan would increase population in the Specific Plan area and decrease VMT, VMT per service population, overall GHG emissions, and GHG emissions per service population. As shown above, the decrease in VMT within the Specific Plan Area would reduce mobile source GHG emissions and the increase in residential units and decrease in non-residential development would result in increased area source emissions, decreased energy emissions, decreased GHG emissions overall, and a more efficient development overall. Because implementation of the proposed Specific Plan would further reduce VMT per service population and decrease operational GHG emissions in the Specific Plan area, the proposed Specific Plan would not result in a more severe impact than that identified in the General Plan Update EIR.

Summary

Implementation of the proposed Specific Plan would result in short-term (construction) and long-term (operational) GHG emissions. However, the proposed Specific Plan would continue to align with policies in the Milpitas CAP and General Plan policies to decrease this impact. Additionally, the proposed Specific Plan would reduce VMT and VMT per service population and reduce GHG emissions throughout the Specific Plan area. Thus, this impact would not be a more severe impact than that identified in the General Plan Update EIR and would meet the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045. Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.6-2: Consistent with Local Greenhouse Gas Reduction Strategies and Plans

The General Plan Update EIR (Impact 3.7-1) concluded that the General Plan would be consistent with the qualified local GHG reduction plan (the Milpitas 2013 CAP), CARB's 2022 Scoping Plan, ABAG's Plan Bay Area 2040, and with relevant general plan policies. Since the certification of the General Plan Update EIR, the Milpitas 2013 CAP was updated to the current Milpitas 2022 CAP and the Plan Bay Area 2040 was updated to the Plan Bay Area 2050. The proposed Specific Plan would be consistent and implement all applicable CAP GHG reduction strategies and would not create a more severe impact than that identified in the General Plan Update EIR. This impact would remain **less than significant**.

The General Plan Update EIR concluded that since the General Plan would reduce VMT per service population, that the project would be consistent with goals outlined in the Milpitas 2013 CAP, which was the qualified GHG reduction plan at the time. The General Plan Update EIR also identified that the General Plan would not conflict with the implementation of regional transportation-related GHG targets outlined in ABAG's Plan Bay Area 2040 because the land use modifications contained in the General Plan, and the corresponding reduction in vehicle miles traveled result

in lower emissions than those forecasted in the Plan Bay Area 2040. The General Plan Update EIR also concluded that the General Plan would not conflict with any of the other provisions of the Scoping Plan or applicable regulations related to GHG reductions.

Since certification of the General Plan Update EIR, the Milpitas 2013 CAP was updated to the current Milpitas 2022 CAP and the Plan Bay Area 2040 was updated to the Plan Bay Area 2050. The updated 2022 CAP outlined new goals to further reduce GHG emissions in Milpitas and now aims to reduce community GHG emissions by 36 percent by 2030 and 80 percent by 2040 from 2019 levels achieve carbon neutrality by 2045. The Plan Bay Area 2050 has been updated from the Plan Bay Area 2040 and refined its 35 strategies including GHG reduction strategies across the elements of transportation, housing, the economy, and the environment. The Plan Bay Area 2050 contains GHG reduction strategies as discussed above in the section "Regulatory Settings" that the proposed Specific Plan would incorporate to reduce GHG emissions.

As outlined under Impact 3.6-1, implementation of the proposed Specific Plan would reduce VMT, VMT per service population, and operational-generated GHG emissions throughout the Specific Plan Area. Therefore, the proposed Specific Plan would be consistent with the Milpitas 2022 CAP goal of reducing GHG emissions by 2030 and achieving carbon neutrality by 2045. Additionally, the proposed Specific Plan would be consistent with CAP measure TR 1.1 through 1.3 for transportation and land uses because the proposed Specific Plan would reduce VMT from future development in compliance with SB 743 and support the development of high-density and mixed-use development in the Specific Plan Area. The proposed Specific Plan would also be consistent with CAP measure MBL-2.2 because the proposed Specific Plan would increase energy efficiency in the Specific Plan Area by increasing density and population, decreasing VMT, and thus GHG emissions per service population, as shown in Tables 3.6-2, 3.6-3, and 3.6-4. Because the proposed Specific Plan is consistent with goals and measures outlined in the 2022 CAP, the proposed Specific Plan would also be consistent with the GHG reduction targets provided in the CARB's 2022 Scoping Plan, which were developed by the CARB to ensure compliance with AB 32, SB 32, and consistent with Executive Order S-03-05. These laws established a statewide reduction in GHG emissions to 15 percent below 1990 levels by 2020 (under AB 32), 40 percent below 1990 levels by 2030 (under SB 32), and 80 percent below 1990 levels by 2050 (under AB 32 and consistent with Executive Order S-03-05).

Because the proposed Specific Plan would reduce VMT, VMT per service population, and plan-generated GHG emissions the proposed Specific Plan would be consistent with General Plan Policies CIR 5-1 and CIR 6-2 which all pertain to reducing VMT and mobile-generated GHG emissions. The proposed Specific Plan would also align with General Plan policies CD 11-11 and CON 1-1 because the proposed Specific Plan would continue to apply and expand the CAP to increase energy efficiency in the Specific Plan Area and ensure new developments are consistent with energy targets outlined in the CAP because the implementation of the CAP would increase density in the Specific Plan Area and decrease VMT, VMT per service population, and GHG emissions per service population. Thus, the proposed Specific Plan would align with the Milpitas 2022 CAP.

The proposed Specific Plan would also align with theme two of the environmental elements of the Plan Bay Area 2050. Theme two of the Plan Bay Area 2050 aims to reduce climate emissions from vehicles by encouraging individuals to drive less often through transportation demand initiatives. Because the proposed Specific Plan would increase density and shorten trip lengths throughout the Specific Plan area, the proposed Specific Plan would reduce VMT throughout the Specific Plan Area. Additionally, the proposed Specific Plan would incorporate VMT reduction Mitigation Measures 3.11-2a through 3.11-2f, as discussed in Section 3.11, "Transportation," to further reduce VMT per employee, which would further reduce VMT in the Specific Plan area. Thus, the proposed Specific Plan would align with the Plan Bay Area 2050 goals and themes.

The proposed Specific Plan would further reduce GHG emissions than those identified in the General Plan Update EIR while also increasing population and decreasing VMT and VMT per service population. Overall, the proposed Specific Plan would increase efficiency throughout the proposed Specific Plan Area and thus would align with the local GHG reduction strategies and plans such as the Milpitas 2022 CAP, the General Plan policies, the 2022 Scoping Plan, and the Plan Bay Area 2050. Implementation of the proposed Specific Plan would not be a more severe impact than that identified in the General Plan Update EIR and would not conflict with the local GHG reduction strategies and plans. Thus, this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.7 LAND USE AND PLANNING

This section assesses the potential for environmental impacts related to land use changes associated with the adoption and implementation of the proposed Gateway-Main Street Specific Plan (Specific Plan or project). In order to evaluate the Specific Plan's potential to impact land use and planning, this section describes the existing land uses and zoning within the Specific Plan Area and provides a comparison of the land use changes proposed under the Specific Plan with applicable land use plans, policies, and ordinances.

Two comment letters were received in response to the Notice of Preparation that pertained to land use and planning (see Appendix A). Comments received related to land use and planning requested the land use policies established in the *California Transportation Plan* (CalSTA 2021), and by the San Francisco Public Utilities Commission (SFPUC) be included within the analysis of the Draft SEIR. Please refer to Section 3.11, "Transportation," for a discussion on the potential for conflicts with transportation policies with implementation of the Specific Plan.

3.7.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to land use are applicable to the project.

STATE

General Plans and Land Use Regulations

State planning law as established in California Government Code (CGC) Section 65300 requires every city and county in California to adopt a comprehensive, long-term general plan for the physical development of the jurisdiction and of any land outside its boundaries that, in the planning agency's judgment, bears relation to its planning (sphere of influence). State law gives cities and counties authority in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. State law requires that a general plan address a minimum of seven elements or topics (land use, circulation, housing, conservation, open space, noise, and safety), but allows some discretion on the arrangement and content. Additionally, each of the specific and applicable requirements in the state planning law should be examined to determine if there are environmental issues within the community that the general plan should address, such as hazards or flooding.

Cities and counties are also required to comply with the Subdivision Map Act (CGC Section 66410 et seq.). The Subdivision Map Act sets forth the conditions for approval of a subdivision map and requires enactment of subdivision ordinances by which local governments have direct control over the types of subdivision projects to be approved and the physical improvements to be installed.

California Government Code, Section 65450 et seq.

CGC Sections 65450–65457 govern the content and consistency of specific plans with the adopted general plan of the jurisdiction within which they are located. Specific plans shall include text and a diagram(s) that include the following in detail: (1) the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; (2) the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; (3) standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable; and (4) a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the above-mentioned details.

State Density Bonus Law

The State Density Bonus Law was enacted in 1979 and was codified in CGC Section 65915. The law requires jurisdictions to provide applicants with a density bonus and incentives or concessions for the production of housing development in which affordable housing is also provided. Eligible projects include housing developments with a minimum of 10 percent housing for lower income households, five percent of the housing for very low-income households or senior citizen housing, and 10 percent of the total dwelling units provided as affordable housing in condominium projects.

Assembly Bill 2222

On September 27, 2014, former Governor Jerry Brown signed AB 2222, which amended sections of the State Density Bonus Law. AB 2222 requires that density bonus projects resulting in a loss of existing affordable and otherwise locally regulated (i.e., rent-stabilized) housing units replace those units one-for-one. It also extends the affordability period from 30 to 55 years and expands the use of equity sharing in for-sale units.

CEQA Streamlining for Infill Projects Senate Bill 226

The CEQA Streamlining for Infill Projects (SB 226) sets forth a streamlined review process for infill projects and includes performance standards that will be used to determine an infill project's eligibility for streamlined review. The purpose of SB 226 and updated State CEQA Guidelines Section 15183.3 is to streamline the environmental review process by "limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies." Residential, commercial and retail, public office buildings, transit stations, and schools are eligible for this streamlining provided they meet the following requirements:

1. Are located in an urban area on a site that has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter;
2. Satisfy the performance standards provided in Appendix M of the CEQA Guidelines; and
3. Are consistent with the General Plan's land use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, with some exceptions.

In addition, State CEQA Guidelines Section 15182, may exempt certain residential, commercial, and mixed-use projects that are consistent with a specific plan from further CEQA review.

California Transportation Plan 2050

The California Transportation Plan (CTP) 2050 was adopted in February 2021 by the California State Transportation Agency and was prepared by the California Department of Transportation. The CTP 2050 is a policy framework that provides a common vision for the future of our transportation system, including land use goals and policies. The CTP 2050 is a roadmap for making effective, equitable, transparent, and transformational transportation decisions in California.

Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008, also known as SB 375 (2008) requires the Association of Bay Area Governments (ABAG) to adopt a sustainable communities strategy (SCS) or alternative planning strategy to address greenhouse gas (GHG) reduction targets from cars and light-duty trucks in the context of its regional transportation plan (RTP). SB 375 requires the SCS to show how GHG reduction targets could be achieved; and recommended the integration of transportation and residential land use as one of the most impactful strategies for reducing GHG emissions from vehicles. Higher-density infill development located near transit that emphasizes proximity and connectivity to public transit, employment and service centers, walkable areas, and amenities, can reduce vehicle GHG emissions by reducing vehicle trip number and length (assuming travelers are using some other form of non-vehicle mobility).

REGIONAL

Association of Bay Area Governments

ABAG is the Council of Governments or Metropolitan Planning Organization for the Bay Area, which encompasses Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties. ABAG is comprised of these nine counties and the 97 cities within these counties. ABAG is part regional planning agency and part local government service provider and helps local governments absorb growth and adapt to change while addressing sustainability, resilience and equity issues. ABAG has the authority to enact certain legislation on behalf of the Bay Area, including the State-mandated Regional Housing Needs Assessment and RTP/SCS.

Metropolitan Transportation Commission and Association of Bay Area Governments Regional Transportation Plan/Sustainable Communities Strategy

On October 21, 2021, the Metropolitan Transportation Commission and ABAG adopted the 2021 RTP/SCS (hereinafter referred to as Plan Bay Area 2050). Plan Bay Area 2050 provides the long-range regional framework for the Bay Area centered around affordable, connected, diverse, healthy, and vibrant communities for all residents through the planning horizon of 2050. Plan Bay Area 2050 connects the elements of housing, the economy, transportation and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. Refer to the analysis of the Specific Plan's consistency with the Plan Bay Area 2050 under Impact 3.7-4 for the goals and policies applicable to the Specific Plan.

San Francisco Public Utilities Commission

SFPUC has the land use authority of the easements, rights-of-way (ROWs), and parcels purchased by the SFPUC to support utility services. The SFPUC has established land management, use policies, and management plans for the lands under its jurisdiction, where any public or private development requesting to affect such land must undergo the SFPUD project review process. As there are SFPUC ROWs within the Specific Plan Area, any future development proposed within these areas would be subject to the SFPUC project review to ensure such development complies with all applicable land use policies adopted by the SFPUC.

LOCAL

City of Milpitas 2040 General Plan

The City of Milpitas' (City) General Plan (commonly referred to as the 2040 General Plan) was adopted in March 2021 and serves as the long-range blueprint for future planning and development efforts in order to achieve the City's vision through 2040 (City of Milpitas 2021a). The 2040 General Plan is comprised of 12 elements, consisting of land use; housing; circulation; community design; economic development; conservation and sustainability; utilities and community services; safety; noise; parks, recreation, and open space; community health and wellness; and implementation. Each of these elements contains goals, policies, and/or implementation actions to help guide the City's decision-making process to achieve the vision of the 2040 General Plan. Refer to the analysis of the Specific Plan's consistency with the 2040 General Plan analysis under Impact 3.7-4 for the goals and policies applicable to the proposed Specific Plan.

City of Milpitas Zoning Ordinance

Title 11, Zoning, Planning, and Annexation, of the Milpitas Municipal Code (MMC) (City of Milpitas 2024a) contains the City's adopted Zoning Ordinance. The Zoning Ordinance is the legal mechanism that implements the vision of the City's General Plan by classifying and regulating the uses of land and structures within the City consistent with the goal and policies and Land Use Map of the General Plan (City of Milpitas 2024b). Specifically, the Zoning Ordinance establishes regulations related to minimum lot size, building heights, setbacks, lot coverage, etc., for each zoning district as well as lists the allowable and prohibited uses of each district. The Zoning Ordinance also designates the permitting process that applies for approval of land uses in the zoning district.

At the time of preparation of this SEIR, the City is undergoing a comprehensive update to its Zoning Ordinance and has published a first round of draft amendments to the current Zoning Ordinance. The City anticipates adoption of the updated Zoning Ordinance will occur in Fall 2025. Since the updated Zoning Ordinance is still in draft form, this Draft SEIR relies on the adopted Zoning Ordinance contained in Title 11 of the MMC.

3.7.2 Environmental Setting

The Specific Plan Area is in the western portion of the city, west of the Union Pacific Railroad (UPRR) line. It encompasses Calaveras Boulevard, Main Street, and the former Midtown Milpitas area bordered by I-880 to the west, the UPRR tracks to the east, and Great Mall Parkway to the south (refer to Figure 2-2 in Chapter 2, "Project Description"). Two rail lines, the UPRR freight line and Bay Area Rapid Transit (BART) commuter rail lines, traverse the Specific Plan Area on the east. The Valley Transportation Authority operates light rail transit and interconnecting bus lines into the Specific Plan Area along the Great Mall Parkway.

Generally, existing land uses in the Specific Plan Area include a wide range of land uses, including single- and multi-family residential, retail, office, civic/institutional, park/open space, and industrial uses. Transportation and industrial uses between the two railroad lines occupy the largest portion of the Specific Plan Area, covering approximately 25 percent of the area. Residential and commercial uses account for approximately 21 and 17 percent of the Specific Plan Area, respectively. Public uses comprise about 20 percent of the Specific Plan Area, which is mostly accounted for by the Elmwood Correctional Facility. Preserved open space and parks account for roughly 3 percent of the Specific Plan Area. Under existing conditions, nearly 15 percent of the Specific Plan Area is currently vacant or underutilized land and is primarily occupied by parking¹ or storage. There are currently 2,403 residential units and 1,858,642 square feet of nonresidential uses in the Specific Plan Area.

As described in Chapter 2, "Project Description," the boundaries of the Specific Plan Area would be amended with adoption of the Project and as a result, include areas under the land use authority of the General Plan in addition to the Milpitas Midtown Specific Plan (Midtown Plan) (Figure 3.7-1). A description of the land use designations and zoning specific to the General Plan and the Midtown Plan are provided below.

EXISTING GENERAL PLAN LAND USE AND ZONING

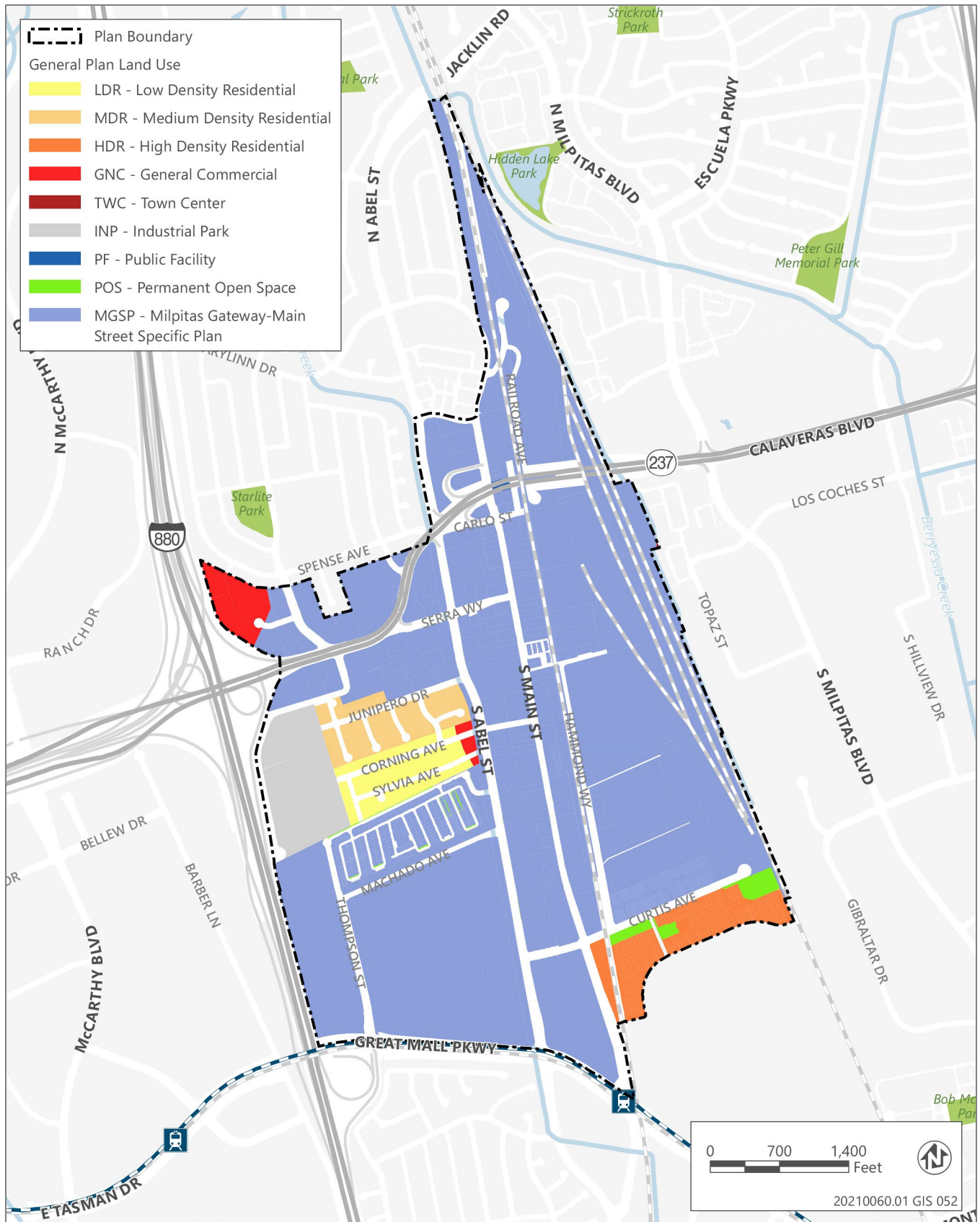
As shown in Figure 3.7-1, the General Plan designates residential (single and multi-family), commercial, town center, industrial park, and open space uses within the northwest quadrant and southeastern corner of the Specific Plan Area. The existing General Plan land use designations and zoning, including maximum density or floor area ratio (FAR), of these areas are summarized in Table 3.7-1.

Table 3.7-1 Existing General Plan Land Use and Zoning within the Proposed Specific Plan Area

General Plan Land Use Designation	Existing Zoning	Maximum Density or FAR
Residential		
LDR – Low Density Residential	R1	3-5 du/ac
MDR – Medium Density Residential	R2	6-15 du/ac
HDR – High Density Residential	R3	16-30 du/ac
Commercial/Industrial		
GNC – General Commercial	C2 – General Commercial	0.5 FAR
INP – Industrial Park	M2 – Heavy Industrial	1.0 FAR
Other		
POS – Permanent Open Space	POS – Parks and Open Space District	-

Source: City of Milpitas 2022.

¹ Note this figure does not include parking lots supporting commercial and other uses.



Source: Adapted by Ascent in 2024.

Figure 3.7-1 Existing General Plan Land Use

EXISTING MIDTOWN PLAN LAND USE AND ZONING

The adopted Midtown Plan land use designations and zoning are identified in Table 3.7-2 and are shown in Figure 3.7-2. In addition to the Midtown Plan land use designations and base zoning, the Midtown Plan includes two overlay zones, the Transit-Oriented Development (TOD) Overlay and the Gateway Office Overlay (OO). The TOD Overlay zone provides special development standards for multi-family residential in proximity to the Great Mall Station. The OO Overlay zone provides an increase in intensity, or FAR, to areas with an underlying commercial designation where “gateway” higher intensity office development was desired. The FAR increase applies to Class A office buildings only and is not applicable to retail or other office buildings. Areas where the overlays apply have already been built out and are proposed to be removed from the Specific Plan Area with project implementation.

Table 3.7-2 Existing Midtown Plan Land Use and Zoning within the Proposed Specific Plan Area

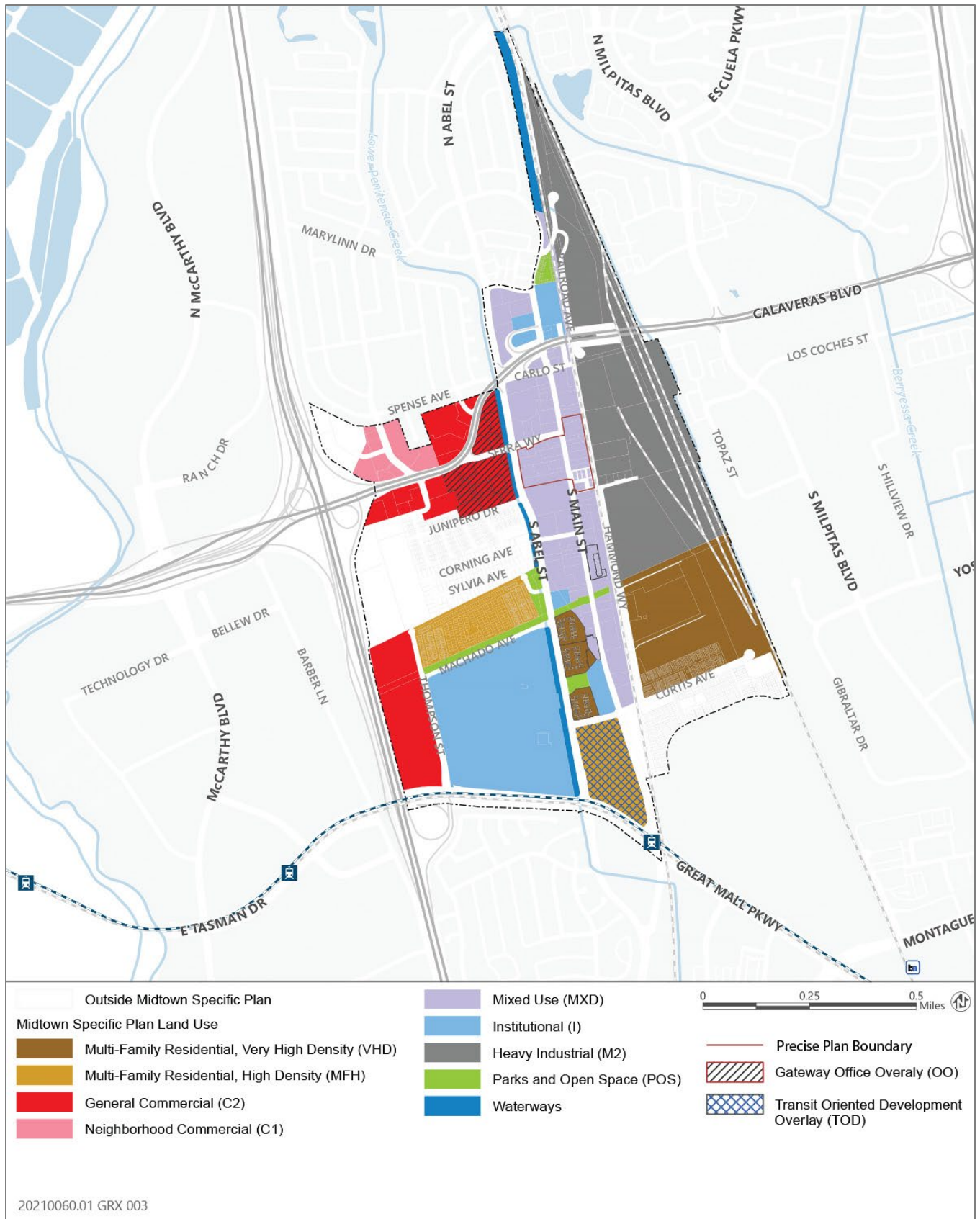
Specific Plan Land Use Designation	Zoning	Maximum Density or FAR
Low Density Residential (LDR)	Single-Family Residential (R1-6), One-, Two-Family Residential (R2)	R1: 1 du per lot or 3-15 du/ac R2: 7-11 du/ac
Multi-Family High Density (MFH)	Multi-Family High Density Residential (R3)	12-20 du/ac
Multi-Family Very High Density (VHD)	Multi-Family Very High Density Residential (R4)	31-40 du/ac
Retail Subcenter (C1)	Neighborhood Commercial (C1)	0.35 FAR
General Commercial (C2)	General Commercial (C2)	0.50 FAR
Mixed-Use (MXD)	Mixed Use (MXD)	21-30 du/ac; 0.75 FAR
Manufacturing and Warehouse (M2)	Heavy Industrial (M2)	0.40 FAR
Industrial Park (MP)	Industrial Park (MP)	0.50* FAR
Institutional (I)	Institutional (I)	—
Parks and Recreation	Parks and Open Space (POS)	—
Transit-Oriented Development (TOD) Overlay	Transit-Oriented Development (TOD) Overlay	41-60 du/ac; 0.50 FAR
Gateway Office Overlay (OO)	Gateway Office Overlay (OO)	1.50 FAR

Notes: du/ac = dwelling units per acre; FAR = floor area ratio

Source: City of Milpitas 2002, City of Milpitas 2022.

SURROUNDING LAND USES

Existing land uses that surround the proposed Specific Plan Area consist of low-, medium- and high-density residential, general commercial, public facilities, industrial park, manufacturing, town center, and permanent open space uses. Berryessa Creek and Arroyo De Los Coches run along the eastern boundary of the proposed Specific Plan Area while Penitencia Creek traverses the western portion. In addition, the Milpitas Metro Specific Plan area is adjacent to the proposed Specific Plan Area to the south.



Source: Adapted by Ascent in 2024.

Figure 3.7-2 Existing Midtown Plan Land Use

3.7.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The land use analysis in this section evaluates the potential for the project to physically divide a community or to cause an inconsistency with applicable land use plans and policies or to introduce incompatible land uses relative to existing surrounding land uses, which could result in environmental impacts. It should be noted that a conflict between a project and an applicable land use plan or policy is not necessarily considered a significant environmental impact under CEQA unless the inconsistency would result in an adverse physical change to the environment that is a "significant environmental effect" as defined by State CEQA Guidelines Section 15382. An inconsistency between a proposed project and an applicable land use plan or policy is a legal determination that may or may not indicate the likelihood of a physical environmental impact. In some cases, an inconsistency may be evidence that an underlying physical impact is significant and adverse.

In order to determine whether the project conflicts with an applicable land use plan or policy, a consistency analysis with the applicable land use plans and policies is included under Impact 3.7-2. Under State Planning and Zoning law (Gov't Code Sections 65000, et seq.) strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. A proposed project should be considered consistent with a general plan or elements of a general plan if it furthers one or more policies and does not obstruct other policies. Generally, given that land use plans reflect a range of competing interests, a project should be compatible with a plan's overall goals and objectives but need not be in perfect conformity with every plan policy.

For the purpose of identifying significant environmental impacts related to land use, impacts can be either direct or indirect. Direct impacts are physical land use impacts that affect the environment, such as the construction of a new road, freeway, or railway which would result in the division or isolation of existing neighborhoods or communities or interference with land use plans that result in significant physical environmental effects, such as a direct conflict with a wildlife conservation plan. Land use compatibility is typically addressed based on direct physical environmental impacts – primarily noise and air quality but also aesthetics, traffic, hazards, water quality and other physical environmental issues (i.e., where one land use generates physical impacts that could significantly adversely affect another land use).

Indirect land use impacts are secondary effects resulting from land use policy implementation and are generally addressed in other topical sections of this SEIR. These issues are generally addressed through existing regulations and policies and are comprehensively addressed in each environmental issue area throughout this Draft SEIR. For example, indirect land use impacts would be increased traffic volumes due to the change in development capacity proposed in the Specific Plan. While these are indirect land use impacts, these impacts would be discussed as direct impacts in their associated sections of this Draft SEIR. The following land use impact analysis focuses only on direct land use impacts.

THRESHOLDS OF SIGNIFICANCE

A land-use impact is considered significant if implementation of the Specific Plan would do any of the following:

- ▶ physically divide an established community; and/or
- ▶ 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.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.7-1: Physically Divide an Established Community

The General Plan Update EIR (Impact 3.10-1) determined that impacts related to physically dividing an established community would be less than significant. Similarly, adoption and implementation of the proposed Specific Plan would not physically divide an established community as the Specific Plan aims to foster growth within targeted areas while preserving existing neighborhoods, establish unique districts with specific characteristics and development standards, improve connectivity through its mobility framework, and create complete streets that incorporate both the built and pedestrian environments. All future development under the proposed Specific Plan would be developed on established parcels within the City's current land use pattern. Future roadways are envisioned to be built to connect to existing roadways, such as Main Street, to improve transportation mobility and would not extend into new, undeveloped areas of the city that could physically divide or isolate other areas of the city. For these reasons, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR (Impact 3.10-1) determined that impacts related to physically dividing an established community would be less than significant as the 2040 General Plan establishes the City's vision for future growth and development. Specifically, the Milpitas 2040 General Plan Land Use Map designates sites for a range of developed uses as well as open space and does not include any new areas designated for urbanization or new roadways, infrastructure, or other features that would divide existing communities (City of Milpitas 2021b). In addition, the Milpitas 2040 General Plan also included goals and policies in the Land Use Element to ensure new ensure that new development is compatible with existing development.

Similar to the Milpitas 2040 General Plan, the proposed Specific Plan includes a Land Use Framework, as detailed in Chapter 3, "Land Use and Zoning" of the Specific Plan, which designates both land use and zoning within the Specific Plan Area. While the proposed Specific Plan would amend the Midtown Plan boundary and includes new land use designations and zoning, these new designations would be applied to already established parcels within the City's land use pattern and would not include any new areas of the city or surrounding area. All future development would be located on demarcated parcels within the Specific Plan Area. Furthermore, the Specific Plan aims to foster growth within targeted areas while preserving existing neighborhoods, establish unique districts with specific characteristics and development standards, improve connectivity through its mobility framework, and create complete streets that incorporate both the built and pedestrian environments.

In addition, while the Specific Plan's Mobility Framework (Chapter 5 of the Specific Plan) supports the construction of new roadways and service alleys, the Specific Plan envisions these roadway and alleys to improve mobility throughout the Specific Plan Area. For example, new roadways and alleys are envisioned to connect with Main and Abel Streets in order to provide business and neighborhood access while improving the bike and pedestrian environments of these main streets. The Specific Plan also supports new streets with redevelopment of the Serra Center and other large neighborhood blocks to connect to existing roadways and support a more walkable neighborhood grid pattern. Therefore, while new roadway infrastructure could be developed under the proposed Specific Plan, the introduction of such infrastructure would not physically divide or obstruct any other parts of the Specific Plan Area or the city.

For these reasons, adoption and implementation of the proposed Specific Plan would not physically divide an established community. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.7-2: Conflict With any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

The General Plan Update EIR (Impact 3.10-2) determined that impacts related to causing 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 would be less than significant. Similarly, adoption and implementation of the proposed Specific Plan would not cause a significant environmental impact due to an inconsistency with an applicable State, regional, or local plan, policy, or ordinance. For this reason, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR (Impact 3.10-2) determined that implementation of the Milpitas 2040 General Plan would not 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 as the Milpitas 2040 General Plan would not conflict with applicable State or City land use plans. As such, the General Plan Update EIR determined this impact to be less than significant.

In accordance with Section 15125(d) of the CEQA Guidelines, the following consistency analysis has been provided to discuss any potential land use inconsistencies between the proposed Specific Plan and applicable State, regional, and local land use plans and policies.

State Plans

The proposed Specific Plan was prepared in conformance with State laws and regulations associated with the preparation of specific plans, including requirements for environmental protection. Discussion of the proposed Specific Plan’s consistency with State regulations, plans, and policies associated with specific environmental issues (e.g., air quality, GHG emissions, traffic, water quality, etc.) is provided in the relevant sections of this Draft SEIR. Since the State regulations, plans, and policies do not raise any direct land use issues, no further land use consistency analysis has been provided.

Plan Bay Area 2050

As discussed in Section 3.7.1, “Regulatory Setting,” Plan Bay Area 2050 establishes the long-range regional framework for the Bay Area centered around affordable, connected, diverse, healthy, and vibrant communities for all residents through the planning horizon of 2050. The analysis of the proposed Specific Plan’s consistency with the applicable Plan Bay Area 2050 strategies are summarized in Table 3.7-3 below.

Table 3.7-3 Project Consistency with the ABAG Plan Bay Area 2050

Plan Bay Area 2050 Strategy	Project Consistency
Housing Strategies	
H2. Preserve existing affordable housing. Acquire homes currently affordable to low and middle-income residents for preservation as permanently deed-restricted affordable housing.	Consistent. The Specific Plan includes a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing throughout the Specific Plan Area. Future developments would be able to take advantage of an Affordable Housing Density Bonus as an incentive to provide more affordable housing within the Specific Plan Area. Furthermore, in accordance with the City’s Inclusionary Housing Ordinance, the City requires future developments to pay an in-lieu affordable housing fees instead of providing affordable units within a project. The funds collected through the in-lieu fees may be a potential source of funding for some affordable housing initiatives within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this policy.

Plan Bay Area 2050 Strategy	Project Consistency
<p>H3. Allow a greater mix of housing densities and types in Growth Geographies. Allow a variety of housing types at a range of densities to be built in Priority Development Areas, select Transit-Rich Areas and select High-Resource Areas</p>	<p>Consistent. The Specific Plan includes a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing throughout the Specific Plan Area, especially within the four focus districts. The focus districts are located along main roadways, including Main and Abel Streets, where residents would be located close to transit and pedestrian transportation services. Therefore, the proposed Specific Plan is consistent with this policy.</p>
<p>H4. Build adequate affordable housing to ensure homes for all. Construct enough deed restricted affordable homes to fill the existing gap in housing for the unhoused community and to meet the needs of low-income households.</p>	<p>Consistent. The Specific Plan includes a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing throughout the Specific Plan Area. Future developments would be able to take advantage of an Affordable Housing Density Bonus as an incentive to provide more affordable housing within the Specific Plan Area. Furthermore, in accordance with the City's Inclusionary Housing Ordinance, the City requires future developments to pay an in-lieu affordable housing fees instead of providing affordable units within a project. The funds collected through the in-lieu fees may be a potential source of funding for some affordable housing initiatives within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this policy.</p>
<p>H5. Integrate affordable housing into all major housing projects. Require a baseline of 10-20% of new market-rate housing developments of five units or more to be affordable to low-income households.</p>	<p>Partially Consistent. While future development could utilize the Affordable Housing Density Bonus as an incentive to provide more affordable housing within the Specific Plan Area, the Specific Plan does not require future development projects to include affordable housing. However, in accordance with the City's Affordable Housing Ordinance, all new residential development projects of ten units or more designed and intended for permanent occupancy are required to construct 15 percent of the total number of dwelling units within the development as affordable units. Future applicants may request to pay an in-lieu affordable housing fees in place of providing affordable units within a project, which requires City Council approval. The funds collected through the in-lieu fees may be a potential source of funding for some affordable housing initiatives within the Specific Plan Area. Therefore, the proposed Specific Plan is partially consistent with this policy.</p>
<p>H7. Provide targeted mortgage, rental and small business assistance to Equity Priority Communities. Provide assistance to low-income communities and communities of color to address the legacy of exclusion and predatory lending, while helping to grow locally owned businesses</p>	<p>Consistent. The Specific Plan includes various business retention and economic incentives to help move existing businesses into more economical locations as well as to make space available for new businesses, including small businesses, especially along Crossroads and Main Streets. Such incentives could include rent subsidies, locked-in rents for predetermined periods, and buildout allowances to help with interior design. Therefore, the proposed Specific Plan is consistent with this policy.</p>
<p>Transportation Strategies</p>	
<p>T8. Build a Complete Streets network. Enhance streets to promote walking, biking and other micro-mobility through sidewalk improvements, car-free slow streets, and 10,000 miles of bike lanes or multi-use paths.</p>	<p>Consistent. As discussed in Chapter 5 of the Specific Plan, the Mobility Framework includes a Complete Streets Approach that will facilitate mobility for all roadway users and create an inviting public realm environment. Complete streets support a variety of mobility options, including automobiles, trucks, transit, bikes, and pedestrians and are accessible to people of all ages and abilities while supporting local land uses. The Specific Plan would be consistent with the City's 2040 General Plan Circulation Element, which provides the</p>

Plan Bay Area 2050 Strategy	Project Consistency
	framework for the City to provide a multimodal transportation system that allows residents, workers, and visitors to reach their destinations safely and efficiently. Therefore, the proposed Specific Plan is consistent with this policy.
T9. Advance regional Vision Zero policy through street design and reduced speeds. Reduce speed limits to between 20 and 35 miles per hour on local streets and 55 miles per hour on freeways, relying on design elements on local streets and automated speed enforcement on freeways.	Consistent. The Specific Plan establishes allowable speed limits per each district within the associated development standards as a means to reduce speeds through heavily pedestrian areas to increase safety and improve the pedestrian experience. Therefore, the proposed Specific Plan is consistent with this policy.
T10. Enhance local transit frequency, capacity and reliability. Improve the quality and availability of local bus and light rail service, with new bus rapid transit lines, South Bay light rail extensions, and frequency increases focused in lower-income communities.	Consistent. The Specific Plan includes a Public Transit Framework as part of its Mobility Chapter. The goal of the transit framework is to connect the Specific Plan Area to local and regional transit service directly and provide a comfortable, efficient, and safe experience for transit users. This goal is supported through various implementation actions that would help to increase existing transit services and stops within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this policy.
Environmental Strategies	
EN3. Fund energy upgrades to enable carbon neutrality in all existing commercial and public buildings. Support electrification and resilient power system upgrades in all public and commercial buildings	Consistent. The proposed Specific Plan encourages building design features that reduce energy consumption and increase renewable energy generation through a series of development incentives and objective design standards. In addition, development associated with the proposed Specific Plan would be required to comply with the California Green Building Standards Code, which includes green and sustainable building requirements to achieve energy efficiency. Therefore, the proposed Specific Plan is consistent with this policy.
EN4. Maintain urban growth boundaries. Using urban growth boundaries and other existing environmental protections, focus new development within the existing urban footprint or areas otherwise suitable for growth, as established by local jurisdictions	Consistent. The proposed Specific Plan would replace the currently adopted Midtown Specific Plan as a means to revitalize the Specific Plan Area, which was not fully utilized under the current plan. While the Specific Plan boundary would be amended under the project, the Specific Plan would not extend into non-urban areas and would continue to guide development within the urban area of the city. Therefore, the proposed Specific Plan is consistent with this policy.
EN6. Modernize and expand parks, trails and recreation facilities. Invest in quality parks, trails and open spaces that provide inclusive recreation opportunities for people of all backgrounds, abilities and ages to enjoy	Consistent. The Specific Plan supports the development of new public realm streetscape improvements, urban parks, plazas, special gathering places and connected open space. In addition, the Specific Plan includes standards aimed at creating more urban parks and green spaces that serve as community activity hubs and urban greening outside of dedicated park areas. Therefore, the proposed Specific Plan is consistent with this policy.

Source: ABAG 2021.

City of Milpitas 2040 General Plan

As discussed in Section 3.7.1, “Regulatory Setting,” the City’s 2040 General Plan serves as the long-range blueprint for future planning and development efforts in order to achieve the City’s vision through 2040. The analysis of the proposed Specific Plan’s consistency with the applicable 2040 General Plan land use policies are summarized in Table 3.7-4 below. The reader is referred to technical sections of this Draft SEIR for an analysis of consistency with General Plan policies that address environmental issues.

Table 3.7-4 Project Consistency with the City of Milpitas 2040 General Plan

General Plan Policy	Project Consistency
<p>Land Use Element</p> <p>Goal LU-1: Accommodate a well-balanced mix of land uses that meets the diverse needs of Milpitas residents, businesses, and visitors with places to live, work, shop, be entertained and culturally enriched.</p> <ul style="list-style-type: none"> ▶ <i>Policy LU 1-1:</i> Support a full spectrum of conveniently located residential, commercial, public, and quasi-public uses that support and enhance business development, regional transportation objectives and promote the livability of residential neighborhoods. ▶ <i>Policy LU 1-3:</i> Maintain a supply of developable lands sufficient to meet desired levels of housing, jobs, and economic needs over the planning period. ▶ <i>Policy LU 1-4:</i> Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offers residents of all income levels, age groups and special needs sufficient housing opportunities and choices for locating in Milpitas. ▶ <i>Policy LU 1-5:</i> Prohibit the conversion of designated Permanent Open Space lands to urban uses. This does not apply to the development or expansion of parks uses and amenities, which are considered open space uses. ▶ <i>Policy LU 1-8:</i> Maintain equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices and have safe places to walk and bike. 	<p>Consistent. As described in Chapter 3, "Land Use and Zoning," of the Specific Plan, the land use framework of the plan is based on fostering targeted growth through redevelopment and infill within four focus areas (i.e., Main Street District, Crossroads District, Gateway District, and Abbott District); preserving and enhancing existing neighborhoods within the Specific Plan Area; and identifying Urban Reserve Areas (i.e., Elmwood Correctional Facility, North Railyards, and South Railyards), which would retain their current land use designation and zoning but would be subject to further study and coordination with the Specific Plan to ensure their orderly development and integration with the community at the time of redevelopment in the future.</p> <p>To support the proposed land use framework, the Specific Plan includes goals, strategies, and development standards to ensure high quality development specific to the unique characteristics envisioned for each district and area. The vision plan for the Specific Plan includes eight overarching strategies: 1) Redesign Main Street as a slow street and "shared street" with active, pedestrian-friendly spaces and outdoor dining; 2) Redevelop Serra Center and the Crossroads as a new center for the community, linking the Milpitas Gateway to Main Street; 3) Prioritize commercial activity and active building frontages along retail priority streets and activity streets, with an entertainment district focused along S. Main Street in the Crossroads District; 4) Enhance Calaveras Boulevard and Abel Street as multimodal complete street corridors, and incorporate a multi-use creek-side trail along Abel Street; 5) Create a connected network of new streets, paseos, alleys, and bike & pedestrian linkages to improve local access and walkability; 6) Develop a connected open space network with new urban parks and plazas as community activity hubs and district focal points; 7) Integrate streetscape, branding, and public art at plan area gateways, along activity streets, and in public spaces; and 8) Support district solutions including shared parking, mobility hubs, and coordinated infrastructure improvements.</p> <p>Based on these eight overarching strategies, the Specific Plan aims to foster a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing throughout the Specific Plan Area, especially within the four focus districts. Improvements to the pedestrian environment would help to improve connectivity throughout the Specific Plan Area and increase interest in public spaces. In addition, the Specific Plan includes standards aimed at creating more urban park and green spaces that serve as community activity hubs and urban greening outside of dedicated park areas and supports the development of new public realm streetscape improvements, plazas, special gathering places and connected open space. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>

General Plan Policy	Project Consistency
<p>Goal LU-2: Promote land use objectives and development patterns in special planning areas consistent with adopted specific plans, overlay districts, and density bonus provisions.</p> <ul style="list-style-type: none"> ▶ <i>Policy LU 2-1:</i> Utilize Specific Plans to guide development within Milpitas’s special planning areas. Properties located within Specific Plan areas shall conform to the underlying Specific Plan’s land uses, zoning, and development standards. ▶ <i>Policy LU 2-2:</i> Continue to utilize Overlay Zoning Districts as needed to supplement land use and zoning standards with additional allowances and regulations that reflect land use and policy objectives for a particular area. ▶ <i>Policy LU 2-3:</i> Allow densities and intensities which exceed the generally allowed ranges defined by the underlying land use for projects utilizing Density Bonus provisions (included within the Milpitas Affordable Housing Ordinance Title XII - HOUSING Chapter 1 - AFFORDABLE HOUSING ORDINANCE) including bonuses for senior housing, affordable housing, and for projects within designated overlay districts included in Milpitas Municipal Code Section 12 - Overlay Districts and Standards. 	<p>Consistent. The proposed Specific Plan would replace the currently adopted Midtown Specific Plan as a means to revitalize the Specific Plan Area, which was not fully utilized under the current plan. A goal of the proposed Specific Plan is to encourage the type of development the City envisions for this area by adopting new goals, strategies, and development standards in order to attract desired development and targeted growth. The Specific Plan includes the creation of new mixed-use zones to focus and intensify growth within targeted areas as well as establishes the new Urban Reserve Overlay (URO) that provides long-term policy guidance for the identified areas that that would be subject to future study when these uses are ready for redevelopment.</p> <p>In addition, while the Specific Plan does not require a mandated amount of affordable housing, future developments would be able to take advantage of an Affordable Housing Density Bonus as an incentive to provide more affordable housing within the Specific Plan Area. Furthermore, in accordance with the City’s Inclusionary Housing Ordinance, the City requires future developments to pay an in-lieu affordable housing fees instead of providing affordable units within a project. The funds collected through the in-lieu fees may be a potential source of funding for some affordable housing initiatives within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>
<p><i>Policy LU 2-5:</i> Consistent with the Milpitas Municipal Code, the City should continue to utilize the following Overlay Districts in areas where special uses and development standards are desired.</p> <ul style="list-style-type: none"> ▶ XI-10-12.06 - Transit Oriented Development (-TOD) Overlay District ▶ XI-10-12.02 - Gateway Office (-OO) Overlay District ▶ XI-10-12.07 - Recreation and Entertainment (-RE) Overlay District ▶ XI-10-12.03 - High Rise (-HR) Overlay District ▶ XI-10-12.04 - Mobile Home Park (-MHP) Overlay District ▶ XI-10-12.05 - Site and Architectural (-S) Overlay District ▶ XI-10-12.08 – Freeway Corridor (-FC) Overlay District 	<p>Partially Consistent. With adoption of the proposed Specific Plan, the TOD and OO overlays would be removed from the Zoning Ordinance as the Specific Plan introduces new zoning and URO overlay for the Specific Plan Area. However, the new zoning and URO overlay would accomplish a similar purpose as the current TOD and OO overlays as they would help to foster targeted growth in both the short- and long-term. In addition, once the Comprehensive Zoning Ordinance Update is adopted, the zoning mechanisms of the Specific Plan (if adopted) would be incorporated into the City’s Zoning Ordinance and would serve as the zoning authority for the Specific Plan Area. Therefore, the intent of the new zoning and URO overlay would be consistent with this policy.</p>
<p>Goal LU-4: Coordinate and integrate land use and transportation objectives.</p> <ul style="list-style-type: none"> ▶ <i>Policy LU 4-1:</i> Coordinate land use and development decisions with the capacity of the transportation system and plans for future transportation improvements. ▶ <i>Policy LU 4-2:</i> Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit. ▶ <i>Policy LU 4-4:</i> Encourage new development to facilitate pedestrian, bicycle and transit access through techniques such as minimizing building separation from public sidewalks; providing safe, direct, accessible, convenient, and pleasant pedestrian connections; including secure and convenient bike storage; and orienting building entrances to transit service. 	<p>Consistent. As discussed in Chapter 5 of the Specific Plan, the Mobility Framework includes a Complete Streets Approach that will facilitate mobility for all roadway users and create an inviting public realm environment. Complete streets support a variety of mobility options, including automobiles, trucks, transit, bikes, and pedestrians and are accessible to people of all ages and abilities while supporting local land uses. The Specific Plan would be consistent with the City’s 2040 General Plan Circulation Element, which provides the framework for the City to provide a multimodal transportation system that allows residents, workers, and visitors to reach their destinations safely and efficiently. In addition, the Specific Plan aims to foster growth in proximity to commercial, retail, and other resident-serving uses to promote walkability and reduced vehicle miles traveled (VMT) within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>

General Plan Policy	Project Consistency
<p>Goal LU-5: Ensure that new development is compatible with existing development in order to maintain a high quality of life for residents, while supporting successful business operations.</p> <ul style="list-style-type: none"> ▶ <i>Policy LU 5-1:</i> Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new largescale development projects into the fabric of the existing community rather than allowing projects to be insular and self-contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs. ▶ <i>Policy LU 5-2:</i> Prohibit incompatible uses and inappropriate development in and near residential neighborhoods. As feasible, promote gradual transitions from high density development to surrounding low density neighborhoods in both building forms and land use. ▶ <i>Policy LU 5-3:</i> Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City. ▶ <i>Policy LU 5-5:</i> Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses, and other features including rail corridors, high-voltage power lines and high-volume roadways. ▶ <i>Policy LU 5-7:</i> In considering land use change requests, consider factors such as compatibility with the residential surroundings, privacy, noise, and changes in traffic levels on residential streets. 	<p>Consistent. As described in Chapter 3, "Land Use and Zoning," of the Specific Plan, a component of the land use framework of the plan is to foster targeted growth through redevelopment and infill within four focus areas (i.e., Main Street District, Crossroads District, Gateway District, and Abbott District). To support this vision, the Specific Plan includes various goals, strategies, and development standards specific to each district to ensure high quality development that is consistent with the individual characteristics and purposes of each area. The proposed development standards would establish allowable heights, setbacks, design requirements, and uses as well as state prohibited uses. In addition, the Specific Plan also include development standards applicable to other areas of the Specific Plan Area, including the Library District Mixed-Use, streetscaping, open space/public gathering places, and lighting, to ensure development is consistent within each individual area as well as throughout the entire Specific Plan Area. Future development proposed within the Specific Plan Area would be required to comply with the land use and zoning of the Specific Plan as well as to adhere to the design requirements and development standards, which would ensure high quality, compatible development that would integrate with existing and surrounding land uses. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>
Community Development Element	
<p>Goal CD-1: Strengthen Milpitas' identity and sense of place by reinforcing the community's distinctive, high-quality community form, natural landscape, and character.</p> <ul style="list-style-type: none"> ▶ <i>Policy CD 1-1:</i> Require development projects to: A. Preserve positive characteristics and unique features of the site; and B. Incorporate a context-sensitive design approach that considers the scale and existing and desired character of adjacent uses and the surrounding neighborhood or district. ▶ <i>Policy CD 1-2:</i> Encourage infill development projects to accommodate contemporary uses and design and planning approaches and requirements in manner that minimizes conflicts with the surrounding existing development. ▶ <i>Policy CD 1-3:</i> Emphasize, enhance, and expand the compact, cohesive, and walkable portions of the city. ▶ <i>Policy CD 1-4:</i> Recognize, enhance, celebrate and preserve, where possible, natural features and ecosystems, and protect cultural and historic resources. ▶ <i>Policy CD 1-5:</i> Maintain and enhance pedestrian and bicycle access and views to and from all local creek corridors. 	<p>Consistent. As discussed above, the Specific Plan would serve as the land use and zoning authority for the Specific Plan Area upon adoption, where all future development would be required to adhere to the development standards established within the plan. The new zoning and development standards have been developed to foster growth within targeted areas and preserve and enhance existing neighborhoods while also encouraging new development consistent with the City's vision for the Specific Plan Area. Implementation of the Specific Plan's eight overarching strategies along with the development standards would aid in transforming the Specific Plan Area into an attractive, pedestrian-friendly environment where residents could work and be entertained.</p> <p>In addition to high quality development, the Specific Plan supports improvements to the pedestrian environment to help improve connectivity throughout the Specific Plan Area and increase interest in public spaces. In addition, the Specific Plan includes goals and policies aimed at creating more urban park and green spaces that serve as community activity hubs and urban greening outside of dedicated park areas and supports the development of new public realm streetscape improvements, plazas, special gathering places and connected open space. Adoption and implementation of the</p>

General Plan Policy	Project Consistency
<ul style="list-style-type: none"> ▶ <i>Policy CD 1-6:</i> Emphasize landscaping as a fundamental design component, retaining mature landscaping when appropriate, to reinforce a sense of the natural environment and to maintain an established appearance. ▶ <i>Policy CD 1-8:</i> Support art installations in public and private development projects that support and enhance Milpitas' image. ▶ <i>Policy CD 1-9:</i> Ensure that all public structures, landscaping and other site improvements, and streets are adequately maintained. <p>Goal CD-2: Ensure project designs reinforce a sense of place, display design excellence, and are cohesive and sensitive to the surrounding build environment and natural landscape.</p>	<p>Specific Plan would aid in establishing a distinguished character for the Specific Plan Area while also promoting individual characteristics for each district. Therefore, the proposed Specific Plan is consistent with these goals and policies.</p>
<p>Goal CD-3: Maintain and enhance the character and distinct identities of Milpitas' residential neighborhoods and commercial, mixed-use, and employment districts and centers.</p> <ul style="list-style-type: none"> ▶ <i>Policy CD 3-1:</i> Strengthen the positive qualities of the City's neighborhoods, districts, and centers. ▶ <i>Policy CD 3-2:</i> Support the development and preservation of unique neighborhoods, districts, and centers that exhibit a special sense of place and quality of design. ▶ <i>Policy CD 3-3:</i> Ensure that new development and redevelopment reinforces desirable elements of its neighborhood, district, or center, including architectural style, scale, and setback patterns. ▶ <i>Policy CD 3-4:</i> Strengthen the identity of individual neighborhoods, districts, and centers through the use of entry monuments, flags, street signs, themed streets, natural features, landscaping, and lighting ▶ <i>Policy CD 3-5:</i> Ensure that new residential development and substantial additions are designed to maintain and support the existing character and development pattern of the surrounding neighborhood, especially in historic neighborhoods and neighborhoods with consistent design characteristics. ▶ <i>Policy CD 3-6:</i> Encourage the rehabilitation of older residential neighborhoods, districts, and centers to prevent blight and maintain the city's character. 	<p>Consistent. Under the Specific Plan, existing neighborhoods within the Specific Plan Area would be preserved and enhanced through neighborhood-specific development standards as well as creating transitional areas between neighborhoods and higher density mixed-use and commercial zones. A goal of the Specific Plan is to integrate the existing neighborhoods with targeted growth areas and commercial zones in a manner that feels natural and consistent throughout the Specific Plan. In addition, the envisioned commercial and retail opportunities would serve the existing neighborhoods by locating restaurants, grocery stores, and other resident-serving uses in proximity to the neighborhoods. Furthermore, the Specific Plan supports the creation of new roadways that connect to Main and Abel Streets as a means to improve connectivity between the neighborhoods and the focus districts. Adherence to the Specific Plan's development standards for neighborhoods would create pedestrian-friendly environments with streetscaping and improved connectivity while preserving the existing neighborhood characteristics. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>
<p>Goal CD-4: Enhance the existing character and strengthen the identity and unique qualities of Milpitas' districts.</p> <ul style="list-style-type: none"> ▶ <i>Policy CD 4-1:</i> Provide special attention to development within or adjacent to Specific Plan areas or special districts. ▶ <i>Policy CD 4-2:</i> Incorporate identifiable and consistent design themes through architecture, landscaping, public realm improvements, historic references and signage within special districts. ▶ <i>Policy CD 4-3:</i> Support and seek surrounding land uses and development that correspond to or enrich special districts and Specific Plan areas. ▶ <i>Policy CD 4-4:</i> Strengthen the aesthetic, environmental and functional links between the city's Specific Plan areas and other surrounding neighborhoods and districts 	<p>Consistent. The proposed Specific Plan would replace the currently adopted Midtown Specific Plan as a means to revitalize the Specific Plan Area, which was not fully utilized under the current plan. While the Specific Plan boundary would be amended under the project, the amended Specific Plan Area would be established as a more centralized area focused on growth and redevelopment. The proposed Specific Plan would guide development within the Specific Plan Area in a manner that would achieve the City's vision for the area. To support this vision, the Specific Plan includes various goals, strategies, and development standards specific to each district to ensure high quality development that is consistent with the individual characteristics and purposes of each area. The proposed development standards would establish allowable heights, setbacks, design requirements, and uses as well as state prohibited uses. In addition, the Specific Plan also include development standards applicable to other areas of the Specific Plan Area, including the Library District Mixed-Use, streetscaping, open space/public gathering places, and lighting, to ensure development is</p>

General Plan Policy	Project Consistency
	<p>consistent within each individual area as well as throughout the entire Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>
<p>Goal CD-6: Enhance the corridors, pathways, and edges that form physical boundaries and provide transitions and connections throughout the community.</p> <ul style="list-style-type: none"> ▶ <i>Policy CD 6-1:</i> Support a complete streets approach to designing new streets and retrofitting existing streets by encouraging streets to provide stimulating settings; improve safe walkability, bicycling, and transit integration; strengthen connectivity; and enhance community identity through improvements to the public right-of-way such as sidewalks, street trees, parkways, curbs, human-scaled street lighting, and street furniture. ▶ <i>Policy CD 6-5:</i> Promote consistent development patterns along streets, particularly by how buildings relate to the street, to promote a sense of visual order, and provide attractive streetscapes. ▶ <i>Policy CD 6-6:</i> Require major arterial streets to feature a consistent landscape theme that includes primary street trees, groundcover, sidewalks, bike lanes, bus shelters where required, and lighting. ▶ <i>Policy CD 6-7:</i> Require the planting of street trees throughout the city to define and enhance walkability and the character of the street and adjacent development. ▶ <i>Policy CD 6-10:</i> Encourage enhancements to Abel Street, Calaveras Boulevard, (and others) that improve the corridors' aesthetics, safety, and mobility for all users, including pedestrians, bicyclists, and transit riders. Enhancements may include, but are not limited to, streetlights, street trees and landscaping, pedestrian amenities, bike racks, public art, bulb-outs and other traffic control devices, pedestrian refuge islands, and enhanced crosswalks. ▶ <i>Policy CD 6-13:</i> Increase neighborhood connectivity in new development by requiring access for pedestrians, bicyclists, and vehicles across natural barriers (e.g., creeks) and man-made barriers (e.g., cul-de-sacs, freeways, and railroad tracks). 	<p>Consistent. As discussed in Chapter 5 of the Specific Plan, the Mobility Framework includes a Complete Streets Approach that will facilitate mobility for all roadway users and create an inviting public realm environment. Complete streets support a variety of mobility options, including automobiles, trucks, transit, bikes, and pedestrians and are accessible to people of all ages and abilities while supporting local land uses. The Specific Plan would be consistent with the City's 2040 General Plan Circulation Element, which provides the framework for the City to provide a multimodal transportation system that allows residents, workers, and visitors to reach their destinations safely and efficiently.</p> <p>In addition, Chapter 6, "Public Realm" of the Specific Plan includes various frameworks for the public realm of the Specific Plan Area, including for parks and open space (e.g., Creekside Open Space Trail section), signage and wayfinding, public art, lighting, and streetscaping and landscaping. Implementation of these frameworks would aid in creating complete streets that are both pedestrian-friendly and serve as connections to the surrounding open space and natural features of the city. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>
<p>Goal CD-8: Enhance gateways and wayfinding and identity and construct landmarks for an improved sense of arrival place and orientation for residents and visitors throughout Milpitas.</p> <ul style="list-style-type: none"> ▶ <i>Policy CD 8-2:</i> Identify entries to the city and special districts (California Circle, Civic Center, Midtown, McCarthy Ranch, Transit Area, and others) with special features. Install city identification signs including distinctive landscaping and lighting or other markers at community gateways to signify entry. Anchor gateway intersections with landmark buildings that incorporate distinctive architectural character and activate the area. Orient landmark buildings to face and frame the corners of intersections. ▶ <i>Policy CD 8-3:</i> Develop major gateway intersections such as I-880/Calaveras Boulevard, I-680/Calaveras Boulevard, and Montague Expressway/Great Mall Parkway with signage, distinctive lighting, and abundant landscaping, using tall trees and underplantings. 	<p>Consistent. As discussed above, Chapter 6, "Public Realm" of the Specific Plan includes various frameworks for the public realm of the Specific Plan Area, including for parks and open space (e.g., Creekside Open Space Trail section), signage and wayfinding, public art, lighting, and streetscaping and landscaping. Implementation of the development standards specific to wayfinding and signage would help to establish a strong sense of the boundaries of the Specific Plan Area as well as indications of the individual districts. Coupled with public art and murals and streetscaping, the Specific Plan envisions complete streets that create a sense of place and individuality while remaining consistent throughout the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>

General Plan Policy	Project Consistency
<ul style="list-style-type: none"> ▶ <i>Policy CD 8-4:</i> Develop wayfinding systems at local (neighborhoods and districts) and citywide levels. ▶ <i>Policy CD 8-5:</i> Construct landmarks to support wayfinding at key locations throughout the city, such as entries to Midtown, the Transit Area and other districts, historic neighborhoods, points of interest, significant buildings, public and civic spaces, and natural features 	
<p>Goal CD-9: Enhance the quality and character of Milpitas’ Public Spaces to provide safe, comfortable, and enjoyable passive and active recreation opportunities for all users.</p> <ul style="list-style-type: none"> ▶ <i>Policy CD 9-1:</i> Promote vibrant, publicly accessible spaces that encourage gathering and other active uses. Provide adequate shading through shade structures or trees and incorporate formal and informal seating to encourage both short-term and long-term use of public spaces. Place a variety of uses adjacent to public spaces at sufficient concentrations to encourage the use of the spaces throughout the day and night. ▶ <i>Policy CD 9-2:</i> Provide for community and neighborhood activity centers at appropriate locations that create recreational opportunities, encourage social interaction, and provide a sense of public space and centers for neighborhood gathering. ▶ <i>Policy CD 9-3:</i> Encourage the incorporation of publicly accessible spaces, such as plazas and pocket parks, into new and existing commercial, multi-family, and mixed-use developments to encourage social interaction. The spaces should be appropriately scaled and programmed and compliment the characteristics of the district and/or neighborhood and the surrounding development. ▶ <i>Policy CD 9-4:</i> Incorporate outdoor plazas or other common areas that provide space for special landscaping, public art, food service, outdoor retail sales, or seating areas for patrons in retail settings appropriate to such pedestrian activity. The plaza or other common area should be appropriately scaled to the retail use and shall be directly connected to the primary walkway. ▶ <i>Policy CD 9-9:</i> Create a high-quality, safe pedestrian experience in commercial and mixed use areas through the use of street trees, public art, street furniture, and public gathering spaces. Using signage, art, and unique uses, entice and encourage people to walk and explore the commercial cores of Milpitas. ▶ <i>Policy CD 9-10:</i> Support the conversion of on street parking spaces, located within and adjacent to commercial and mixed-use districts and activity centers, into parklets for outdoor and café seating, bicycle parking, and transit and rideshare stops. ▶ <i>Policy CD 9-11:</i> Reinforce the distinctive public spaces with design elements reflected in the streetscape, landmarks, public art, and natural amenities. ▶ <i>Policy CD 9-12:</i> Continue to require the inclusion of art in public projects and encourage its placement in private development projects to improve the quality of life in the city. Emphasize art that draws upon the local history and is placed at locations accessible to the public. 	<p>Consistent. The Specific Plan includes open space development standards to ensure adequate open space is provided with private development as well as supports the development of new public realm streetscape improvements, urban parks, plazas, special gathering places and connected open space. In addition, the Specific Plan includes goals and policies aimed at creating more urban park and green spaces that serve as community activity hubs and urban greening outside of dedicated park areas. In addition to public art and murals, streetscaping, and wayfinding and signage, the Specific Plan envisions complete streets that create a sense of place and individuality while remaining consistent throughout the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>

General Plan Policy	Project Consistency
<p>Goal CD-10: Design Buildings, sites, and streets to enhance pedestrian and bicycle mobility</p> <ul style="list-style-type: none"> ▶ <i>Policy CD 10-1:</i> Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity. ▶ <i>Policy CD 10-2:</i> Integrate comfortable and convenient pedestrian elements into building design, including, but not limited to walkways, plazas, and terraces and protect pedestrians from extreme climatic conditions. ▶ <i>Policy CD 10-4:</i> Design sidewalks to create a safe, comfortable pedestrian experience by making sidewalks sufficiently wide to support circulation and outdoor activities related to adjacent land uses, planting a continuous trees canopy, and placing sidewalk furniture on regular, frequent intervals that do not impede travel or accessibility. ▶ <i>Policy CD 10-5:</i> Install pedestrian and bicycle path connections between residential neighborhoods, commercial centers, schools, parks and other key community activity nodes, where feasible. Require these improvements to be made as part of new development projects. ▶ <i>Policy CD 10-12:</i> Ensure that new development provides visual and pedestrian and bicycle linkages with local creeks 	<p>Consistent. As discussed in Chapter 5 of the Specific Plan, the Mobility Framework includes a Complete Streets Approach that will facilitate mobility for all roadway users and create an inviting public realm environment. Complete streets support a variety of mobility options, including automobiles, trucks, transit, bikes, and pedestrians and are accessible to people of all ages and abilities while supporting local land uses. The Specific Plan would be consistent with the City's 2040 General Plan Circulation Element, which provides the framework for the City to provide a multimodal transportation system that allows residents, workers, and visitors to reach their destinations safely and efficiently.</p> <p>In addition, Chapter 6, "Public Realm" of the Specific Plan includes various frameworks for the public realm of the Specific Plan Area, including for parks and open space (e.g., Creekside Open Space Trail section), signage and wayfinding, public art, lighting, and streetscaping and landscaping. Implementation of these frameworks would aid in creating complete streets that are both pedestrian-friendly and increase connectivity throughout the Specific Plan Area and the city. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>
<p>Goal CD-11: Enhance Milpitas' commitment to sustainable design by minimizing negative environmental impacts and utilizing resources efficiently.</p> <ul style="list-style-type: none"> ▶ <i>Policy CD 11-2:</i> Encourage passive solar design and energy-efficient concepts, including, but not limited to natural heating and/or cooling, sun and wind exposure and orientation, and other solar energy opportunities. ▶ <i>Policy CD 11-5:</i> Encourage the use of building materials that conserve energy and material resources. 	<p>Consistent. The proposed Specific Plan encourages building design features that reduce energy consumption and increase renewable energy generation through a series of development incentives and objective design standards. In addition, development associated with the proposed Specific Plan would be required to comply with the California Green Building Standards Code, which includes green and sustainable building requirements to achieve energy efficiency.</p>
Conservation and Sustainability	
<p>Goal CON-1: Ensure a sustainable future for the city of Milpitas by promoting a carbon free energy future that increases renewable resources, conservation, and efficiency throughout the city.</p> <ul style="list-style-type: none"> ▶ <i>Policy CON 1-2:</i> Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen). ▶ <i>Policy CON 1-3:</i> Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, as feasible. ▶ <i>Policy CON 1-9:</i> Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use. 	<p>Consistent. As discussed above, the proposed Specific Plan encourages building design features that reduce energy consumption and increase renewable energy generation through a series of development incentives and objective design standards. In addition, development associated with the proposed Specific Plan would be required to comply with the California Green Building Standards Code, which includes green and sustainable building requirements to achieve energy efficiency.</p>

General Plan Policy	Project Consistency
<p>Goal CON-2: Protect and enhance native trees and vegetation throughout the city.</p> <ul style="list-style-type: none"> ▶ <i>Policy CON 2-4:</i> Proactively work to incorporate tree and plant species into the community that provide vibrant greenery, are drought tolerant, and enhance the visual quality of the city ▶ <i>Policy CON 2-6:</i> Encourage the inclusion of additional shade trees, vegetated stormwater treatment and landscaping to reduce the “heat island effect” in development projects. ▶ <i>Policy CON 2-7:</i> Facilitate planting and retention of street trees in landscaped street medians and along City streets. 	<p>Consistent. The Specific Plan includes open space development standards, which include standards for the inclusion and protection of trees and vegetation throughout the Specific Plan Area. In addition, the Specific Plan also includes street landscaping standards, including recommended street trees and plant palettes, to ensure the appropriate types of trees and vegetation are chosen specific to the area. The street landscaping standards promote green landscaping and stormwater standards to promote environmentally friendly design and measures into the Specific Plan Area. The Specific Plan also supports the development of new public realm streetscape improvements, urban parks, plazas, special gathering places and connected open space/green spaces that serve as community activity hubs and urban greening outside of dedicated park areas. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>
<p>Community Health and Wellness</p>	
<p>Goal CHW-4: Protect the diversity, safety, and beauty of the City’s neighborhoods.</p> <ul style="list-style-type: none"> ▶ <i>Policy CHW 4-1:</i> Ensure that there is a diversity of housing types to accommodate all income levels and provide housing for very low and extremely low-income populations in areas with high accessibility to public transportation. ▶ <i>Policy CHW 4-3:</i> Prioritize the aesthetic quality of the public realm in all city neighborhoods, including neighborhood parks, trails, plazas, corridors and entry-points. 	<p>Consistent. Under the Specific Plan, existing neighborhoods within the Specific Plan Area would be preserved and enhanced through neighborhood-specific development standards as well as creating transitional areas between neighborhoods and higher density mixed-use and commercial zones. A goal of the Specific Plan is to integrate the existing neighborhoods with targeted growth areas and commercial zones in a manner that feels natural and consistent throughout the Specific Plan Area. In addition, the envisioned commercial and retail opportunities would serve the existing neighborhoods by locating transit and other resident-serving uses in proximity to the neighborhoods. Furthermore, the Specific Plan supports the creation of new roadways that connect to Main and Abel Streets as a means to improve connectivity between the neighborhoods and the focus districts. Adherence to the Specific Plan’s development standards for neighborhoods would create pedestrian-friendly environments with streetscaping and improved connectivity while preserving the existing neighborhood characteristics. Therefore, the proposed Specific Plan is consistent with this goal and policies.</p>

Source: City of Milpitas 2021a.

City of Milpitas Zoning Ordinance

Due to the nature of a specific plan, the proposed Specific Plan would serve as the land use and zoning authority for the Specific Plan Area upon adoption. At the time of project adoption, the General Plan Land Use Map and the City Zoning Map would be updated to include the proposed Specific Plan; however, no textual changes to the adopted Zoning Code would occur at the time of project adoption. As the City is currently in the process of preparing a comprehensive update to its Zoning Code, the textual changes to the Zoning Code for the proposed Specific Plan would be adopted as part of that process.

While some of the existing parcels within the Specific Plan Area would retain the development standards established in the adopted Zoning Ordinance (i.e., Urban Reserve Areas) with adoption of the Specific Plan, the Specific Plan would establish new development standards for the proposed focus districts and URO overlay. If the proposed Specific Plan is adopted prior to the adoption of the Comprehensive Zoning Ordinance Update, the project would be inconsistent with the currently adopted Zoning Ordinance for the Specific Plan Area. However, this inconsistency would not lead to an environmental impact as the Specific Plan would serve as the zoning authority for the Specific Plan Area in the interim until the Comprehensive Zoning Ordinance Update is adopted. Future development proposed during the interim period would still be required to comply with the development standards established in the proposed Specific Plan, which would in turn be consistent with the updated Zoning Ordinance upon adoption.

Furthermore, the City Zoning Map would be amended upon adoption of the proposed Specific Plan, which would reinforce the Specific Plan's zoning authority over the Specific Plan Area. Therefore, while the proposed Specific Plan would be inconsistent with the adopted Zoning Ordinance until the Comprehensive Zoning Ordinance Update is adopted, no environmental impacts would occur due to this inconsistency.

Conclusion

As discussed above the proposed Specific Plan would be generally consistent with the ABAG Plan Bay Area 2050 and Milpitas 2040 General Plan but would be inconsistent with the City's Zoning Ordinance until the Comprehensive Zoning Ordinance Update is adopted. While the proposed Specific Plan would be inconsistent with the adopted Zoning Ordinance until the Comprehensive Zoning Ordinance Update is adopted, no environmental impacts would occur due to this inconsistency. Therefore, adoption and implementation of the Specific Plan would not cause a significant environmental impact due to an inconsistency with an applicable State, regional, or local plan, policy, or ordinance. For this reason, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

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3.8 NOISE AND VIBRATION

This section includes a summary of applicable regulations related to noise and vibration, a description of ambient-noise conditions, and an analysis of potential short-term construction and long-term operational-source noise impacts associated with the Gateway-Main Street Specific Plan (Specific Plan). Mitigation measures are recommended as necessary to reduce significant noise impacts. Additional data is provided in Appendix C, "Noise Modeling Calculations."

No comment letters were received in response to the Notice of Preparation that pertained to noise and vibration (see Appendix A).

3.8.1 Regulatory Setting

FEDERAL

Federal Transit Administration

To address the human response to ground vibration, the Federal Transit Administration (FTA) has set forth guidelines for maximum-acceptable vibration criteria for different types of land uses. These guidelines are presented in Table 3.8-1.

Table 3.8-1 Ground-Borne Vibration Impact Criteria for General Assessment

Land Use Category	Ground-Borne Vibration Impact Levels (VdB re 1 microinch/second)		
	Frequent Events ¹	Occasional Events ²	Infrequent Events ³
<i>Category 1:</i> Buildings where vibration would interfere with interior operations.	65 ⁴	65 ⁴	65 ⁴
<i>Category 2:</i> Residences and buildings where people normally sleep.	72	75	80
<i>Category 3:</i> Institutional land uses with primarily daytime uses.	75	78	83

Notes: VdB re 1 microinch/second = vibration decibels referenced to 1 microinch/second and based on the root mean square (RMS) velocity amplitude.

- ¹ "Frequent Events" is defined as more than 70 vibration events of the same source per day.
- ² "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day.
- ³ "Infrequent Events" is defined as fewer than 30 vibration events of the same source per day.
- ⁴ This criterion is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research would require detailed evaluation to define acceptable vibration levels.

Source: FTA 2018.

STATE

California Department of Transportation

In 2013, Caltrans published the Transportation and Construction Vibration Manual (Caltrans 2020). The manual provides general guidance on vibration issues associated with construction and operation of projects in relation to human perception and structural damage. Table 3.8-2 presents recommendations for levels of vibration that could result in damage to structures exposed to continuous vibration.

Table 3.8-2 Caltrans Recommendations Regarding Levels of Vibration Exposure

PPV (in/sec)	Effect on Buildings
0.4–0.6	Architectural damage and possible minor structural damage
0.2	Risk of architectural damage to normal dwelling houses
0.1	Virtually no risk of architectural damage to normal buildings
0.08	Recommended upper limit of vibration to which ruins and ancient monuments should be subjected
0.006–0.019	Vibration unlikely to cause damage of any type

Notes: PPV = Peak Particle Velocity; in/sec = inches per second.

Source: Caltrans 2020.

LOCAL

Milpitas General Plan

The City of Milpitas General Plan 2040 includes 11 elements. The Noise Element contains policies relevant to noise and applicable to the Specific Plan, as listed below.

- **Policy N 1-1:** Consider the noise compatibility of existing and future development when making land use planning decisions. Require development and infrastructure projects to be consistent with the land use compatibility standards contained in Tables N-1 and N-2 [presented as Table 3.8-3 and Table 3.8-4 in this SEIR, respectively] to ensure acceptable noise exposure levels for existing and future development.

Table 3.8-3 Land Use Compatibility for Community Noise Environment

Land Use Category	Exterior Noise Exposure (Ldn)					
	55	60	65	70	75	80
Single-Family Residential		Normally Acceptable	Normally Acceptable	Normally Acceptable	Conditionally Acceptable	Unacceptable
Multi-Family Residential, Hotels, and Motels			Normally Acceptable	Normally Acceptable	Conditionally Acceptable	Unacceptable
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds			Normally Acceptable	Normally Acceptable	Conditionally Acceptable	Unacceptable
Schools, Libraries, Museums, Hospitals, Personal Care, Public Assembly			Normally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable
Office Buildings, Business Commercial, and Professional				Normally Acceptable	Conditionally Acceptable	Unacceptable
Industrial					Conditionally Acceptable	Unacceptable

Note: Residential components of Mixed-Use developments are subject to the Multi-Family Residential Noise Standards unless otherwise allowed in conjunction with Policy N 2-2.

	<p>NORMALLY ACCEPTABLE Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements</p>
	<p>CONDITIONALLY ACCEPTABLE Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design</p>
	<p>UNACCEPTABLE New construction or development should generally not be undertaken because mitigation was found to be infeasible to comply with noise element policies</p>

Source: City of Milpitas 2021: N-9.

Table 3.8-4 Stationary (Non-Transportation) Noise Source Standards

Land Use Receiving the Noise	Hourly Noise-Level Descriptor	Exterior Noise-Level Standard (dBA)	
		Daytime (7 am to 10 pm)	Nighttime (10 pm – 7 am)
Residential	L_{eq}	55	45
	L_{max}	70	65

Notes:

- A. The residential standards apply to all properties that are zoned for residential use. The exterior noise level standard is to be applied at the property line of the receiving land use or at a designated outdoor activity area. For mixed-use projects, the exterior noise level standard may be waived in conjunction with Policy N 2-2 (at the discretion of the decision-making body) if the residential portion of the project does not include a designated activity area and mitigation of property line noise is not practical.
- B. Each of the noise levels specified above shall be lowered by 5 dBA for tonal noises characterized by a whine, screech, or hum, noises consisting primarily of speech or music, or recurring impulsive noises. In no case shall mitigation be required to a level that is less than existing ambient noise levels, as determined through measurements conducted during the same operational period as the subject noise source.
- C. In situations where the existing noise level exceeds the noise levels indicated in the above table, any new noise source must include mitigation that reduces the noise level of the noise source to the existing level plus 3 dB.

Source: City of Milpitas 2021: N-10.

- ▶ **Policy N 1-2:** Require new development to mitigate excessive noise to the standards indicated in Tables N-1 and N-2 [presented as Table 3.8-1 and Table 3.8-2 in this SEIR, respectively] through best practices, including building location and orientation, building design features, placement of noise-generating equipment away from sensitive receptors, shielding of noise-generating equipment, placement of noise-tolerant features between noise sources and sensitive receptors, and use of noise-minimizing materials.
- ▶ **Policy N 1-3:** Use sound walls for sound attenuation only when other measures are not practical, or when recommended by an acoustical expert as part of a mitigation measure. Sound walls shall be designed to be aesthetically pleasing, and should incorporate features such as vegetation, variations in color and texture, artwork, and other features deemed appropriate by the City.
- ▶ **Policy N 1-4:** Ensure that new development does not result in indoor noise levels exceeding 45 dBA L_{dn} for residential uses by requiring the implementation of construction techniques and noise reduction measures for all new residential development.
- ▶ **Policy N 1-5:** Require acoustical studies for new discretionary developments and transportation improvements that have the potential to affect existing noise-sensitive uses such as schools, hospitals, libraries, care facilities, and residential areas; and for projects that would introduce new noise-sensitive uses into an area where existing noise levels may exceed the thresholds identified in this element.
- ▶ **Policy N 1-6:** For projects that are required to prepare an acoustical study to analyze noise impacts, the following criteria shall be used to determine the significance of those impacts:
 - **STATIONARY AND NON-TRANSPORTATION NOISE SOURCES:**
 - A significant impact will occur if the project results in an exceedance of the noise level standards contained in this element. In instances where the ambient noise level is already above the standards contained in this element, a significant impact will occur if the project will result in an increase in ambient noise levels by more than 3 dB. This does not apply to temporary construction activities.
 - **TRANSPORTATION NOISE SOURCES:**
 - Where existing traffic noise levels are 60 dBA L_{dn} or less at the outdoor activity areas of noise-sensitive uses, a +5 dB L_{dn} increase in roadway noise levels will be considered significant;
 - Where existing traffic noise levels are greater than 60 dBA L_{dn} and up to 65 dBA L_{dn} at the outdoor activity areas of noise-sensitive uses, a +3 dB L_{dn} increase in roadway noise levels will be considered significant; and

- Where existing traffic noise levels are greater than 65 dBA L_{dn} at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB L_{dn} increase in roadway noise levels will be considered significant.
- ▶ **Policy N 1-8:** Require construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors (see Action N 1d).
- ▶ **Policy N 1-9:** Implement a range of traffic control measures, including but not limited to, light timing, asphalt alternatives (such as rubberized asphalt), and speed reduction measures to reduce roadway noise.
- ▶ **Policy N 1-12:** Require non-transportation related noise from site specific noise sources to comply with the standards shown in Table N-2.
- ▶ **Policy N 1-13:** Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent sensitive uses through the enforcement of the City's noise standards (see Title V, Chapter 213 of the Milpitas Municipal Code).
- ▶ **Policy N 1-14:** Temporary special events including, but not limited to, festivals, concerts, parades, sporting events, and other similar activities may be allowed to exceed the noise standards established in this element, at the discretion of the City on a case-by-case basis, through issuance of a special event permit (see Title XI, Chapter 10, Section 15 - Special Events of the Milpitas Municipal Code). In an effort to promote safe and comfortable noise levels throughout Milpitas, potential adverse noise impacts to communities adjacent to proposed special event locations will be considered as a part of the permit review process.
 - **Action N-1a:** Require that new development projects are reviewed for compliance with the noise requirements established in this element, including the standards established in Tables N- 1 and N-2, prior to project approval.
 - **Action N-1b:** Require acoustical studies for new development projects which have the potential to generate noise impacts which exceed the standards identified in this element. The studies shall include representative noise measurements, estimates of existing and projected noise levels, and mitigation measures necessary to ensure compliance with the noise standards included in this element. Studies shall be conducted by a qualified acoustical professional.
 - **Action N-1c:** Require developers to prepare a construction management/noise mitigation plan that defines best management practices to reduce construction noise, and includes proposed truck routes (that comply with Section 12 V-100-12.05 - Truck Routes of the Milpitas Municipal Code) as part of the entitlement process.
 - **Action N-1d:** During the environmental review process, determine if proposed construction will constitute a significant impact on nearby sensitive receptors and, if necessary, require mitigation measures in addition to the standard best practice controls. Suggested best practices for control of construction noise include:
 - Noise-generating construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to between the hours of 7:00 am and 7:00 pm. No construction shall occur on National holidays.
 - All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
 - The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists. At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from residences.
 - Unnecessary idling of internal combustion engines shall be prohibited for a duration of longer than five minutes.
 - Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities, to the extent feasible.

- Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.
 - The construction contractor shall designate a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall be responsible for determining the cause of the noise complaint (e.g., starting too early, poor muffler, etc.) and instituting reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.
- Action N-1k Update Title V, Chapter 213 – (Noise Abatement) of the Milpitas Municipal Code as necessary to comply with noise standards and criteria set by this element.
- ▶ **Policy N 2-2:** The City may elect to allow new noise-sensitive land uses within activity centers (areas within the boundaries of an adopted Specific Plan)) that exceed the Land Use Compatibility Standards in Table N-1 [presented as Table 3.8-3 in this SEIR], and Stationary Noise Source Standards in Table N-2 [presented as Table 3.8-4 in this SEIR]. Noise mitigation, including an acoustical analysis, shall be required to reduce interior space noise levels to 45 dBA L_{dn} , or less, for sensitive receptors. Exterior noise levels shall be reduced to the extent feasible using building orientation, construction and design features; however ultimately, noise levels may exceed the noise standards identified in Table N-1 and N-2 [presented as Table 3.8-3 and Table 3.8-4 in this SEIR, respectively], but shall comply with standards identified in Table N-3 [presented in this report as Table 3.8-5 in this SEIR].
 - ▶ **Policy N 2-3:** Consider groundborne vibration and noise nuisance associated with rail operations prior to approving the development of sensitive uses.
 - **Action N-2b:** Review new developments within 100 feet of the rail line to ensure that vibration experienced by residents and sensitive uses would not exceed the Federal Transit Administration guidelines.

Table 3.8-5 Stationary (Non-Transportation) Noise Source Standards (Commercial Mixed-Use and Transit-Oriented Areas)

Land Use Receiving the Noise	Hourly Noise-Level Descriptor	Exterior Noise-Level Standard (dB)		
		Daytime (7am to 10pm)	Late Night (10pm – 12am)	Nighttime (12am – 7am)
Residential (Sunday Night – Thursday Night)	L_{eq}	60	55	50
	L_{max}	70	65	65
Residential (Friday Night – Saturday Night)	L_{eq}	65	60	55
	L_{max}	75	70	65

Source: City of Milpitas 2021: N-11.

City of Milpitas Municipal Code

Section Code V-213-3.07 of the City of Milpitas Municipal Code contains construction noise regulations. No person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including, delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends. No construction work shall be conducted or performed on the holidays indicated in Section V-213-2-2.07 of this Chapter. Section Code V-213-2.07 of the City of Milpitas Municipal Code defines "Holiday" as used in this Chapter means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

3.8.2 Environmental Setting

ACOUSTIC FUNDAMENTALS

Prior to discussing the noise setting for the proposed Specific Plan, background information about sound, noise, vibration, and common noise descriptors is needed to provide context and a better understanding of the technical terms referenced throughout this section.

Sound, Noise, and Acoustics

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air) to a human ear. Noise is defined as loud, unexpected, annoying, or unwanted sound.

In the science of acoustics, the fundamental model consists of a sound (or noise) source, a receiver, and the propagation path between the two. The loudness of the noise source and obstructions or atmospheric factors affecting the propagation path to the receiver determines the sound level and characteristics of the noise perceived by the receiver. The field of acoustics deals primarily with the propagation and control of sound.

Frequency

Continuous sound can be described by frequency (pitch) and amplitude (loudness). A low-frequency sound is perceived as low in pitch. Frequency is expressed in terms of cycles per second, or hertz (Hz) (e.g., a frequency of 250 cycles per second is referred to as 250 Hz). High frequencies are sometimes more conveniently expressed in kilohertz, or thousands of hertz. The audible frequency range for humans is generally between 20 Hz and 20,000 Hz.

Sound Pressure Levels and Decibels

The amplitude of pressure waves generated by a sound source determines the loudness of that source. Sound pressure amplitude is measured in micro-Pascals (mPa). One mPa is approximately one hundred billionth (0.0000000001) of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 to 100,000,000 mPa. Because of this large range of values, sound is rarely expressed in terms of mPa. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of decibels (dB).

Addition of Decibels

Because decibels are logarithmic units, SPLs cannot be added or subtracted through ordinary arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3-dB increase. In other words, when two identical sources are each producing sound of the same loudness at the same time, the resulting sound level at a given distance would be 3 dB higher than if only one of the sound sources was producing sound under the same conditions. For example, if one idling truck generates an SPL of 70 dB, two trucks idling simultaneously would not produce 140 dB; rather, they would combine to produce 73 dB. Under the decibel scale, three sources of equal loudness together produce a sound level approximately 5 dB louder than one source.

A-Weighted Decibels

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Although the intensity (energy per unit area) of the sound is a purely physical quantity, the loudness or human response is determined by the characteristics of the human ear.

Human hearing is limited in the range of audible frequencies as well as in the way it perceives the SPL in that range. In general, people are most sensitive to the frequency range of 1,000–8,000 Hz and perceive sounds within this range better than sounds of the same amplitude with frequencies outside of this range. To approximate the response of the human ear, sound levels of individual frequency bands are weighted, depending on the human sensitivity to those frequencies. Then, an “A-weighted” sound level (expressed in units of A-weighted decibels) can be computed based on this information.

The A-weighting network approximates the frequency response of the average young ear when listening to most ordinary sounds. When people make judgments of the relative loudness or annoyance of a sound, their judgment correlates well with the A-scale sound levels of those sounds. Thus, noise levels are typically reported in terms of A-weighted decibels. All sound levels discussed in this section are expressed in A-weighted decibels. Table 3.8-6 describes typical A-weighted noise levels for various noise sources.

Table 3.8-6 Typical A-Weighted Noise Levels

Common Outdoor Activities	Noise Level (dB)	Common Indoor Activities
	— 110 —	Rock band
Jet fly-over at 1,000 feet	— 100 —	
Gas lawn mower at 3 feet	— 90 —	
Diesel truck at 50 feet at 50 miles per hour	— 80 —	Food blender at 3 feet, Garbage disposal at 3 feet
Noisy urban area, daytime, Gas lawn mower at 100 feet	— 70 —	Vacuum cleaner at 10 feet, Normal speech at 3 feet
Commercial area, Heavy traffic at 300 feet	— 60 —	
Quiet urban daytime	— 50 —	Large business office, Dishwasher next room
Quiet urban nighttime	— 40 —	Theater, large conference room (background)
Quiet suburban nighttime	— 30 —	Library, Bedroom at night
Quiet rural nighttime	— 20 —	
	— 10 —	Broadcast/recording studio
Lowest threshold of human hearing	— 0 —	Lowest threshold of human hearing

Source: Caltrans 2013: Table 2-5.

Human Response to Changes in Noise Levels

The doubling of sound energy results in a 3-dB increase in the sound level. However, given a sound level change measured with precise instrumentation, the subjective human perception of a doubling of loudness will usually be different from what is measured.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear can discern 1-dB changes in sound levels when exposed to steady, single-frequency (“pure-tone”) signals in the mid-frequency (1,000–8,000 Hz) range. In general, the healthy human ear is most sensitive to sounds between 1,000 and 5,000 Hz and perceives both higher and lower frequency sounds of the same magnitude with less intensity (Caltrans 2020:2-18). In typical noisy environments, changes in noise of 1–2 dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness (Caltrans 2020:2-10). Therefore, a doubling of sound energy (e.g., doubling the volume of traffic on a highway) that would result in a 3-dB increase in sound would generally be perceived as barely detectable.

Vibration

Vibration is the periodic oscillation of a medium or object with respect to a given reference point. Sources of vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) and those introduced by human activity (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, (e.g., operating factory machinery) or transient in nature (e.g., explosions). Vibration levels can be depicted in terms of amplitude and frequency, relative to displacement, velocity, or acceleration.

Vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV and RMS vibration velocity are normally described in inches per second (in/sec) or in millimeters per second. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is typically used in the monitoring of transient and impact vibration and has been found to correlate well to the stresses experienced by buildings (FTA 2018:7-5, Caltrans 2020:6).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude. The RMS of a signal is the average of the squared amplitude of the signal, typically calculated over a 1-second period. As with airborne sound, the RMS velocity is often expressed in decibel notation as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2018:7-4; Caltrans 2013:7). This is based on a reference value of 1 micro inch per second.

The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2018:7-8; Caltrans 2013:27).

Typical outdoor sources of perceptible ground vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur to fragile buildings. Construction activities can generate sufficient ground vibrations to pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants (FTA 2018:7-5).

Vibrations generated by construction activity can be transient, random, or continuous. Transient construction vibrations are generated by blasting, impact pile driving, and wrecking balls. Continuous vibrations are generated by vibratory pile drivers, large pumps, and compressors. Random vibration can result from jackhammers, pavement breakers, and heavy construction equipment.

Table 3.8-7 summarizes the general human response to different ground vibration-velocity levels.

Table 3.8-7 Human Response to Different Levels of Ground Noise and Vibration

Vibration-Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.

Notes: VdB = vibration decibels referenced to 1 microinch/second and based on the root mean square (RMS) velocity amplitude.

Source: FTA 2018:120.

Common Noise Descriptors

Noise in our daily environment fluctuates over time. Various noise descriptors have been developed to describe time-varying noise levels. The following are the noise descriptors used throughout this section.

Equivalent Continuous Sound Level (L_{eq}): L_{eq} represents an average of the sound energy occurring over a specified period. In effect, L_{eq} is the steady-state sound level containing the same acoustical energy as the time-varying sound level that occurs during the same period (Caltrans 2020:2-48). For instance, the 1-hour equivalent sound level, also referred to as the hourly L_{eq} , is the energy average of sound levels occurring during a 1-hour period and is the basis for noise abatement criteria used by California Department of Transportation (Caltrans) and Federal Transit Administration (FTA) (Caltrans 2020:2-47; FTA 2018:2-19).

Maximum Sound Level (L_{max}): L_{max} is the highest instantaneous sound level measured during a specified period (Caltrans 2020:2-48; FTA 2018:2-16).

Day-Night Level (L_{dn}): L_{dn} is the energy average of A-weighted sound levels occurring over a 24-hour period, with a 10-dB "penalty" applied to sound levels occurring during nighttime hours between 10 p.m. and 7 a.m. (Caltrans 2020:2-48; FTA 2018:2-22).

Community Noise Equivalent Level (CNEL): CNEL is the energy average of the A-weighted sound levels occurring over a 24-hour period, with a 10-dB penalty applied to sound levels occurring during the nighttime hours between 10 p.m. and 7 a.m. and a 5-dB penalty applied to the sound levels occurring during evening hours between 7 p.m. and 10 p.m. (Caltrans 2020:2-48).

Sound Propagation

When sound propagates over a distance, it changes in level and frequency content. The manner in which a noise level decreases with distance depends on the following factors:

Geometric Spreading

Sound from a localized source (i.e., a point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Roads and highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources, thus propagating at a slower rate in comparison to a point source. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source.

Ground Absorption

The propagation path of noise from a source to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective-wave canceling provides additional attenuation associated with geometric spreading. Traditionally, this additional attenuation has also been expressed in terms of attenuation per doubling of distance. This approximation is usually sufficiently accurate for distances of less than 200 feet. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver, such as soft dirt, grass, or scattered bushes and trees), additional ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the attenuate rate associated with cylindrical spreading, the additional ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance. This would hold true for point sources, resulting in an overall drop-off rate of up to 7.5 dB per doubling of distance.

Atmospheric Effects

Receivers located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels, as wind can carry sound. Sound levels can be increased over large distances (e.g., more than 500 feet) from the source because of atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors such as air temperature, humidity, and turbulence can also affect sound attenuation.

Shielding by Natural or Human-Made Features

A large object or barrier in the path between a noise source and a receiver attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Natural terrain features (e.g., hills and dense woods) and human-made features (e.g., buildings and walls) can substantially reduce noise levels. A barrier that breaks the line of sight between a source and a receiver will typically result in at least 5 dB of noise reduction (Caltrans 2020:2-41; FTA 2018:5-6, 6-25). Barriers higher than the line of sight provide increased noise reduction (FTA 2018:2-12). Vegetation between the source and receiver is rarely effective in reducing noise because it does not create a solid barrier unless there are multiple rows of vegetation (FTA 2006:2-11).

EXISTING NOISE ENVIRONMENT

Existing Noise- and Vibration-Sensitive Land Uses

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings and Anthony Spangler Elementary School located along North Abbott Avenue just north of the Specific Plan Area are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels, and because of the potential for nighttime noise to result in sleep disruption. These land use types are also considered vibration-sensitive land uses in addition to commercial and industrial buildings where vibration would interfere with operations within the building, including levels that may be well below those associated with human annoyance.

A community noise survey was conducted to document ambient noise levels at various locations throughout the City, four continuous 24-hour noise monitoring sites were conducted to record day-night statistical noise level trends in the General Plan Update EIR. Noise Monitoring Sites A, B, and C are located within the Specific Plan Area, and measured existing ambient noise levels ranging from 61 to 76 dBA L_{dn} .

Existing Noise Sources

Existing Roadway Noise Levels

The predominant noise source in the Specific Plan Area is vehicle traffic on the surrounding roadway network (e.g., Abel Street and SR 237 which transition into Calaveras Boulevard that travels through the Specific Plan Area connecting the two freeways, Interstate 680 and Interstate 880, and carries a significant amount of regional traffic. Base roadway noise conditions within the Specific Plan Area are quantified in Table 3.12-12 of the Milpitas General Plan, recreated in Table 3.8-8. It should be noted that the projected noise levels under the General Plan assumed implementation of the Midtown Specific Plan. For further details on existing traffic noise, Figure 3.12-1 and Figure 3.12-3 shows the extent of the noise contours on the Specific Plan Area.

Table 3.8-8 Base and Future Traffic Noise Conditions Identified in the General Plan Update EIR

Roadway	Segment	Noise Levels Base Conditions	(L_{dn} , dBA) General Plan Buildout
North Abel Str.	W. of N. Milpitas Blvd.	65.2	67.3
W. Calaveras Blvd.	W. of S. Abbott Ave.	68.1	70.1
W. Calaveras Blvd.	E. of S. Abbott Ave.	71.2	73.4
W. Calaveras Blvd.	W. of S. Abel St.	71.8	74.1
E. Calaveras Blvd.	W. of S. Milpitas Blvd.	65.3	67.9
E. Calaveras Blvd.	E. of S. Milpitas Blvd.	66.3	68.8
E. Calaveras Blvd.	E. Of S. Park Victoria Dr.	66.9	70.4

Source: Milpitas 2020. Table 3.12-12.

Rail Noise

Two rail lines, the Union Pacific Railroad (UPRR) freight line and Bay Area Rapid Transit (BART) commuter rail lines, traverse the Specific Plan Area on the east. The Valley Transportation Authority (VTA) operates light rail transit (LRT) and interconnecting bus lines into the Specific Plan Area along the Great Mall Parkway. The VTA line is adjacent to residential and industrial land uses that are within the Specific Plan Area. The UPRR and BART commuter lines border the eastern portion of the Specific Plan Area, traversing in a north-south orientation. This line is located adjacent to residential and industrial land uses within the Specific Plan Area. The General Plan Update EIR identifies UPRR freight line and BART commuter rail line generate noise levels of up to 76 dBA L_{dn} (with warning horns) and 55 dBA L_{dn} at 100 feet, respectively.

Airport Noise Levels

The closest airport, San Jose Mineta International Airport, is located approximately 4 miles southwest of the Specific Plan Area. San Jose Mineta International airport noise contours do not extend into the Specific Plan Area, per the adopted Airport Land Use Commission Plan (ALUCP). The distance from the Specific Plan Area, indicates that noise generation within the Specific Plan from the San Jose Mineta International Airport is minimal. In addition, the Specific Plan Area is not within the designated flight path of the San Jose Airport, per the adopted ACLUP.

Construction Noise Sources

The noise levels generated by construction activities are generally isolated to the vicinity of a construction site and occur during daytime hours in accordance with City regulations. Construction activities also occur for relatively short-term periods of a few weeks to several months and upon completion of construction activity, noise exposure ceases. Table 3.8-9 illustrates noise levels for common construction equipment and activities at 50 feet. According to the FTA, construction noise levels are highest for pile-driving activities and can reach as high as 107 dB (FTA 2018).

Table 3.8-9 Noise Ranges of Typical Construction Equipment

Construction Equipment	Noise Levels at dBA L_{eq} at 50 feet
Front Loader	72–86
Truck	82–95
Crane (movable)	75–88
Crane (derrick)	86–89
Vibrator	68–82
Saw	72–82
Pneumatic Impact Equipment	83–88
Pile Driving (peaks)	95–107
Jackhammer	81–98
Pump	68–72
Generator	71–83
Compressor	75–87
Concrete Mixer	75–88
Concrete Pump	81–85
Backhoe	73–95
Tractor	77–98
Scraper/Grader	80–93
Paver	85–88

Source: FTA 2018.

Existing Vibration Sources

Construction Vibration Sources

Vibration generated by construction activities are generally isolated to the vicinity of a construction site and occur during daytime hours in accordance with City regulations. Table 3.8-10 illustrates vibration levels for common construction equipment and activities at 50 feet. According to the FTA, construction vibration levels are highest for pile-driving activities and can reach as high as 0.734 (FTA 2018).

Table 3.8-10 Vibration Ranges of Typical Construction Equipment

Equipment	PPV at 25 ft, in/sec	Approximate LV at 25 ft
Pile Driver (impact - upper range)	1.518	112
Pile Driver (impact - typical)	0.644	104
Pile Driver (Sonic - upper range)	0.734	105
Pile Driver (Sonic - typical)	0.17	93
Clam Shovel	0.202	94
Hydromill (Slurry Wall)	0.008	66
Vibratory Roller	0.21	94
Hoe Ram	0.089	87
Large Bulldozer	0.089	87
Caisson Drilling	0.089	86
Loaded Trucks	0.076	79
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Source: FTA 2018.

3.8.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

This impact analysis is based primarily on review of the analysis presented in the General Plan Update EIR associated with construction and operational noise and vibration impacts.

Construction Noise and Vibration

To assess potential short-term (construction-related) noise and vibration impacts, sensitive receptors and their relative exposure were identified. Construction noise and vibration levels associated with the implementation of the proposed Specific Plan were determined based on methodologies, reference emission levels, and usage factors from FTA's *Guide on Transit Noise and Vibration Impact Assessment* methodology (FTA 2018) and FHWA's *Roadway Construction Noise Model User's Guide* (FHWA 2004). Reference levels for noise and vibration emissions for specific equipment or activity types are well documented and the usage thereof common practice in the field of acoustics.

Operational Noise and Vibration

With respect to non-transportation noise sources (e.g., stationary) associated with implementation of the proposed Specific Plan, the assessment of long-term (operational-related) impacts was based on reconnaissance data, reference noise emission levels, and measured noise levels for activities and equipment associated with project operation (e.g., heating, ventilation and air conditioning [HVAC] units, delivery docks), and standard attenuation rates and modeling techniques.

To assess potential long-term (operation-related) noise impacts due to project-generated increases in traffic, noise levels were estimated in using calculations consistent with the Federal Highway Administration's Traffic Noise Model Version 2.5 (FHWA 2004) and average daily traffic volumes generated from the vehicle miles traveled analysis provided in Section 3.11, "Transportation," (Appendix D). The analysis is based on the reference noise emission levels for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and ground attenuation factors. Note that the modeling conducted does not account for any natural or human-made shielding (e.g., the presence of walls or buildings) or reflection off building surfaces.

THRESHOLDS OF SIGNIFICANCE

A noise impact is considered significant if implementation of the proposed Specific Plan would result in any of the following:

Short-Term Construction Noise

- ▶ Expose off-site noise-sensitive receptors to excessive levels of construction noise for an extended period.

Operational Transportation Noise

- ▶ Generate long-term, transportation noise levels exceeding the applicable normally acceptable noise standards for land use compatibility (Table 3.8-3);
- ▶ Generate an increase in ambient-noise levels exceeding interior noise standards (45 dB Ldn) at nearby existing noise-sensitive land uses;
- ▶ Generate a substantial long-term increase in traffic-generated noise levels already exceeding City standards for allowable incremental increases in transportation noise:
 - where the ambient noise level is below 60 dB, increases of 5.0 dB or greater would be considered substantial;
 - where the ambient noise level ranges from 60 to 65 dB, increases of 3.0 dB or greater would be considered substantial;
 - where ambient noise levels currently exceed 65 dB, increases of 1.5 dB or greater would be considered substantial.

Operational Stationary Noise

- ▶ Generate a substantial permanent increase in stationary noise levels in the vicinity of the Specific Plan Area that exceeds the following noise standards established in the General Plan for Commercial Mixed-Use and Transit-Oriented Areas.
 - Commercial Mixed-Use and Transit Oriented Areas (Table 3.8-5)
 - 60 dB L_{eq} exterior daytime noise standard
 - 55 dB L_{eq} exterior late night noise standard
 - 50 dB L_{eq} exterior nighttime noise standard
 - 70 dB L_{max} exterior daytime noise standard
 - 65 dB L_{max} exterior late night noise standard
 - 65 dB L_{max} exterior nighttime noise standard
 - Generate a substantial permanent increase in ambient noise levels of 3 dBA or greater.

Short-Term Construction Vibration

- ▶ Construction-generated vibration levels exceeding Caltrans's recommended standards with respect to the prevention of structural building damage (0.2 and 0.08 in/sec PPV for normal and historical buildings, respectively) or FTA's maximum-acceptable-vibration standard with respect to human response (80 VdB for residential uses) at nearby existing vibration-sensitive land uses.

Long-Term Operational Vibration

- ▶ Construction-generated vibration levels exceeding Caltrans's recommended standards with respect to the prevention of structural building damage (0.2 and 0.08 in/sec PPV for normal and historical buildings, respectively) or FTA's maximum-acceptable-vibration standard with respect to human response (80 VdB for residential uses) at nearby existing vibration-sensitive land uses.

Airport Land Use Compatibility

- ▶ 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, expose people residing or working in the project area to excessive noise levels; or would the project expose people residing or working in the project area to excessive noise levels.

ISSUES NOT DISCUSSED FURTHER

Airport Land Use Compatibility

As described above, San Jose Mineta International Airport noise contours do not extend into the Specific Plan Area. In addition, implementation of the proposed Specific Plan would not result substantial population growth that would alter the operations of San Jose Mineta International Airport to an extent that would increase aircraft traffic that would expand airport noise contours. The General Plan Update EIR identified no significant airport noise impacts. As a result, noise impacts due to proximity to private and public airports is not discussed further.

Long-Term Operational Vibration

Implementation of the proposed Specific Plan would not introduce any major sources of long-term or permanent ground vibration such as commercial railways or passenger rail transit lines. Therefore, the Specific Plan would not result in long-term substantial levels of ground vibration. The General Plan Update EIR concluded that this impact would be less than significant through implementation of General Plan Policy N 2-3 and associated Action N-2b requires that individual development projects undergo project-specific environmental review and address potential vibration impacts associated with railroad operations. This issue is not discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.8-1: Generate Substantial Short-Term (Construction) Noise

The General Plan Update EIR (Impact 3.12-4) determined that construction noise impacts as a result of General Plan implementation would be less than significant through implementation of General Plan Policy N 1-8 and Action N-1c and N-1d. Implementation of the proposed Specific Plan would result in the generation of construction noise. However, future development under the Specific Plan would be subject to compliance with the specific requirements of Action N-1c and N-1d. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR Impact 3.12-4 identified a potentially significant impact regarding short-term noise generated by construction activities, due to the scope of the Milpitas General Plan and the proximity of many existing structures. However, General Plan Policy N 1-8 and Action N-1c and N-1d requires developers to create and implement construction noise reduction plans that defines best management practices (BMPs), including limiting the hours of construction to daytime periods, use of mufflers on construction equipment and equipment/management measures, and designation of a noise disturbance coordinator to implement additional noise control measures if needed to avoid adverse noise impacts. The General Plan Update EIR concluded the impact to be less than significant.

Construction noise associated with development facilitated by implementation of the proposed Specific Plan would be temporary in nature and vary depending on the characteristics of the construction activities being performed. Noise generated during construction of buildings and related structures is typically associated with the operation of off-road equipment, with the loudest phases being grading, excavation, and demolition. A standard construction noise scenario was conducted for this analysis, using equipment typical of the loudest construction phase (e.g., site preparation), assuming a worst-case scenario for construction noise disturbance. Equipment used in the modeling included an excavator, dozer, dump truck, front end loader, and grader. Results show that the operation of these five pieces of equipment could result in an average noise level of 84 L_{eq} dBA at 50 feet and a maximum noise level of 88 dBA L_{max} at 50 feet. Thus, construction noise levels would be loud enough to potentially affect nearby sensitive receivers. These construction activities would be similar to those addressed in the General Plan Update EIR. Subsequent development projects under the Specific Plan would be required to implement General Plan Actions N-1c and N-1d that would include measures to address these temporary noise impacts and avoid excessive noise levels that could generate public health impacts (e.g., sleep deprivation).

There is no significant new effect, and the impact is not substantially more severe than the impact identified in the General Plan Update EIR because, similar to what was identified in the General Plan Update EIR, the construction noise would be consistent with what is allowed in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.8-2: Generate a Substantial Increase in Long-Term Transportation Noise Levels

The General Plan Update EIR (Impact 3.12-1) determined that transportation noise increases as a result of General Plan implementation would be excessive and exceed noise standards. This impact was concluded to be significant and unavoidable. Implementation of the proposed Specific Plan would allow for additional residential development potential beyond what was assumed in the General Plan Update EIR, and a reduction in nonresidential development. Based on traffic noise modeling, the proposed Specific Plan would not result in an increase in traffic noise impacts beyond what was evaluated in the General Plan Update EIR. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **significant and unavoidable**.

General Plan Update EIR Impact 3.12-1 identifies the buildout of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases at existing sensitive receptors. Implementation of the General Plan was anticipated to increase traffic related noise by 0.5 to 3.5 dBA compared to

existing conditions. The General Plan Update EIR (Impact 3.12-1) identified significant and unavoidable significant impacts regarding long-term noise generated by the implantation of the General Plan.

The proposed Specific Plan would allow additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program. This would also include a reduction in nonresidential development potential through mixed-use development. A total of 1,338 additional units would be allowed under the Specific Plan beyond what is allowed under the General Plan. An increase in traffic volume due to the proposed residential uses is offset by the reduction of approximately one million square feet of non-residential land uses. The proposed Specific Plan would result in an overall reduction in average daily traffic volumes and an associated increase in traffic noise levels along the roadway network surrounding the Specific Plan Area. The City has established standards to evaluate substantial increases in noise that could lead to adverse health impacts (e.g., prolonged annoyance or sleep disruption) to nearby receptors. In accordance with the City's long-term ambient increase standards, where existing noise levels are below 60 dBA L_{dn} , a noise increase of +5-dB or greater would be considered substantial, where noise levels are between 60 and 65 dBA L_{dn} , a traffic noise increase of +3-dB or greater would be considered substantial, and where existing noise levels are above 65 dBA L_{dn} , an increase of +1.5-dB or greater would be considered substantial. Table 3.8-11 shows the noise levels increases under the adopted General Plan (including the Midtown Specific Plan) and the General Plan buildout (replacing of the Midtown Specific Plan land uses with the proposed Specific Plan land uses) along study roadway segments (assuming buildout of the Specific Plan).

Table 3.8-11 Summary of Modeled Traffic Noise Levels under General Plan and Gateway-Main Street Specific Plan Conditions

Segment No.	North-South	East-West	Roadway Segment	General Plan Noise Levels ¹ (dBA L_{dn})	Gateway-Main Street+ Project Noise Levels ² (dBA L_{dn})	Modeled Change (dBA)	Applicable Increase Threshold	Exceeds Applicable Threshold?
1	Park Victoria Dr	Calaveras Dr.	Calaveras West	67.8	67.8	0.0	1.5	No
2	Hillview Dr	Calaveras Dr.	Calaveras West	69.1	68.9	-0.2	1.5	No
3	Hillview Dr	Calaveras Dr.	Calaveras East	69.1	68.8	-0.4	1.5	No
4	Milpitas Blvd	Calaveras Dr.	Calaveras West	69.1	68.8	-0.3	1.5	No
5	Milpitas Blvd	Calaveras Dr.	Calaveras East	63.5	63.2	-0.2	1.5	No
6	Abel St	Calaveras Dr.	Abel North	59.1	58.6	-0.4	3	No
7	Abel St	Sierra Way	Abel South	64.1	63.7	-0.4	3	No
8	Abel St	Calaveras Dr.	Calaveras West	70.1	70.0	-0.2	1.5	No
9	Abel St	Marylinn Dr	Abel North	58.8	58.6	-0.3	5	No
10	Abel St	Marylinn Dr	Abel South	58.5	58.3	-0.3	5	No
11	Abbott Ave	Calaveras Dr.	Calaveras West	64.4	64.2	-0.2	1.5	No
12	Abbott Ave	Calaveras Dr.	Calaveras East	64.2	64.0	-0.2	1.5	No
13	Abel St	Sierra Way	Abel South	57.8	57.3	-0.4	5	No
14	Abel St	Corning Ave	Abel South	57.7	57.4	-0.2	5	No
15	Abel St	Curtis Ave	Abel South	58.9	58.5	-0.4	5	No
16	Main St	Curtis Ave	Main South	56.1	55.4	-0.7	5	No

Notes: L_{dn} = day-night noise level; dBA = A-weighted decibel; SR = State Route; 1 = represents Cumulative Conditions of the VMT for the Environmental Review; 2 = represents Cumulative with Project Conditions of the VMT for the Environmental Review.

All modeling assumes average pavement, level roadways (less than 1.5% grade), constant traffic flow, and does not account for shielding of any type or finite roadway adjustments. All noise levels are reported as A-weighted noise levels. For additional details, refer to Appendix C for detailed traffic data, and traffic-noise modeling input data and output results.

Source: Data provided by Fehr & Peers; 2024; Modeled by Ascent in 2024.

Subsequent development under the proposed Specific Plan would be subject to General Plan Policies N 1-2, N 1-4, and N 1-5 and Actions N-1a and N-1b which would require that new development address potential noise impacts through the incorporation of noise control treatments necessary to achieve acceptable noise levels associated with exposure to traffic and rail noise.

In summary, traffic noise associated with buildout of the Specific Plan Area would, as shown in Table 3.8-11, result in decreased traffic along most roadways within the Specific Plan Area, noise levels ranging from -0.7 dBA to 0.0 dBA L_{dn} . Therefore, there is no significant new effect, and the impact is not substantially more severe than the impact identified in the General Plan Update EIR. This impact would remain **significant and unavoidable**.

Mitigation Measures

As noted in the General Plan Update EIR, no feasible mitigation is available to reduce this impact.

Impact 3.8-3: Generate a Substantial Increase in Long-Term Stationary Operational Noise

The General Plan Update EIR (Impact 3.12-3) determined that stationary noise impacts as a result of General Plan implementation would be less than significant through implementation of General Plan Policies N 1-11 through N 1-14 and Actions N-1a and N-1b. Implementation of the proposed Specific Plan would allow future development that would create new stationary noise sources. However, future development under the Specific Plan would be subject to compliance with requirements of General Plan Policies N 1-11 through N 1-14 and Actions N-1a and N-1b. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR Impact 3.12-3 identifies potentially significant impacts regarding long-term noise generated by stationary noise sources, due to the scope of the General Plan Update EIR and the proximity of many existing structures. However, implementation of General Plan Policies N 1-11 through 14 and Actions N 1a and N 1b were identified to reduce noise associated with stationary sources by requiring the preparation of acoustical studies for proposed projects in the vicinity of sensitive noise receptors, and requiring project-specific mitigation in the form of noise attenuation to comply with the noise standards shown in Table N-2 of the General Plan that would be protective of public health.

Implementation of the proposed Specific Plan could result in future development that would generate noise levels in excess of applicable City noise standards for non-transportation noise sources. Such land uses may include commercial area loading docks, industrial uses, HVAC equipment, car washes, daycare facilities, auto repair, and recreational uses. While the Specific Plan does not specifically propose any new noise generating uses, the Land Use Map includes industrial land use designations, which may result in new noise sources. Additionally, noise from existing stationary sources, would continue to impact noise-sensitive land uses in the vicinity. Future development may include stationary noise sources such as automotive and truck repair facilities, tire installation centers, car washes, loading docks, corporation yards, parks, and play fields may create noise levels in excess of the City's standards.

The land uses associated with implementation of the Specific Plan would be compatible with the General Plan, as no substantially different land uses are proposed by the Gateway-Main Street Specific Plan. Subsequent development under the proposed Specific Plan would be subject to General Plan Policy N 1-12 through N 1-14 and Actions N-1a and N-1b would ensure that new development mitigates potential noise impacts through incorporating the noise control treatments necessary to achieve acceptable noise levels associated with exposure to stationary noise sources.

There is no significant new effect, and the impact is not substantially more severe than the impact identified in the General Plan Update EIR because, similar to what was identified in the General Plan Update EIR, the stationary noise would be consistent with what is allowed in the General Plan Update EIR. Therefore, this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.8-4: Generate Substantial Short-Term (Construction) Vibration

The General Plan Update EIR (Impact 3.12-5) determined that construction vibration impacts as a result of General Plan implementation would be less than significant through implementation of General Plan Action N-1d. Implementation of the proposed Specific Plan could result in the generation of construction vibration impacts. However, development under the Specific Plan would be subject to compliance with the specific requirements of Action N-1d and with Section 17.52.060.G of the City Municipal Code, which limits construction hours to the less sensitive hours of the day. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR Impact 3.12-5 identifies potentially significant impacts regarding short-term vibration impacts generated by construction activities, due to the scope of the Milpitas General Plan and the proximity of many existing structures. However, General Plan Action N-1d defines BMPs that would include limiting the hours of construction to daytime periods, use of mufflers on construction equipment and equipment/management measures, as well as designation of a noise disturbance coordinator to implement additional construction measures if needed to avoid adverse vibration impacts. Therefore, the General plan Update EIR concluded impacts associated with construction vibration to be less than significant. Construction activities associated with future development under the Specific Plan may involve the use of off-road equipment such as tractors, jackhammers, and haul trucks. The FTA vibration impact threshold of 85 VdB for construction, which is the vibration level that is considered by the FTA to be acceptable if there are an infrequent number of events per day, can be applied to construction activities. Groundborne vibration levels associated with representative construction equipment are summarized in Table 3.8-12.

Table 3.8-12 Representative Groundborne Vibration for Construction Equipment

Equipment	PPV at 25 ft, in/sec ¹	Approximate L _v (VdB) at 25 feet ²
Pile Driver (impact) Upper Range	1.518	112
	Typical	104
Pile Driver (sonic) Upper Range	0.734	105
	Typical	93
Large Dozer	0.089	87
Caisson Drilling	0.089	87
Trucks	0.076	86
Jackhammer	0.035	79
Small Dozer	0.003	58

¹Where PPV is the peak particle velocity.

²Where L_v is the root mean square velocity expressed in vibration decibels (VdB), assuming a crest factor of 4.

Source: FTA 2018.

Based on the vibration levels presented in the table, ground vibration generated by construction equipment are not anticipated to exceed 85 VdB at 50 feet. The majority of construction equipment does not result in VdB in excess of FTA thresholds, even at 50 feet. The proposed Specific Plan would result in future development, the construction of which could potentially occur adjacent to sensitive land uses, such as residential uses and historic buildings. The Caltrans vibration impact threshold of 0.08 PPV (in/sec) for historical buildings and 0.2 PPV (in/sec) for residential uses can be applied when construction activities occur adjacent to the sensitive uses. Groundborne vibration levels associated with representative construction equipment are summarized in Table 3.8-12. Based on the vibration levels presented in the table, ground vibration generated by construction equipment is not anticipated to exceed 0.08 PPV (in/sec) at 50 feet. The majority of construction equipment would not result in PPV (in/sec) in excess of Caltrans thresholds, even at 50 feet. In addition, according to Municipal Section Code V-213-3.07, construction is not allowed between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and weekends. These hours are intended to mitigate temporary noise impacts, including groundborne vibration impacts, by avoiding construction during nighttime periods that would disturb noise-sensitive land uses (residential). Because construction vibration would be temporary,

intermittent, short in duration, and would occur during the daytime, vibration impacts due to the development of future projects in the Specific Plan Area would be considered insubstantial. Subsequent development projects under the Specific Plan would be required to implement General Plan Policy N 2-3 and Action N-2b that would include measures to address these temporary vibration impacts and avoid excessive vibrations that could generate public health impacts (e.g., sleep deprivation). Therefore, there is no significant new effect, and the impact is not substantially more severe than the impact because, similar to what was identified in the General Plan Update EIR, the construction vibration would be consistent with what is allowed in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.9 POPULATION AND HOUSING

This section provides an overview of existing population and housing conditions in the Gateway-Main Street Specific Plan (Specific Plan) area and analysis in this section are based on information provided by the Milpitas General Plan and the California Department of Finance (DOF). The analysis includes a description of the methods used for assessment, as well as the potential direct and indirect impacts associated with implementation of the Specific Plan.

No comments pertaining to population and housing were received in response to the notice of preparation.

3.9.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws are applicable for the project.

STATE

State law requires each local government in California to adopt a comprehensive, long-term general plan for the physical development of its city or county, and the housing element is one of seven mandated elements of the general plan. Housing elements address the existing and projected housing needs of all economic segments of the community. The City of Milpitas Housing Update Element identifies the nature and extent of housing needs in incorporated and unincorporated areas, and the housing element itself includes goals, policies, and implementation programs for the planning and development of housing.

State law sets out a process for determining each local jurisdiction's fair share of regional housing needs. As a first step in the process, the California Department of Housing and Community Development assigns each regional council of governments a required number of new housing units for that region, including affordable housing. The council of governments, in turn, allocates the region's share to cities and counties in the region.

LOCAL

The regulatory information provided on page 3.10-10 through 3.10-11 Milpitas General Plan Update Environmental Impact Report (EIR) describes the role of the Association of Bay Area Governments (ABAG) in determining regional housing needs and preparation of the regional transportation plan and sustainable community strategy. As indicated on page 3.10-10 of the Milpitas General Plan Update EIR, ABAG has determined that the City of Milpitas had a Regional Housing Needs Assessment (RHNA) allocation of 3,290 units distributed among the following income groups: 1,004 very low income; 570 low income; 565 moderate income; and 1,151 above-moderate income units. The City's current Housing Element, which was prepared after the General Plan, was adopted in January 2023 and addresses the 2023-2031 RHNA requirements. As indicated on page 51 of the Housing Element, ABAG has determined that the City of Milpitas had a RHNA allocation of 6,713 units distributed among the following income groups: 1,685 very low income; 970 low income; 1,131 moderate income; and 2,927 above-moderate income units. The General Plan is intended to accommodate the City's fair share of housing needs.

Milpitas General Plan 2040

The City of Milpitas General Plan 2040 (City of Milpitas 2021, 2023) includes 11 elements. Policy provisions relevant to the project, as listed below.

Land Use

- ▶ **Policy LU 1-1:** Support a full spectrum of conveniently located residential, commercial, public, and quasi-public uses that support and enhance business development, regional transportation objectives and promote the livability of residential neighborhoods.
- ▶ **Policy LU 1-3:** Maintain a supply of developable lands sufficient to meet desired levels of housing, jobs, and economic needs over the planning period.
- ▶ **Policy LU 1-4:** Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offers residents of all income levels, age groups and special needs sufficient housing opportunities and choices for locating in Milpitas. (Additional policies specifically related to Housing are included in the General Plan's Housing Element).

Housing Element

- ▶ **Policy HE 1.1:** Monitor residential development projects to ensure there is an adequate level of remaining development capacity through the housing sites inventory.
- ▶ **Policy HE 1.2:** Prioritize development projects near the Milpitas transit center through incentives consistent with the specific plans.
- ▶ **Policy HE 1.3:** Require new residential development projects and mixed-use development projects with a residential component to meet or exceed minimum residential densities to ensure efficient use of remaining land available.
- ▶ **Policy HE 1.4:** Continue to facilitate housing production through implementation of specific plans and overlay zones, including the Milpitas Metro Specific Plan (TASP Update) and Gateway-Main Street Specific Plan (Milpitas Midtown Update).
- ▶ **Policy HE 1.5:** Facilitate the development of housing through the adoption of new zoning districts consistent with the General Plan, zoning incentives or waivers, development process streamlining, and CEQA findings of consistency, especially affordable housing in high resource areas.
- ▶ **Policy HE 1.8:** Regularly review the land use designations and zoning districts to encourage a variety of housing types to be developed at a range of densities to equitably serve households at all economic levels, and to meet the needs of large family households, the elderly, and people with disabilities.
- ▶ **Policy HE 1.9:** Support introducing housing and mixed-use development in older commercial centers (located in C-2, TC, and HS zoning districts) while balancing the importance of preserving convenient neighborhood and community-serving retail uses.
- ▶ **Policy HE 2.6:** Maintain the existing stock of housing affordable to lower- and moderate-income households that is provided through the private market and provide tenant protections for apartment units at risk of condominium conversion through enforcement of the City's condominium conversion ordinance.
- ▶ **Policy HE 2.7:** Ensure that sites being redeveloped for housing do not result in a net reduction in housing units, consistent with Government Code Section 66300(d).
- ▶ **Policy HE 3.6:** Respond to changing market conditions and diverse housing needs, such as recognizing the need for limited term rentals (least than six months) for temporary employees and independent contractors or gig workers.
- ▶ **Policy HE 3.7:** Support the adaptive reuse, renovation, conversion, or redevelopment of economically underutilized properties or buildings for residential or mixed-use development.
- ▶ **Policy HE 4.1:** Encourage mixed-income development projects citywide and especially in high opportunity, resource-rich, and transit accessible areas.
- ▶ **Policy HE 4.5:** Prioritize and facilitate the development of new housing units affordable to extremely low, very low, low, and moderate-income households.

3.9.2 Environmental Setting

POPULATION AND POPULATION GROWTH

The population of the City of Milpitas was estimated to be 81,773 on January 1, 2024 (DOF 2024). The General Plan Update EIR estimated development capacity of 4,807 residents in the Specific Plan area while the Specific Plan would allow for a development capacity of 12,887 residents (City of Milpitas 2020). This figure reflects the maximum possible population, as determined by the number of residential units possible at the different maximum densities allowed for each land use designation and the amount of land area within those designations.

EMPLOYMENT AND EMPLOYMENT CENTERS

Milpitas has historically functioned as an agricultural town and a stopover between Oakland and San Jose and transitioned into a technology center with the advent of the semiconductor and the establishment of Silicon Valley (City of Milpitas 2020). The City has over 40,800 jobs with the two largest employers being Cisco Systems and KLA Tencor Corporation (City of Milpitas 2024). The General Plan Update EIR projected 11,555 jobs within the Specific Plan Area. By 2040, the buildout horizon of the General Plan, the number of jobs in the City is projected to be 84,333 with 47,737,536 square feet of non-residential building square footage (City of Milpitas 2022).

HOUSING UNITS AND VACANCY

The U.S. Census Bureau defines a housing unit as a house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters. College dormitories are considered noninstitutional group quarters and are excluded from the housing unit inventory. For the purpose of population surveys in the decennial census, individuals are counted at their "usual residence." "Usual" is defined as the place where the person lives and sleeps most of the time, or the place he or she considers to be his or her usual residence. Therefore, most students living in dormitories would not be included (US Census Bureau 2021).

The total number of housing units in the City was 25,932 as of January 2024, with an average household size of 3.15 persons per unit, compared to an average household size of 2.70 persons in Santa Clara County (DOF 2024). In 2022, approximately 70 percent of the housing units in the City were single-family houses, compared to 61 percent countywide. At buildout of the General Plan, the City has the potential to accommodate 33,401 dwelling units (City of Milpitas 2022).

3.9.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Impacts on population and housing were assessed by reviewing existing and anticipated population and housing projections prepared by the City of Milpitas General Plan, DOF, and ABAG. The Project's impacts were evaluated by determining their consistency with these estimates and projections. Population and employment growth, as an economic or social change, is not considered a significant effect on the environment (pursuant to State CEQA Guidelines Section 15131). Growth that is consistent with planning documents that have undergone separate environmental evaluation would generally result in similar potential for environmental impacts and the requisite demand for infrastructure would typically be incorporated into the plans of the respective utilities. However, where growth could lead to physical changes, the potential for effects is evaluated. For further discussion of growth-inducing effects, see Chapter 6, "Other CEQA Sections."

THRESHOLDS OF SIGNIFICANCE

A population, employment, and housing impact is considered significant if implementation of the Specific Plan would do any of the following:

- ▶ 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); and/or
- ▶ displace substantial numbers of existing people or homes, necessitating the construction of replacement housing elsewhere.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.9-1: Induce Substantial Population Growth

The General Plan Update EIR (Impact 3.10-3) determined that impacts related to unplanned population growth as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Similarly, implementation of the proposed Specific Plan would accommodate up to 5,176 new dwelling units, which is 1,338 units net new units beyond the General Plan. It would also result in a population of 16,384 residents, which is an increase of 3,816 people beyond the General Plan. This growth would exceed projections assumed under the City's General Plan for the Specific Plan Area; however, it would not exceed population projections for the City of Milpitas as a whole. The proposed Specific Plan would also result in a reduction in nonresidential development as compared to the General Plan that would result in a 2,357 fewer jobs than the General Plan at buildout. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan Update EIR. Growth inducement impacts would be **less than significant**.

The General Plan serves as the long-term blueprint for the city through 2040 and guides growth within the city by establishing the land use plan to develop new residential uses, expansion of existing businesses as well as creation of new businesses, and the necessary associated infrastructure and services to accommodate future growth. Under the full buildout scenario, the General Plan was designed to accommodate to 33,401 housing units, a population of 113,530 people, 47,807,536 square feet of non-residential building square footage, and 84,333 jobs within the City of Milpitas.

Table 3.9-1 summarizes the difference between existing General Plan and the proposed Specific Plan forecasts for the Specific Plan Area. Full buildout of the proposed Specific Plan could accommodate up to 5,176 new dwelling units and 16,384 persons, which is an increase of 1,388 units and 3,816 persons compared to the current General Plan projections. This represents a 35 and 30 percent increase, respectively, compared to the General Plan projections for the Specific Plan Area. The proposed Specific Plan would allow for additional residential development beyond what is planned for under the General Plan through increases in density and implementation of an incentive program. This would also include changes to nonresidential development potential through mixed-use development.

Table 3.9-1 Changes in Population and Employment at Full Buildout Under Gateway-Main Street Specific Plan

	Existing General Plan Projections	Specific Plan Projections	Difference	Percent Increase
Residential Units	3,838	5,176	1,338 units	35
Population	12,568	16,384	3,816 persons	30

Source: City of Milpitas 2020, Table 2.0-4, data compiled by Ascent 2024.

In contrast, the proposed Specific Plan would reduce nonresidential development potential by 1,234,574 square feet and 2,357 jobs as compared to the General Plan at buildout.

While implementation of the proposed Specific Plan could increase residential units and in turn, generate population growth within the Specific Plan Area, this growth would not exceed the General Plan's housing units or population projections for the city overall. Rather, implementation of the proposed Specific Plan would focus growth within designated higher-density areas that are closer to transit services and resident-serving uses, which would centralize growth within the Specific Plan Area instead of sporadically throughout the city. In addition, the proposed Specific Plan would replace the current Midtown Specific Plan as a means to define the type and level of development the City intends for the Specific Plan Area as the envisioned growth under the Midtown Specific Plan was never realized (City of Milpitas 2002). As such the proposed Specific Plan would create a more efficient and beneficial use of the area by increasing densities and development potential in an area already planned for such development by the City.

Moreover, Table 3.9-1 provides the full buildout scenario of the proposed Specific Plan, which is a conservative approach as future development under the proposed Specific Plan would be driven by market conditions and economic constraints, which may not support full buildout of the densities allowed under the proposed Specific Plan. Nevertheless, if the Specific Plan Area were to be built out to its maximum capacity, the associated growth would still be aligned with the General Plan's projections for the city. Therefore, the population growth that could occur under the proposed Specific Plan would not exceed the overall growth anticipated by the General Plan and analyzed in the General Plan Update EIR for the city as a whole.

In addition to the General Plan, ABAG's Plan Bay Area 2050 projects regional forecasts till 2050, which extends past the City's current General Plan 2040 planning horizon (ABAG 2018). As part of the forecast process for Plan Bay Area 2050, ABAG compiled jurisdictions' data at the local and regional levels to project population, household, and jobs growth for the region through 2050 (ABAG 2018). The population projections from Plan Bay Area 2050 were used to determine ABAG and its member jurisdictions regional housing needs allocation (RHNA), which assigns proportional housing needs to help achieve the State's housing goals. Through this process, the City was assigned an RHNA of 6,713 units for the 2023-2031 planning cycle. As stated in the addendum to the General Plan Update EIR for the 2023-2031 Housing Element Update, the 2023-2031 Housing Element provides the City's housing plan to achieve its 2023-2031 RHNA (Rincon Consultants 2022). Adoption and implementation of the proposed Specific Plan would aid the City in achieving its current and future RHNAs through higher-density and mixed-use intensities, development incentives, and other programs to help foster targeted growth within the Specific Plan Area. As the growth projected under the proposed Specific Plan would be aligned with ABAG's Plan Bay Area 2050 growth projections, development under the Specific Plan would not induce unplanned growth within the city or the region.

Furthermore, while the proposed Specific Plan includes improvements to the circulation system within the Specific Plan Area, which could include new roadways, these infrastructure improvements would not provide access to new areas of the city or surrounding area, which could result in new areas for residential development. Construction activities associated with future development under the Specific Plan would utilize construction workers from the local and surrounding areas as is typical in the construction industry and would not attract new residents to move to the city. Therefore, adoption and implementation of the proposed Specific Plan would not indirectly induce population growth within the city or region.

Project impacts would not be more severe than the impact identified in the General Plan Update EIR as analyzed throughout this SEIR. There would be no new significant growth effects within the City of Milpitas. The Project would not indirectly induce unplanned population growth or residential development beyond what was analyzed in the General Plan Update EIR and impacts would remain **less than significant**.

Mitigation Measures

No new mitigation is required.

Impact 3.9-2: Displace Substantial Numbers of Existing People or Housing

The General Plan Update EIR (Impact 3.10-4) determined that impacts related to displacement of existing people or housing as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Similarly, implementation of the proposed Specific Plan would accommodate up to 5,176 new dwelling units, and support the development of increased densities and intensities of mixed uses, that would increase housing supply in the City. The Specific Plan would not displace substantial numbers of existing people or housing. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan Update EIR. Impacts would be **less than significant**.

The purpose of the Specific Plan is to guide land use and development consistent with the General Plan. Buildout of the Specific Plan would add an additional estimated 5,176 new dwelling units, an increase in 35 percent over General Plan projections. The Housing Element includes Goal B that calls to maintain and preserve housing resources and high-quality residential neighborhoods and preserve existing housing resources, including units affordable to extremely low-, very low-, low-, and moderate-income households and market rate units. This goal is supported by Housing Element Policy B.1 that calls for the enforcement of housing codes and regulations to correct code violations while minimizing the displacement of residents.

The proposed Specific Plan focuses on infill development opportunities in vacant and underutilized areas in Milpitas, as well as alterations of nonresidential development to mixed-use development. The General Plan Land Use Map was developed to preserve existing neighborhoods throughout the City and the Specific Plan would not change that. Future development, including residential units would occur throughout the Specific Plan Area, and is intended to increase the overall number of dwelling units and provide housing to serve the diverse needs of the community at various socioeconomic levels. Additionally, the Land Use and Development Chapter includes standards to integrate a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing.

Therefore, impacts of the proposed Specific Plan on the displacement of people or housing would not be greater than those analyzed in the General Plan Update EIR and would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.10 PUBLIC SERVICES AND RECREATION

This section provides an overview of existing public services in the City of Milpitas and evaluates the potential for implementation of the proposed Gateway-Main Street Specific Plan (Specific Plan) to affect availability, service level, and/or capacity of public services, including fire-protection services, police-protection services, solid waste disposal, parks and recreation, and public schools, and, if such an effect is determined to occur, whether new or expanded facilities would be required that could result in a potentially significant impact to the environment. Other publicly provided utility services, such as water and wastewater treatment, stormwater management, electricity, and natural-gas services, are addressed in Section 3.12, "Utilities and Service Systems."

No comment letters were received in response to the Notice of Preparation that pertained to public services or recreation (see Appendix A).

3.10.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws are applicable to the provision of public services or recreation for the project.

STATE

California Fire Code

The 2022 California Fire Code, which incorporates by adoption the 2021 International Fire Code, contains regulations related to construction, maintenance, and use of buildings. Topics addressed in the California Fire Code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for building standards (as set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, high-rise building and childcare facility standards, and fire-suppression training.

Leroy F. Greene School Facilities Act of 1998

The Leroy F. Greene School Facilities Act of 1998, also known as Senate Bill (SB) 50 Proposition 1A (Chapter 407, Statutes of 1998), governs a school district's authority to levy school impact fees. This comprehensive legislation reformed methods of school construction financing in California. SB 50 instituted a new school facility program by which school districts can apply for State construction and modernization funds. It imposed limitations on the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provided the authority for school districts to levy fees based on justification studies, for the purposes of funding construction of school facilities, subject to established limits.

California Code of Regulations Title 5, Division 1, Chapter 13

CCR Title 5, Division 1, Chapter 13 details the regulations for School Facility Construction specifically the general standards for construction, standards, planning and approval for school facilities, and the sites of schools.

State Public Park Preservation Act

The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act

The Quimby Act (California Government Code Section 66477) states that “the legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative or parcel map.” Requirements of the Quimby Act apply only to the acquisition of new parkland and do not apply to the physical development of new park facilities or associated operations and maintenance costs. The Quimby Act seeks to preserve open space needed to develop parkland and recreational facilities; however, the actual development of parks and other recreational facilities is subject to discretionary approval and is evaluated on a case-by-case basis with new residential development.

LOCAL

Milpitas General Plan

The City of Milpitas General Plan 2040 (City of Milpitas 2021) includes 11 elements. There are five elements (Circulation; Community Design; Utilities & Community Services; Safety; and Parks, Recreation & Open Space) that contain policies relevant to public services and recreation and applicable to the project, as listed below.

Circulation

- ▶ **Policy CIR-1g:** Street design should be undertaken through consultation among multiple departments, including Public Works, Planning, Police, and Fire departments, to ensure that the streets meet multiple City goals and serve the adjacent land uses.

Community Design

- ▶ **Policy CD 2-6:** Promote crime prevention through site and building designs that facilitate surveillance of communities by putting “eyes on the street,” And take care to avoid poor design that emphasizes security over essential design features. Design sites and buildings to promote visual and physical access to parks and open space areas. Support safe, accessible, and well-used public open spaces by orienting active use areas and building facades towards them.
- ▶ **Policy CD 2-7:** Include design elements during the development review process that address security, aesthetics and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular, bicycle, and pedestrian facilities and other standards set forth in local, state, and federal regulations.

Utilities and Community Services

- ▶ **Policy UCS 1-2:** Require development and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, Urban Water Management Plan (UWMP), the Sewer Master Plan, the Sewer System Management Plan, the Green Infrastructure Plan, and the Capital Improvement Program.
- ▶ **Policy UCS 1-3:** Require all future development projects to analyze their infrastructure and service impacts and either demonstrate that the City’s existing infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be diminished or impaired, or make the necessary improvements to mitigate all potential impacts.
- ▶ **Policy UCS 1-5:** Require the payment of impact fees for all new development.

- ▶ **Policy UCS 8-1:** Continue to strongly support and encourage the maintenance of high quality public and private schools and diverse educational opportunities in Milpitas and work cooperatively with Milpitas Unified School District, Berryessa Union High School District, and East Side Union School District to explore all local and state funding sources to secure available funding for new school facilities.
- ▶ **Policy UCS 8-2:** Encourage the planned financing of new school facilities concurrent with new development.
- ▶ **Policy UCS 8-3:** Consider opportunities for joint-use of facilities with the local school districts. When feasible, a joint-use agreement will be pursued to maximize public use of facilities, minimize duplication of services provided, and facilitate shared financial and operational responsibilities.
- ▶ **Policy UCS 8-4:** Encourage the location of school sites away from significant noise sources, significant generators of toxic air contaminants, and sensitive resource conservation areas, except where the proximity of resources may be of educational value and the protection of resources is reasonably assured.
- ▶ **Policy UCS 8-7:** Support the provision of high quality civic, library, medical, and other community facilities in order to meet the broad range of needs within Milpitas.
- ▶ **Policy UCS 8-8:** Support efforts by Santa Clara County Library District to provide library services that meet the evolving educational and social needs of Milpitas residents.
- ▶ **Policy UCS 8-9:** Provide an environment in which community literacy and cultural opportunities are enhanced.
- ▶ **Policy UCS 8-10:** Pursue additional funding sources for library operations that serve Milpitas.
- ▶ **Policy UCS 8-11:** Explore opportunities to expand library services and funding to areas within Milpitas.
- ▶ **Policy UCS 8-12:** Work with health care providers to provide a range of health-related facilities in Milpitas to meet the needs of the growing population.
- ▶ **Policy UCS 8-14:** Strive to make all community events accessible to the greatest number of people regardless of race or socioeconomic status.
- ▶ **Policy UCS 8-15:** Provide responsive and high-quality City government services to residents and businesses.
 - **Action UCS-8c:** Require new development to pay applicable school facility impact fees and work with developers and the school districts to ensure that adequate school and related facilities will be available.

Safety

- ▶ **Policy SA 3-1:** Ensure that new critical facilities in Milpitas are located in areas that minimize exposure to natural hazards.
- ▶ **Policy SA 3-2:** Ensure that critical facilities are properly supplied and equipped to provide emergency services.
- ▶ **Policy SA 3-4:** Support local and regional disaster planning and emergency response planning efforts, and look for opportunities to collaborate and share resources with other municipalities in the region.
- ▶ **Policy SA 3-5:** Continue to maintain the City's Emergency Operations Center and conduct regular staff training exercises to ensure that all City staff members, in addition to emergency responders, are adequately trained to fulfill their duties in the event of an emergency.
- ▶ **Policy SA 3-6:** Maintain effective mutual aid agreements for fire, medical response, and other functions as appropriate.
- ▶ **Policy SA 4-1:** Provide adequate funding for police and fire facilities and personnel to accommodate existing and future citizens' needs to ensure a safe and secure environment for people and property throughout the city.
- ▶ **Policy SA 4-2:** Continue to support community-based crime prevention. Support existing programs and encourage expanded or new programs that focus on youth crime prevention, anti-gang programs, or other community programs that reduce crime throughout the city.

- ▶ **Policy SA 4-4:** Emphasize the use of physical site planning as an effective means of enhancing safety and preventing crime.
- ▶ **Policy SA 4-9:** Ensure that fire and emergency medical services meet existing and future demand by maintaining a response time of four minutes or less for all urban service areas.
- ▶ **Policy SA 4-10:** Ensure that adequate water supplies are available for fire suppression throughout the city. Require development to construct and fund all fire suppression infrastructure equipment needed to provide adequate fire protection services to new development.
- ▶ **Policy SA 4-11:** Promote community safety through education by supporting and leading community events including National Night Out, neighborhood watch programs, increased community training opportunities, and expanding emergency preparedness outreach and opportunities to traditionally underserved/ underrepresented areas and communities within the city.
 - **Action SA 4b:** As part of the development review process require applications to be reviewed by the Public Works Department and Fire Department in order to ensure that development projects facilitate adequate fire services, access, and fire prevention measures.

Parks, Recreation & Open Space

- ▶ **Policy PROS 1-1:** Provide a park and recreation system that is equitably distributed, safe, accessible, and designed to serve the needs of all residents of the community.
- ▶ **Policy PROS 1-2:** Develop and maintain a high-quality system of parks, trails, and recreation facilities to create diverse opportunities for passive and organized recreation.
- ▶ **Policy PROS 1-3:** Achieve and maintain a minimum overall citywide ratio of 5 acres of park land for every 1,000 residents outside of the City's adopted Specific Plan areas. Within adopted 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. (Note: the establish ratio for the Gateway-Main Street Specific Plan is 3.5 acres of park land per 1,000 residents.)
- ▶ **Policy PROS 1-4:** Park land acreage dedications and/or equivalent in-lieu fees shall be required for new development in accordance with the following standards:
 - For areas within a Specific Plan, require land dedication or in-lieu fees equivalent to the park land standard established in the relevant Specific Plan, allowing credit for private recreation space for up to 1.5 acres/1,000 residents for private recreation space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City's Subdivision Regulations (Title XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code).
- ▶ **Policy PROS 1-5:** Encourage the provision and dedication of parkland within future development projects, rather than the payment of in-lieu fees, in order to ensure that the City maintains an extensive network of neighborhood parks that serve all areas of the community.
- ▶ **Policy PROS 1-6:** Encourage private owners to permit public access to all private parks, trails, and recreation facilities to the greatest extent feasible.
- ▶ **Policy PROS 1-7:** Design parks to enhance public safety by providing visibility of all areas both to and from the street, adequate lighting, and access for public safety responders.
- ▶ **Policy PROS 1-8:** Expand, renovate, and maintain high quality recreation facilities, programs, and services to accommodate existing and future needs; encourage traditional and non-traditional recreation; and support active and passive recreation, wellness, historic assets, cultural arts, environmental education, conservation, accessibility, inclusion, diversity, safety, and new technology that equitably serves the most vulnerable populations of the community.

- ▶ **Policy PROS 1-9:** Prioritize funding and City resources to improve the condition, maintenance, and upkeep of existing City parks and recreational facilities.
- ▶ **Policy PROS 1-10:** Require publicly-accessible parks and recreational facilities that are owned and operated by homeowner's associates (HOAs) and special assessment districts to be maintained in a safe and aesthetically-pleasing manner.
- ▶ **Policy PROS 1-11:** Pursue opportunities for cooperation and partnerships with other agencies to develop and enhance publicly-accessible trails and linear parks along local drainages, creeks, and utility corridors.
- ▶ **Policy PROS 1-12:** Encourage and support the expansion of an integrated trail network that connects users to neighboring local and regional trail systems and to community amenities such as schools, open space areas, park and recreation facilities, commercial and job centers and residential areas to encourage both recreational and utilitarian travel.
- ▶ **Policy PROS 2-1:** Emphasize and prioritize public outreach and educational programs that inform the community of available parks, trails, and recreation facilities, programs, and services available in order to increase and enhance community use of these facilities, programs, and services.
- ▶ **Policy PROS 2-2:** Emphasize and prioritize public participation and workshops when developing new park facilities, and/or substantially renovating existing parks, trails, and other recreation facilities. Provide diverse outreach resources that enable close collaboration with a variety of members of the community in the design, and programming, of parks and recreation facilities to ensure that these facilities meet community needs.
- ▶ **Policy PROS 2-3:** Ensure that the City continues to offer a wide range of programs to serve diverse populations of all ages, abilities, income levels and cultural backgrounds. Develop programs, activities, and facilities that appeal to a broad audience, including but not limited to youth, young adults, and seniors and those of varying ethnicities, backgrounds, and abilities.
- ▶ **Policy PROS 2-4:** Support recreational activities, events, organized sports leagues, and other programs that serve broad segments of the community.
- ▶ **Policy PROS 2-5:** Encourage the development of private/commercial recreation facilities that are open to the public to help meet existing and future recreational demands.
 - **Action PROS 1k:** During subsequent updates to key Specific Plans within Milpitas, such as the Transit Area Specific Plan (TASP) and Midtown Specific Plan, review established park standards and explore opportunities to increase requirements for publicly-accessible parks and recreation facilities within these Plan Areas to more closely match the adopted City-wide standard of 5 acres per 1,000 residents.

Milpitas Trails, Pedestrian, and Bicycle Master Plan

The Trails, Pedestrian, and Bicycle Master Plan, adopted in May 2022, provides a vision and action plan for the city to improve safe and convenient travel by active modes. The plan aims to support connectivity and access to destinations; improve safety for all modes; create an all ages and abilities active transportation network that supports all users, including vulnerable and historically disadvantaged populations; integrate active transportation networks with BART and other transit options; and increase access to recreational opportunities. The Plan builds upon the City's previous Bikeways Master Plan from 2002 that the City's Bicycle Pedestrian Advisory Commission produced. The Master Plan categorizes the City's bikeways into five groups: Paved Shared Use Paths, Bike Lanes, Buffered Bike Lanes, Bike Boulevards, and Cycle Tracks and evaluates potential bicycle facility needs throughout the City, as well as potential programs and projects (with potential funding sources for implementation). Unpaved trails and paved shared use paths are vital components of Milpitas's transportation system and recreation opportunities. The existing network is primarily comprised of paved shared use paths. However, the trail network also includes unpaved paths and/or soft surface trails, located primarily within parks.

City of Milpitas Municipal Code

Title XI, Chapter 1, Section 9, Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes, of the City's Municipal Code establishes, as a condition of approval of any final subdivision map or parcel map, that the subdivider must dedicate land, pay a fee in lieu thereof, or both, at the City's option, for park or recreational purposes.

The current land requirement within the Specific Plan Area is 3.5 acres per 1,000 residents. Specific acreage requirements based on residential unit density in a subdivision vary according to the type of development. The amount of land required to be provided as park land pursuant to this Section XI-1-9.06 in the Specific Plan Area is the result of multiplying the project's estimated population (as calculated in Section 9.05) and 152.46 square feet (3.5 acres/1,000 people).

Milpitas Unified School District

The Milpitas School District (MUSD) collects fees, authorized by Education Code Section 17620, on residential and commercial construction within the boundaries of MUSD. The purpose of the fees is to provide adequate school facilities for the students of MUSD. The fees are used to finance construction and reconstruction. MUSD is currently collecting Level I fees. The Level I fees provide a statutorily designated level of fees that districts may assess if they are able to support them through a justification study. Level I fees are subject to an inflationary increase to be authorized by the State Allocation Board in every even year. (Government Code Section 65995). MUSD Developer Fees were approved by the MUSD Board of Education on March 12, 2024 and will go into effect on March 13, 2024. The next adjustment will be in 2026. MUSD currently levies fees of \$5.17 per square foot for residential units and \$0.84 per square foot for commercial/industrial office space (MUSD 2024a).

3.10.2 Environmental Setting

FIRE PROTECTION

The Milpitas Fire Department (MFD) provides fire prevention and protection services to the entire city, including the Specific Plan Area evaluated in this EIR. The MFD operates four fire stations within its service area. Fire Station 1 is located within the Specific Plan Area at 777 South Main Street, while Fire Station 4 is located across I-880 from the Specific Plan Area at 775 Barber Lane. MFD currently employs 82 full-time equivalent staff across all stations (MFD 2024). At Station 1, there is a current daily staffing level of 10, and the station is equipped with a command vehicle, one engine, one truck, and two rescue ambulances (Santa Clara County LAFCO 2023).

The MFD also retains a Bureau of Prevention who is responsible for the inspection of all buildings, structures, and properties in the City with the exception of single and multi-family dwellings in which the owner of the property resides. The Bureau's primary responsibility is enforcement of the California Fire Code and other local fire safety regulations. This includes the inspection of all Life Hazard Use Properties (i.e., gas stations, schools, nursing homes, daycare facilities, auto repair/auto body shops, places of assembly, and large retail operations) and the inspection of Non-Life Hazard businesses, offices, and multi-family residences.

Per the City's General Plan (refer to Policy SA 4-9), the recommended standard for response to an emergency call for service is to arrive within 4 minutes of fire dispatch receiving the 911 call (for 90 percent of the calls). The MFD current average response time is 6.8 minutes for a priority call (Santa Clara County LAFCO 2023).

An important requirement for fire suppression is adequate fire flow, which is the amount of water, expressed in gallons per minute, available to control a given fire and the length of time this flow is available. The total fire flow needed to extinguish a structural fire is based on a variety of factors, including building design, internal square footage, construction materials, dominant use, height, number of floors, and distance to adjacent buildings. Minimum requirements for available fire flow at a given building are dependent on standards set in the California Fire Code.

LAW ENFORCEMENT

Milpitas Police Department

Police protection services are provided by Milpitas Police Department (MPD) for areas within the city. Patrol units to the Specific Plan Area originate from the MPD station located at 1275 N. Milpitas Boulevard, which is located approximately 0.5 mile north of the Specific Plan Area (City of Milpitas 2020). The department uses a variety of data that include geographic information systems (GIS)-based data, call and crime frequency information, and available personnel on an annual basis to meet the changing law enforcement demands of the city.

In terms of staffing, there are 94 funded positions and 34 professional staff positions, not including crossing guards or temporary employees. The City reports that response time for in-progress emergency calls averaged 2 minutes and 51 seconds in 2023. The City's goal for response time for in-progress emergency calls is under 3 minutes (MPD 2023).

In 2023, the MPD handled 23,477 events/calls for service, made 2,302 arrests, issued 3,078 traffic citations, and investigated 798 traffic collisions (MPD 2023).

SCHOOLS

The Milpitas Unified School District (MUSD) provides educational services throughout the city, including residences within the Specific Plan Area. Based on information from the California Department of Education (CDE), MUSD serves approximately 10,200 students across 15 schools (CDE n.d.). Current remodeling and renovation projects being worked on by MUSD using funding from Measure AA include Milpitas High School Performing Arts Center, MUSD Innovation Campus Phase II. Measure E generated \$95 million to renovate and repair Milpitas schools, ensuring all students have access to safe and modern classrooms. Bond Measure E completed projects include program and infrastructure improvements at Mabel Mattos Elementary School, Randall Elementary School, Rose Elementary School and Milpitas High School.

The schools that serve the Specific Plan Area include Pearl Zanker Elementary School (K-6), Mabel Mattos Elementary School (K-6), Anthony Spangler Elementary School (K-6), Rancho Milpitas Middle School (7-8), Thomas Russell Middle School (7-8), and Milpitas High School (9-12). As shown in Table 3.10-1, enrollment numbers have generally decreased since the 2019-2020 academic year. However, MUSD considers the district as a whole as needing to provide additional capacity to serve existing students across the district, which includes nine additional schools beyond those shown below (MUSD 2024b).

Table 3.10-1 Schools Serving the Specific Plan Area and Enrollment

School	2019-2020 Enrollment	2023-2024 Enrollment	Percent Change in Enrollment
Pearl Zanker Elementary School (K-6)	637	578	-9%
Mabel Mattos Elementary School (K-6)	170	666 ¹	292%
Anthony Spangler Elementary School (K-6)	634	623	2%
Rancho Milpitas Middle School (7-8)	719	654	9%
Thomas Russell Middle School (7-8)	839	769	8%
Milpitas High School (9-12)	3,132	3,029	3%

Notes: 1 The capacity of Mabel Mattos Elementary School is estimated to be 800 students (spaces4learning 2024).

Source: City of Milpitas 2020; CDE n.d.

RECREATION

Parks, trails, and recreational facilities in the City of Milpitas are managed by the Recreation and Community Services Department and maintained by the Public Works Department. The City of Milpitas categorizes each park into separate categories: Community Parks, Neighborhood Parks, Special-use Parks, Urban Parks, Linear Parks, Regional

Parks and Private Recreation Facilities. Each type of park is characterized by scale, varying amenities, and the neighborhoods they serve. Approximately 180 acres of park facilities, distributed across 38 parks, are currently provided within the City. In addition, 183 acres of open space that are owned by the City are publicly accessible. The City also operates one community center, one sports center, one senior center, one satellite recreation facility, three swimming pools, and numerous sports fields (City of Milpitas 2020).

OTHER PUBLIC FACILITIES

The Milpitas Public Library is the only public library located in the City of Milpitas. The Milpitas Public Library is part of the Santa Clara County Library District (SCCLD) system. This enables the relatively small Milpitas Public Library to access all of the other libraries that are part of the SCCLD system to obtain information not found in the Milpitas Public Library, which has been requested by customers. The Milpitas Public Library is located at 160 N. Main Street. The library is open from 1 PM to 9 PM on Mondays through Wednesdays, 10 AM to 6 PM on Thursdays through Saturday, and on Sundays from noon to 6 PM. The library collection includes materials in both Spanish and English. It also offers a wide variety of media, including DVDs, CDs and audiobooks, as well as a large print collection. The library offers a number of programs for all ages, including story times for babies and toddlers. The library, grounds and garage are owned by the City of Milpitas and operated by the SCCLD through agreement between the two agencies.

3.10.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Evaluation of potential public service impacts are based on applicable City standards policies and a review of documents pertaining to the public service provision of the City. Impacts on public services that would result from the project were identified by comparing existing service capacity and facilities against future, new, or renovated facilities, the construction of which could have physical effects on the environment in comparison to the impact analysis of the General Plan Update EIR.

THRESHOLDS OF SIGNIFICANCE

A public services and recreation impact is considered significant if implementation of the Specific Plan would do any of the following:

- ▶ Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:
 - fire,
 - police protection,
 - schools,
 - parks, and
 - other public facilities;
- ▶ 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; and/or
- ▶ include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

ISSUES NOT DISCUSSED FURTHER

The Milpitas Public Library is the only public library located in the City of Milpitas. The Milpitas Public Library is part of the Santa Clara County Library District system. This enables the relatively small Milpitas Public Library to access all of the other libraries that are part of the Santa Clara County Library system to obtain information not found in the Milpitas Public Library, which has been requested by customers. The Specific Plan does not propose the construction of library facilities and is therefore no further analysis is included below.

All other thresholds discussed above are evaluated in this SEIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.10-1: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Fire Facilities

The General Plan Update EIR (Impact 3.13-1) determined that impacts related to the need for additional fire facilities would be less than significant. Similarly, implementation of the proposed Specific Plan would alter the level of development within the Specific Plan Area, including the creation of additional housing opportunities that would increase the population in the area. All new development would be required to meet MFD standards and code requirements, such that substantial additional demand for service within the Specific Plan Area is not anticipated. Further, the current level of calls for service at local fire stations does not indicate the potential need for an additional fire station. As a result, the anticipated increase in population and development within the Specific Plan Area would not trigger the need for additional fire facilities. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.13-1 of the General Plan Update EIR identified that growth under the General Plan would trigger new public facilities (including fire facilities) to serve growth contemplated in the General Plan. The environmental impacts of building these facilities were programmatically evaluated in the General Plan Update EIR as part of overall development of the City. The General Plan includes a range of policies and actions to ensure that public services adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services.

Implementation of the proposed Specific Plan could result in the redevelopment of existing land uses with denser and predominantly residential development. This would likely result in additional residents within the Specific Plan Area, which could increase the demand for fire protection services. The potential increase in activity in the Specific Plan Area and new uses in the area could result in an increase in calls for fire and emergency services beyond the amount currently experienced by the MFD. As stated above, Station 1 would be primarily responsible for responding to calls within the Specific Plan Area. All new development would be subject to review and approval by MFD prior to development to ensure adequate provision of fire protection within and around proposed structures. Further, growth associated with the proposed Specific Plan would not result in an expansion of the overall service area for MFD. As a result, growth under the Specific Plan would not exceed the demand of fire stations already anticipated within the General Plan Update EIR. Station 1 would receive assistance from the other surrounding stations (including Station 4 which is the next closest) that would accommodate the additional calls and activities needed to serve the Specific Plan Area's population and uses.

Funding for fire protection services would come from a number of different sources, in a similar manner as police protection. All new development associated with implementation of the Specific Plan would be required to pay applicable development fees and property taxes that fund the City's General Fund to assist in funding public services and facilities, including fire protection. Additionally, all development associated with implementation of the Specific Plan would be required to meet MFD standards related to access, fire hydrants, automatic sprinkler systems, fire alarm systems, water flow, and other requirements. As noted above, MFD would review project construction plans and inspect the construction work as it progresses to ensure that future projects in the Specific Plan Area meet State

and local Building and Fire Code requirements. The proposed Specific Plan would be consistent with General Plan Policy SA 4-1 and Action SA 4b regarding adequate fire services, access, and fire prevention measures.

The proposed Specific Plan aims to provide fire and emergency services and facilities that support growth in the Specific Plan Area, while maintaining an adequate level of service in accordance proposed provisions identified in Section 7.7.1 of the Specific Plan, including conducting a “standards of cover” analysis to determine the Specific Plan’s precise impact on the Fire Department’s staffing and equipment, and any required facility needs. Standards would require the City to identify and evaluate potential sites for an expanded or new fire station near the Specific Plan Area if the standards of cover analysis determines it is warranted. This SEIR programmatically evaluated the construction impacts of potential public service facilities in regard to air quality, noise, and transportation as part of over development of the Specific Plan Area. Any additional public facilities constructed by the City would be proposed by the City at the time they are needed and would undergo separate environmental review.

Because additional facilities are not anticipated to be required to meet the fire protection needs of the Specific Plan Area in the future, there would be no physical environmental effects associated with facility construction or operation beyond what is analyzed in this SEIR. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.10-2: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Police Facilities

The General Plan Update EIR (Impact 3.13-1) determined that impacts related to the need for additional police facilities would be less than significant. Implementation of the proposed Specific Plan would increase the density of development within the Specific Plan area, including the creation of additional residential uses that would increase the population in the Specific Plan Area. While this could lead to an increased demand for police services, all new development would be required to contribute appropriate fees to the City’s General Fund for any potential expansion of staffing or facilities. Additionally, new development would contribute property tax revenues that would be allocated through the City’s General Fund for police protection services, both maintenance and expansion. As a result, the anticipated increase in population and development within the Specific Plan Area would not trigger the need for additional police facilities. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.13-1 of the General Plan Update EIR identified that growth under the General Plan would trigger new public facilities (including police facilities) to serve growth contemplated in the General Plan. The environmental impacts of building these facilities were programmatically evaluated in the General Plan Update EIR as part of overall development of the City. The General Plan includes a range of policies and actions to ensure that public services adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services.

Implementation of the Specific Plan would increase residential development in the area. This would likely lead to an increase in residents, employees, and visitors to the area which could lead to an increased need for police protection services. As noted above, the Specific Plan Area is currently located less than 0.5 mile from the MPD station. MPD maintains a response time goal of under 4 minutes for any emergency calls for service, which it is currently achieving. With the increase in population as a result of the Specific Plan, the police department might be required to hire more officers to meet that goal if calls for service increase. However, the growth anticipated as part of the Specific Plan would not increase the service area for MPD and would be located proximate to existing MPD facilities. The proposed Specific Plan’s provisions, identified in Section 7.8.1 of the Specific Plan, aim to provide adequate police services and facilities that ensure the safety of the community, through standards that require the MPD to hire additional police staff and purchase equipment to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Specific Plan Area, as well as surrounding areas. New equipment is required to

be funded by the Community Facilities District and new staff paid from the City's General Fund. All future projects within the Specific Plan Area would be required to pay the appropriate taxes and fees to finance the City's General Fund. The General Fund would provide the necessary funding for personnel increases described above in order to maintain acceptable service ratios. As a result, no additional facilities, the construction of which could result in significant environmental impacts, are anticipated. The proposed Specific Plan would be consistent with General Plan Policy SA 4-1 law enforcement facility needs.

This SEIR programmatically evaluated the construction impacts of potential public service facilities in regard to air quality, noise, and transportation as part of over development of the Specific Plan Area. Any additional public facilities constructed by the City would be proposed by the City at the time they are needed and would undergo separate environmental review. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.10-3: Result in Substantial Adverse Physical Impacts Associated with the Provision of New School Facilities

The General Plan Update EIR (Impact 3.13-1) determined that impacts related to the need for additional school facilities would be less than significant. Implementation of the proposed Specific Plan would increase the level of development within the Specific Plan Area, including additional residences that would increase population within the Specific Plan Area. This would result in potential additional students that would attend school in the area. With respect to the schools that currently serve the Specific Plan Area, none of the schools are considered at capacity or beyond prior service levels. Further, all development within the Specific Plan Area would be required to pay applicable school fees, which are deemed full and complete mitigation for impacts on schools. As a result, no new significant or substantially more severe impact related to school facilities would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.13-1 of the General Plan Update EIR identified that growth under the General Plan would trigger new public facilities (including public schools) to serve growth contemplated in the General Plan. The environmental impacts of building these facilities were programmatically evaluated in the General Plan Update EIR as part of overall development of the City. The General Plan includes a range of policies and actions (listed above) to ensure that public services adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services.

Implementation of the Specific Plan would result in the development of future residential dwelling units where families with school age children could live. School facilities that currently serve the Specific Plan Area and the surrounding area include the six schools (Zanker Elementary School, Mabel Mattos Elementary School, Anthony Spangler Elementary School, Rancho Milpitas Middle School, Thomas Russell Middle School, and Milpitas High School) identified in Table 3.10-1. These schools provide education from K-12 for students in the area. Based on recent enrollment trends and noted capacities for these schools, there appears to be additional enrollment capacity at each of these schools; however, as also noted above, MUSD considers the district as a whole to be operating above capacity (MUSD 2024b). As mentioned above, current remodeling and renovation projects are being conducted by MUSD using funding from Measures AA and E, which is improving facilities to address needs at Milpitas High School Performing Arts Center, MUSD Innovation Campus, Mabel Mattos Elementary School, Randall Elementary School, Rose Elementary School and Milpitas High School.

MUSD has student generation numbers for the district divided by school level and single or multi-family (Table 3.10-2). The numbers presented for student generation rates are based on the entire district and can vary based upon the size of the development. Development that may occur with implementation of the Specific Plan would lead to additional student generation that, based on current student generation rates, could exceed the remaining capacity of existing neighborhood schools in addition to further contributing to existing over-enrollment within MUSD. MUSD

incorporates a wide range of temporary measures to respond to changes in student enrollment at city schools that include but are not limited to splitting grade levels, temporarily transferring students to other schools with additional capacity, installation of temporary classrooms, and sending students to other neighboring school districts when appropriate. In addition, the proposed Specific Plan contains standards identified in Section 7.9.1 of the Specific Plan, that have been developed to ensure adequate school facilities are provided to accommodate the increase in new students. Standards include coordination with the MUSD on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts; ensure that all school impact fees are paid from individual projects prior to the issuance of any building permits; and continue to monitor school enrollment numbers to ensure the existing schools have the resources they need to provide quality education to MUSD students. As new development is proposed within the Specific Plan Area, all development within the Specific Plan Area would be required to pay applicable school fees, which are deemed full and complete mitigation for impacts on schools. The most recent update to the MUSD School Facility Fees was approved in March 2024. Government Code Section 65995(h) states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed under Section 17620 of the Education Code is deemed to be full and complete mitigation of the impact for the planning, use, development, or provision of adequate school facilities.

Table 3.10-2 Student Generation in the Specific Plan Area Beyond General Plan Buildout

School Type	Generation Rate	Net Increase in Households under the Specific Plan	Students Generated by Development under the Specific Plan
Elementary (K-6)	0.224	5,176	848
Middle School (7-8)	0.059	5,176	223
High School (9-12)	0.132	5,176	500

Source: MUSD 2024b.

The schools that would serve the Specific Plan Area have the ability to accommodate the students generated from the proposed Specific Plan. The Specific Plan would not generate more students than those calculated by the MUSD student generation rates, and all future development within the Specific Plan Area would contribute appropriate funds towards school improvements. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.10-4: Result in Substantial Adverse Physical Impacts Associated with the Demand for or Provision of New Parks and Other Recreational Facilities

The General Plan Update EIR (Impact 3.13-2) determined that impacts related to the need for additional parks or recreational facilities would be less than significant. Implementation of the proposed Specific Plan would increase the level of development within the Specific Plan Area, including increased residential dwelling units that would increase the population in the area, which would result in an increased demand for recreational facilities, including public parks. However, all development under the Specific Plan would be required to comply with General Plan Policies PROS 1-3 and 1-4, which requires provision of or submittal of in-lieu fees for park and recreational facilities, in order to maintain acceptable parkland ratios. As a result, no new significant or substantially more severe impact related to parks and recreation would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.13-2 of the General Plan Update EIR identified that growth under the General Plan would trigger the need for new park and recreation facilities to serve growth contemplated in the General Plan. The environmental impacts of building these facilities were programmatically evaluated in the General Plan Update EIR as part of overall development of the City. The General Plan includes a range of policies and actions to ensure that public services

adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services.

Implementation of the Specific Plan would allow for redevelopment of the Specific Plan Area. New development that could occur as a result of implementation the Specific Plan include residential uses that would increase local population and could result in an increased demand for recreational opportunities in the area. However, the Specific Plan identifies new parks and plazas to support existing and future development in the Specific Plan Area for use by residents and to serve as district focal points for activity. Section 6.3.1 of the proposed Specific Plan identifies the proposed parks and plazas within the Specific Plan Area. The proposed Specific Plan would be consistent with General Plan Policy PROS 1-2 regarding the provision of diverse park facilities.

Based on a projected total population of 16,384 within the Specific Plan Area and based on the service level goal standards for the Specific Plan (3.5 acres/1,000 residents), 58 acres of community-serving and neighborhood-serving parks would be needed to meet the goals for the Specific Plan Area. Several acres of new parks and plazas are proposed as part of the plan (refer to Chapter 2, "Project Description"), including North Main Street Park, Crossroads Square, Carlo Park, Serra Center, Tom Evatt Park expansion, and South Railyards Park. The proposed Specific Plan supports creative solutions to providing neighborhood park and recreational facilities for urban areas, where land dedication is not reasonably feasible, such as providing community-serving recreational facilities in regional parks. Therefore, because future development within the Specific Plan Area would be required to pay City park dedication fees and/or provide park land, impacts would be less than significant. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

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3.11 TRANSPORTATION

This section describes existing federal, state, and local transportation regulations and policies and discusses the existing roadway network and transportation facilities in the vicinity of the Specific Plan Area. The section summarizes transportation impacts in the Specific Plan Area, as described in the certified General Plan Update EIR and analyzes the potential transportation impacts from implementation of the proposed Gateway-Main Street Specific Plan (Specific Plan). Mitigation measures that would reduce impacts, where applicable, are also discussed. Information contained within this section is provided in the *Milpitas Gateway-Main Street Specific Plan: Vehicle Miles Traveled (VMT) for the Environmental Review* (VMT Report) (Fehr & Peers 2024), which is included as Appendix D and incorporated herein.

Pursuant to Senate Bill (SB) 743, CEQA Section 21099, and State CEQA Guidelines Section 15064.3(a), generally, a project's effect on automobile delay is no longer considered when identifying impacts under CEQA. Instead, VMT has been identified as the most appropriate measure of transportation impacts. Therefore, the transportation analysis herein evaluates impacts using VMT and does not include a level of service (LOS) analysis.

The Draft EIR for the Milpitas General Plan Update (General Plan Update EIR) included Section 3.14, "Transportation," which evaluated the potential effects of the adopted General Plan. The General Plan Update EIR concluded that there would be a less-than-significant impact related to bicycle facilities, pedestrian facilities, and transit facilities; emergency access; and transportation hazards (Impacts 3.14-1, 3.14-3, and 3.14-4, respectively). The General Plan Update EIR concluded that impacts related to VMT would be significant and unavoidable with implementation of all proposed General Plan policies and feasible mitigation measures.

Comments received regarding transportation in response to the Notice of Preparation included requests to consider fair share contributions toward multi-modal and regional transit improvements and consistency with applicable transportation plans, as well as the potential impacts to State right-of-way (ROW) related to construction. Because a project's effects on automobile delay no longer constitute a significant impact under CEQA, comments related to automobile delay (e.g., LOS, congestion) are not addressed in this draft SEIR. All other comments are addressed in the analysis below. Comments received in response to the Notice of Preparation are presented in Appendix A of this SEIR. See Appendix A for all comments received.

3.11.1 Regulatory Setting

FEDERAL

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) provides comprehensive rights and protections to individuals with disabilities. The goals of the ADA are to ensure equality of opportunity, full participation, independent living, and economic self-sufficiency. ADA guidelines address various issues, including roadway design practices; slope and terrain issues; and pedestrian access to streets, sidewalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public right-of-way.

STATE

California Department of Transportation

The California Department of Transportation (Caltrans) is the state agency responsible for the design, construction, maintenance, and operation of the California State Highway System, as well as the segments of the Interstate Highway System within California. Caltrans District 4 is responsible for the operation and maintenance of highways in the Specific Plan Area. Caltrans requires a transportation permit for any transport of heavy construction equipment or materials that necessitates the use of oversized vehicles on State highways, and an encroachment permit for any work within Caltrans ROW.

California Manual on Uniform Traffic Control Devices, Part 6: Temporary Traffic Control

The *California Manual on Uniform Traffic Control Devices* (CA MUTCD), Part 6: Temporary Traffic Control provides principles and guidance for the implementation of temporary traffic control to ensure the provision of reasonably safe and effective movement of all roadway users (e.g., motorists, bicyclists, pedestrians) through or around temporary traffic control zones while reasonably protecting road users, workers, responders to traffic incidents, and equipment. Additionally, this document notes that temporary traffic control plans and devices shall be the responsibility of the public body or official having jurisdiction to guide road users (Caltrans 2024: 1029).

California Transportation Impact Study Guide

The Caltrans Transportation Impact Study Guide was prepared to provide guidance to Caltrans districts, lead agencies, tribal governments, developers, and consultants regarding Caltrans review of a land use project or plan's transportation analysis using a VMT metric. The Transportation Impact Study Guide is intended to be a reference and informational document, and its guidance is not binding on public agencies (Caltrans 2020a: 3).

Interim Local Development Intergovernmental Review Safety Practitioners Guide

The purpose of the *Interim Local Development Intergovernmental Review (LDIGR) Safety Review Practitioners Guidance* is to provide instructions to Caltrans personnel, lead agencies, developers, and consultants conducting safety reviews for proposed land use projects and plans affecting the state highway system. The LDIGR guidance establishes the safety impact review expectations for Caltrans and lead agencies to comply with CEQA; however, it does not establish thresholds of significance for determining safety impacts (Caltrans 2020b). The LDIGR guidance can also be used by lead agencies, developers, and consultants as a model for analyzing the safety impacts of proposed land use projects and plans on local roadways. The LDIGR guidance prioritizes vulnerable users and communities; enhances safety for pedestrians, bicycle, transit, and vehicular modes; and applies both reactive and systemic perspectives.

Encroachment Permits Manual

The *Caltrans Encroachment Permits Manual* provides information on the permitting process, describes departmental policies, and maintains uniform methods and procedures related to the issuance of encroachment permits. Section TR-0045 of the Encroachment Permits Manual describes the general provisions of a Caltrans encroachment permit including standards of construction, pedestrian and bicyclist safety, and requirements for public traffic control (Caltrans 2022).

California Department of Transportation Standard Specifications

The *Caltrans Standard Specifications* provide detailed requirements and guidelines for the construction of transportation projects in California. These specifications cover a wide range of topics, including materials, construction methods, testing procedures, and quality assurance measures. They are intended to ensure that transportation projects in the state are built to high standards and meet the necessary safety and performance criteria. Contractors, engineers, and other stakeholders involved in transportation projects funded or managed by Caltrans must adhere to these specifications during the planning, design, and construction phases. The specifications are periodically updated to reflect changes in technology, industry best practices, and regulatory requirements.

District 4 Bike Plan

Some state highways allow bicycling though many lack low-stress facilities and crossings that meet the needs of a wide range of cyclists. The *Caltrans District 4 Bike Plan* adopts the overall vision, goals, objectives, and strategies of the *State Bicycle and Pedestrian Plan*; identifies infrastructure improvements that can enhance bicycle safety and mobility throughout District 4; and aims to remove barriers to bicycling in the region (Caltrans 2018: 1).

District 4 Pedestrian Plan

The *Caltrans District 4 Pedestrian Plan* identifies the challenges and needs related to walking along and across Caltrans roadways in District 4. The plan implements the vision statement and goals in the State Bicycle and Pedestrian Plan and complements the District 4 Bike Plan (Caltrans 2021a: 5). The plan includes a prioritized list and map of location-based pedestrian needs and a toolkit with strategies to address identified needs.

California Transportation Plan

The *California Transportation Plan 2050* is a roadmap for achieving a safe, resilient, and universally accessible transportation system and includes goals, objectives, and performance measures to guide state and regional transportation planning (Caltrans 2021b). The following goals and objectives are relevant to the analysis of the project:

- ▶ **Accessibility:** Improve multimodal mobility and access to destinations for all users.
 - **Objective 1: Increase access to destinations.** Accessibility can be improved not only through transportation system enhancements, but through compact, diverse land uses that support multiple modes and facilitate shorter and more convenient trips.
 - **Objective 3: Provide integrated and seamless travel connections.** Many Californians use multiple modes of transportation to reach their destinations. Integrating and connecting these modes, as well as addressing gaps in the existing transportation network, is essential to improving the convenience and reliability of travel throughout the state.
- ▶ **Quality of Life & Public Health:** Enable vibrant, healthy communities.
 - **Objective 1: Expand access to healthy transportation options.** This objective seeks to reduce dependence on the single occupant vehicle and ensure that people have access to safe and healthy travel options such as biking, walking, and transit.

California Code of Regulations Section 15064.3

On December 28, 2018, State CEQA Guidelines Section 15064.3 was introduced to address the determination of significance for transportation impacts. This amendment mandates that transportation analyses be based on VMT rather than congestion metrics, such as level of service. The shift in focus was a direct response to legislation, notably SB 743, passed in 2013, that required the Governor's Office of Planning and Research (OPR) to develop new State CEQA Guidelines that address traffic metrics under CEQA. As stated in the legislation, upon adoption of the new guidelines, "automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." Following approval by the Office of Administrative Law, the updated State CEQA Guidelines took effect statewide on July 1, 2020, implementing the provisions outlined in State CEQA Guidelines Section 15064.3. As a result, VMT analysis has become a crucial component of project evaluations under CEQA. Therefore, VMT is considered in the analysis of the proposed Specific Plan.

In December 2018, OPR published the most recent version of the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory), which provides guidance for VMT analysis. The OPR Technical Advisory provides guidance related to screening thresholds for small projects to indicate when detailed analysis is needed or if a project can be presumed to result in a less-than-significant VMT impact. The OPR Technical Advisory notes that projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact, absent substantial evidence indicated otherwise (OPR 2018). Section 15064.3(b)(3), Qualitative Analysis, states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively. Additionally, as detailed in the OPR Technical Advisory, "active transportation projects generally reduce VMT and therefore are presumed to cause a less-than-significant impact on transportation" (OPR 2018: 23).

California Fire Code

The 2022 California Fire Code, which is codified at Part 9 of Title 24 of the California Code of Regulations (CCR), incorporates by adoption the 2021 International Fire Code and contains regulations related to construction, maintenance, access, and use of buildings. Topics addressed in the California Fire Code include design standards for fire apparatus access (e.g., turning radii, minimum widths), standards for emergency access during construction, provisions intended to protect and assist fire responders, and several other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety. The California Building Standards Code, including the California Fire Code, is revised and published every 3 years by the California Building Standards Commission.

REGIONAL

Metropolitan Transportation Plan/Sustainable Communities Strategy

The Association of Bay Area Governments (ABAG) is a regional planning agency that includes the nine-county Bay Area region and the Metropolitan Transportation Commission (MTC) is the metropolitan planning organization governing the nine-county Bay Area region consisting of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, and their 101 cities, including the City of Milpitas. ABAG and MTC are jointly responsible for the preparation of, and updates to, the metropolitan transportation plan/sustainable communities strategy (MTP/SCS) and the associated Metropolitan Transportation Improvement Program (MTIP). Adopted in October 2021, the *Plan Bay Area 2050* MTP/SCS provides a vision for growth and investment in the Bay Area region through 2050. The three primary transportation strategies of the MTP/SCS fall into three themes: maintain and optimize the existing transportation system; create healthy and safe streets; and build a next-generation transit network (MTC 2021).

Metropolitan Transportation Improvement Program

MTC, the federally designated metropolitan planning organization for the region, prepares and adopts the MTIP every four years. The MTIP is a short-term listing of surface transportation projects that receive federal funds, are subject to a federally required action, or are regionally significant. MTC adopted the 2023-2026 MTIP, which covers four years of programming, in September 2022. The project listing in the MTIP provides a detailed description for each individual project in the 2023-2026 MTIP, including those in Santa Clara County and the City of Milpitas.

Santa Clara County Valley Transportation Authority

The Santa Clara Valley Transportation Authority (VTA) operates light rail, bus, and paratransit services throughout Santa Clara County and serves as the Congestion Management Agency (CMA).

Congestion Management Program

As the CMA for Santa Clara County, VTA is responsible for maintaining the County's Congestion Management Program (CMP). The CMP's goal is to develop a transportation improvement program to improve multimodal transportation system performance, land use decision-making, and air quality among local jurisdictions (VTA 2021). The primary elements of the 2021 CMP are as follows:

- ▶ a system definition and traffic LOS standard element,
- ▶ a multimodal performance measures element,
- ▶ a transportation demand management and trip reduction element,
- ▶ a land use impact analysis element,
- ▶ a Capital Improvement Program,
- ▶ development of a countywide transportation model, and
- ▶ development of Multimodal Improvement Plans (VTA 2021).

Valley Transportation Plan

The VTA *Valley Transportation Plan* (VTP) 2040 was adopted in October 2014. The VTP provides a long-range vision for the Santa Clara County transportation system (VTA 2014). The VTP describes all major projects, programs, and initiatives expected to occur over the next 25 years and will help the County achieve the goals established in the regional transportation plan. It prioritizes complete streets, express lanes, light rail effectiveness upgrades, bus rapid transit, and bicycle and pedestrian improvements.

Santa Clara Countywide Bicycle Plan

The *Santa Clara Countywide Bicycle Plan* was adopted in May 2018. The plan envisions a safe, convenient, and connected network of bikeways across Santa Clara County and establishes a network of cross county bikeway corridors that would provide continuous and complete bike connections across the county (VTA 2018).

Bus Stop and Facility Criteria and Standards

The *VTA Bus Stop & Passenger Facility Design Criteria and Standards* provides uniform criteria and standards for the design and construction of bus-related facilities (e.g., bus shelters, bus stop signs) and amenities (e.g., lighting, seating) in the VTA transit service area (VTA 2020: 3). The design criteria for bus stop and passenger facility includes design for safety, accessibility, ease of operation, positive transit experience, traffic compatibility, and ease of maintenance (VTA 2020: 6).

LOCAL

City of Milpitas

General Plan

The *City of Milpitas General Plan 2040* (General Plan 2040) (City of Milpitas 2021a) is the guiding long-term plan and policy document for physical development in the city through 2040. General Plan 2040 provides goals and policies for the Gateway-Main Street Area to create a mixed-use neighborhood with a variety of residential, commercial, civic, and cultural uses in a compact, walkable, and centralized setting. The General Plan 2040 includes the following policies and actions related to transportation that are applicable to the project:

- ▶ **Policy LU 3-2:** Continue to utilize planning tools (including specific plans and overlay districts) that promote transit-oriented and mixed-use development near the Milpitas Transit Center.
- ▶ **Policy LU 4-1:** Coordinate land use and development decisions with the capacity of the transportation system and plans for future transportation improvements.
- ▶ **Policy LU 4-2:** Emphasize efforts to reduce regional vehicle miles traveled by support land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.
- ▶ **Policy LU 4-4:** Encourage new development to facilitate pedestrian, bicycle, and transit access through techniques such as minimizing building separation from public sidewalks; providing safe, direct, accessible, convenient, and pleasant pedestrian connections; including secure and convenient bike storage; and orienting building entrances to transit service.
 - **Action SA-3e:** As part of the development review process, consult with the police and fire departments in order to ensure that the project provides adequate emergency access.
- ▶ **Policy CIR 1-1:** Prioritize and measure infrastructure and facility safety on streets and public rights-of-way.
- ▶ **Policy CIR 1-2:** Ensure that the City's transportation system supports planned land uses and removes barriers to all types of transportation options as envisioned in the Land Use Element.
- ▶ **Policy CIR 1-3:** Promote interconnectivity of the transportation network in existing and new developments and actively measure the quality of conditions in neighborhoods to better understand what barriers exist in order to support use of and access to the network.
- ▶ **Policy CIR 1-4:** Coordinate development of safe, inclusive, and health-promoting transportation infrastructure with local, county, regional, and state agencies to optimize efficiency of the transportation network for all users and increase opportunities for physical activity for all types of users.
- ▶ **Policy CIR 1-5:** Encourage reduced block size in new developments to develop a grid or modified grid network to enhance walkability.

- ▶ **Policy CIR 1-11:** Maintain acceptable service standards for all major streets and intersections for all modes of transportation, with an emphasis on comfort and safety to increase choices for pedestrians and people who ride bicycles. Examples of multimodal evaluation considerations may include tradeoffs between addition of turn lanes and the resulting impacts to continuity of bike lanes or increases in pedestrian crossing distance and delay.
- ▶ **Policy CIR 1-12:** Identify strategies to maximize person throughput to support the efficient and safe mobility of people, regardless of transportation mode. Approaches to achieving this may include transportation systems management (TSM), intelligent transportation systems (ITS), traffic signal coordination, and transit signal priority.
- ▶ **Policy CIR 2-1:** Promote multimodal transportation options by developing an interconnected system of streets, roads, bridges, and highways that provides continuous, efficient, safe, and convenient travel for all users regardless of mode, age, or ability, and encourage users to walk, ride a bicycle, or use transit for shorter, local trips.
- ▶ **Policy CIR 2-2:** Design intersections to safely and comfortably accommodate all transportation modes and users, especially those who are disproportionately impacted by health, income, or access disparities.
- ▶ **Policy CIR 2-3:** Seek opportunities to implement and assess traffic calming strategies that reduce vehicle speeds and establish a safer, more comfortable environment for pedestrians and bicyclists.
- ▶ **Policy CIR 2-4:** To enhance the City's multimodal network in a cost-effective and forward-thinking manner, view all public capital improvement projects as opportunities to enhance mobility, access, health and safety for all modes of transportation, especially for those who are more vulnerable.
- ▶ **Policy CIR 2-7:** Provide inclusive and diverse wayfinding measures to provide directional guidance for pedestrians, bicyclists, and transit riders.
- ▶ **Policy CIR 3-1:** Coordinate with VTA and [Bay Area Rapid Transit] BART to design and implement capital improvements that support safety and access to rail stations and bus stops.
- ▶ **Policy CIR 3-2:** Coordinate transit planning and provision of transit-supportive infrastructure with Caltrans, VTA, BART, and other service providers to provide seamless service for users across transit modes and to facilitate transfers.
- ▶ **Policy CIR 3-3:** Work with local stakeholders and VTA to ensure that paratransit services adequately meet the needs of people with disabilities in Milpitas.
- ▶ **Policy CIR 3-4:** Ensure that all transit-supportive infrastructure, sidewalks, and bike lanes are adequately maintained to provide high-quality facilities for users.
- ▶ **Policy CIR 4-1:** Encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities to accommodate pedestrians and bicyclists of all ages and abilities and encourage all users to reduce vehicle trips and utilize active transportation options with an increase in density of pedestrian and bicycle-supportive infrastructure.
- ▶ **Policy CIR 4-2:** Link and expand City pedestrian and bicycle circulation facilities to existing and planned local and regional networks with an emphasis on expanding infrastructure options near transit.
- ▶ **Policy CIR 4-3:** Encourage walking, biking, and transit use by prioritizing and implementing "first-mile/last-mile" improvements, wayfinding and education efforts in the vicinity of the Great Mall transit center, light rail stations, the BART station, and heavily used bus stops.
- ▶ **Policy CIR 4-4:** Provide secure bicycle parking and end-of-trip support facilities (publicly accessible lockers, changing rooms, and showers) at centers of civic, retail, recreation, education, and work activity.
- ▶ **Policy CIR 4-5:** Support building bridges or under-crossings across creek channels, railroad lines, and roadways in a manner that will enhance safety, improve network connectivity, and facilitate bicycling and walking between high-density residential developments, retail centers, civic buildings, and recreational centers.
- ▶ **Policy CIR 4-6:** Eliminate gaps in the pedestrian and bicycle network, especially between neighborhoods, trails that access schools, and areas with higher health disparities.

- ▶ **Policy CIR 5-4:** Encourage developers to provide enhanced Transportation Demand Management programs and alternative transportation infrastructure that exceeds minimum requirements in exchange for reduced parking requirements, with a focus on priority development areas and locations in proximity to high-capacity transit.
- ▶ **Policy CIR 6-2:** Support development of healthier communities through the use of lower- or non-polluting modes of transportation to reduce greenhouse gas emissions (GHG) vehicle emissions and local air pollution levels.
- ▶ **Policy CIR 6-3:** Encourage walking and bicycling as strategies to promote public health and reduce the long-term transportation costs of owning and maintaining a vehicle.
- ▶ **Policy CIR 6-7:** Develop impact fees to provide revenues to be used to construct pedestrian and bicycle infrastructure that will support new development.
- ▶ **Policy CIR 7-4:** Ensure that construction detour routes provide safe and convenient access for users of all modes of transportation, including people with disabilities.

Climate Action Plan Update

The *City of Milpitas Climate Action Plan (CAP)* was adopted in 2022 and identifies the near- and long-term strategies for reducing community-wide greenhouse gas emissions and meeting State climate goals. The CAP Update includes the following measures related to transportation (City of Milpitas 2022a).

- ▶ **Measure TR-1.1:** Reduce VMT from new development in compliance with SB 743.
- ▶ **Measure TR-1.2:** Reduce VMT from existing development.
 - **Action TR-1.2.3:** Require employers of 50 or more employees to implement vehicle trip reduction programs and limit car commutes to 40 percent of their workforce by 2030.
- ▶ **Measure TR-1.3:** Continue to implement and adopt policies that support high-density, mixed-use, and transit-oriented development and housing near jobs.
 - **Action TR-1.3.4:** Support high levels of ridership at the Milpitas BART station by encouraging higher density, mixed uses, and connectivity along transit corridors and at transit nodes. Promote the increase of density and mixed uses in key opportunity areas.
- ▶ **Measure TR-3.1:** Enhance and expand transit facilities and infrastructure.
 - **Action TR-3.1.2:** Ensure a pedestrian-friendly environment around the Milpitas BART and light rail stations.
- ▶ **Measure TR-3.3:** Improve active transportation options.
 - **Action TR-3.3.1:** Require all new development other than single family to provide short-term and long-term bicycle parking facilities to meet peak season maximum demand.
 - **Action TR-3.3.3:** Require new nonresidential development projects to provide “end-of-trip” facilities for cyclists, including showers, secure bicycle lockers, and charging spaces.

Transportation Analysis Guidelines

The *City of Milpitas Transportation Analysis Guidelines (TAG)* are intended to assist applicants with assessing the potential transportation impacts of proposed projects within the city (City of Milpitas 2022b). The TAG establishes screening criteria, thresholds for VMT impacts, guidelines for mitigation to reduce VMT consistent with SB 743. The TAG recommends the following thresholds of significance (City of Milpitas 2022b: 9-10, 25):

- ▶ Conflicts with a plan, ordinance, or policy addressing the circulation system. A significant impact could be identified if proposed projects fail to conform to the policies in the following guiding documents:
 - Milpitas General Plan;
 - Milpitas Midtown Specific Plan;
 - Milpitas Transit Area Specific Plan;

- Milpitas Bicycle, Pedestrian, and Trails Master Plan; and
- Congestion Management Program.
- ▶ VMT Impacts:
 - The Santa Clara County Areawide reference average VMT baseline and a 15 percent threshold of significance for both residential and office projects.
 - Retail projects which would result in a net increase in total VMT is a significant VMT impact; however, retail projects determined by the City to be local service are exempt from VMT analysis. In all cases, retail projects larger than 100,000 square feet may be considered regional-serving and would be subject to the retail threshold of significance.
 - Mixed-use and all other project types: Each land use within a mixed-use project, and all other project types, shall be evaluated independently by applying the most appropriate threshold of significance to each land use type being proposed.
- ▶ Transportation Hazard Impact: Consistency with this item can be demonstrated in transportation conditions that are consistent with adopted geometric design practices (e.g., Caltrans Highway Design Manual, Complete Streets, CA-MUTCD for traffic control devices and signage). In addition, the City of Milpitas has adopted transportation standards in the Municipal Code.
- ▶ Emergency Access Impact: A project may result in inadequate emergency access if it includes modifications to the existing transportation network, which would potentially impact emergency access response times. However, a project could demonstrate compliance with requirements contained in the City's Design and Construction Standards, which include requirements for emergency access.

In addition to thresholds of significance, the City TAG also establishes four tiers of mitigation to reduce VMT. Projects that do not meet applicable screening criteria are required to evaluate VMT and must demonstrate that the project VMT meets the applicable thresholds. If mitigation is required, a project must propose mitigation from Tier 2 and then propose any additional mitigation from Tier 3 and Tier 4 (City of Milpitas 2022b: 17). To mitigate from Tier 1, further coordination with City staff would be required. The four tiers of mitigation are detailed below (City of Milpitas 2022b: 16):

- ▶ **Tier 1: Project Characteristics.** Although it may be difficult to revise a project during environmental review, Tier 1 strategies allow the user to increase the project density, diversity of land uses, and add affordable and/or below market rate housing to the residential and employment projects to reduce VMT.
- ▶ **Tier 2: Multimodal Network Improvements.** These improvements include implementing bicycle lanes, improving the pedestrian network, implementing traffic calming, increasing transit accessibility, and improving network connectivity. These improvements require coordination with Mountain View staff and additional studies (signal warrant studies, traffic calming studies, etc.) to determine feasibility. Ideally, consultants should use the City's approved plans which contain various transportation improvements to bicycle, pedestrian, and roadway facilities as VMT mitigation.
- ▶ **Tier 3: Parking.** Parking strategies shown to effectively reduce VMT include reduced parking, increased bike parking, or end-of-trip bike facilities. To be most effective, the areas surrounding the projects with reduced parking should have parking permit programs.
- ▶ **Tier 4: Travel Demand Management (TDM).** There are a multitude of TDM measures to reduce VMT. The Santa Clara County VMT Evaluation Tool (the tool) assesses a project's potential VMT based on the project description, location, and attributes and can be used to evaluate most residential and employment projects. The tool includes all allowable TDM measures and their relative effectiveness. Based on the percentage participation selected by the user, the tool calculates the resulting VMT reduction. The various TDM measures in the tool include school carpool programs, bike-sharing programs, car-sharing programs, trip reduction marketing/educational campaign, parking cash-out, subsidized transit, telecommuting, alternative work schedules, shuttles, pay to park, ridesharing, unbundled parking, and subsidized vanpool.

Trail, Pedestrian, and Bicycle Master Plan

The *City of Milpitas Trail, Pedestrian, and Bicycle Master Plan* (TPBMP) provides a vision and action plan to improve safety and provide convenient modes of active transportation. Specifically, the TPBMP aims to create a complete, interconnected system of paved shared-use paths, on-street bikeways, and pedestrian improvements to support travel in and around the city (City of Milpitas 2021b: 19). The TPBMP is consistent with and supports the goals and policies included in the General Plan Circulation Element.

3.11.2 Environmental Setting

This section describes the existing environmental setting, which is the baseline scenario upon which project-specific impacts are evaluated. The environmental setting for transportation includes baseline descriptions for roadway, transit, bicycle, and pedestrian facilities.

ROADWAY SYSTEM

The Specific Plan Area encompasses a network of state, county, and city roadways. The Federal Highway Administration (FHWA) classifies urban and rural roadways by road function. The functional classification of roadways defines the role each element of the roadway network plays in serving the transportation system (FHWA 2023). FHWA defines each roadway classification as follows:

- ▶ **Interstates:** Interstates are the highest classification of arterials and were designed and constructed with mobility and long-distance travel in mind.
- ▶ **Other Freeways and Expressways:** Roadways in this functional classification category look very similar to interstates. While there can be regional differences in the use of the terms “freeway” and “expressway,” for the purpose of functional classification, the roads in this classification have directional travel lanes, are usually separated by some type of physical barrier, and their access and egress points are limited to on- and off-ramp locations or a very limited number of at-grade intersections.
- ▶ **Other Principal Arterials:** These roadways serve major centers of metropolitan areas, provide a high degree of mobility, and can also provide mobility through rural areas. Unlike their access-controlled counterparts, abutting land uses can be served directly.
- ▶ **Minor arterials:** Minor arterials provide service for trips of moderate length, serve geographic areas that are smaller than their higher arterial counterparts, and offer connectivity to the higher arterial system. In an urban context, they provide intra-community connectivity and may carry local bus routes.
- ▶ **Major and Minor Collectors:** Collectors serve a critical role in the roadway network by gathering traffic from local roads and funneling them to the arterial network.
- ▶ **Local Roads:** Locally classified roads account for the largest percentage of all roadways in terms of mileage. They are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of direct access to abutting land (FHWA 2023).

Access to the Specific Plan Area is provided by a network of State, County, and City roadways. Major roadways in the vicinity of the Specific Plan Area are described below (Fehr & Peers 2022).

Freeways/State Highways:

- ▶ **I-680** connects the City of San José to I-80 through the Cities of Milpitas, Dublin, Walnut Creek, and Fairfield. I-680 is fully grade separated with at least three lanes per direction through the City of Milpitas. A high-occupancy toll lane is present in the southbound direction for most of the roadway in Milpitas. Interchanges with Calaveras Boulevard and Montague Expressway provide direct access to the Specific Plan Area.
- ▶ **I-880** is a north-south interstate highway extending north from the I-280/I-880/SR 17 interchange in San José to Oakland. The interstate has three general purpose lanes. Between Oakland and Milpitas, it has one high-

occupancy toll lane in each direction and between Milpitas and San José, one high-occupancy vehicle lane. I-880 provides access to the Main Campus via First Street.

- ▶ **State Route (SR) 237/Calaveras Boulevard** is an east-west highway that connects I-680 to I-880, continuing west to connect to US 101 in the City of Mountain View. Between I-680 and I-880, SR 237 is a six-lane arterial roadway (Calaveras Boulevard) which transitions into a fully grade separated highway west of I-880, at the western edge of the Specific Plan Area. On the eastern side of the Specific Plan Area, SR 237/Calaveras Boulevard is grade-separated due to the presence of railroad tracks.

County Expressways:

- ▶ **Montague Expressway** is an east-west express way that connects US 101 and the San Tomas Expressway in the City of San José to McCarthy Boulevard, I-880, Great Mall Parkway, and I-680 in the City of Milpitas. Montague Expressway extends east of I-680 as Landess Road.

Arterial and Collector Roadways:

- ▶ **Abel Street** is a north-south arterial that connects North Milpitas Avenue, West Calaveras Boulevard/SR 237, the Great Mall Parkway, and South Main Street. It extends east of North Milpitas Avenue as Jacklin Road.
- ▶ **Great Mall Parkway** is an east-west arterial roadway that connects I-880 to South Abel Street, South Main Street, and the Montague Expressway. Great Mall Parkway extends west of I-880 as East Tasman Drive and east of Montague Expressway as North Capitol Avenue.
- ▶ **Calaveras Boulevard** is designated as an arterial by the City of Milpitas and is also a part of SR 237, as detailed above.
- ▶ **Main Street** is a collector roadway from Serra Way to South Abel Road, where it transitions to an arterial roadway and connects to Montague Expressway.
- ▶ **Serra Way** is a collector roadway that connects West Calaveras Boulevard to South Abel Street and South Main Street.

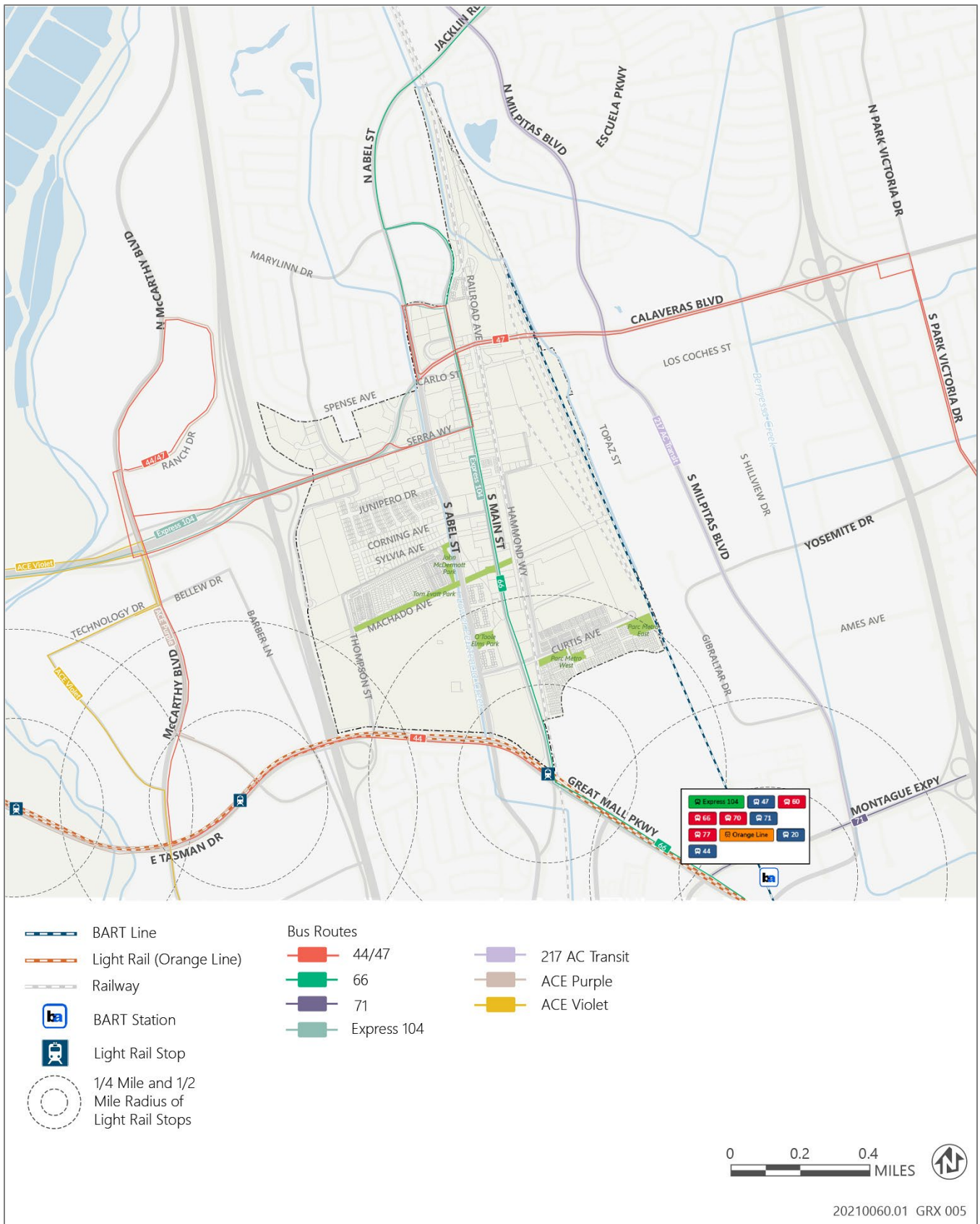
Local Roadways:

Key local roadways in the Specific Plan Area include:

- | | |
|-------------------|------------------------|
| ▶ Weller Lane, | ▶ Machado Avenue, |
| ▶ Carlo Street, | ▶ Curtis Avenue, |
| ▶ Junipero Drive, | ▶ South Abbott Drive, |
| ▶ Corning Avenue, | ▶ Thompson Street, |
| ▶ Sylvia Avenue, | ▶ Railroad Avenue, and |
| | ▶ Hammond Way. |

TRANSIT SYSTEM

Public transit service in the City is provided by various agencies. Local and regional transit organizations offer a variety of transit options including buses, on-demand rideshare services, passenger rail, paratransit, and light rail. Service is provided with varying frequency and cost. Figure 3.11-1 shows the existing transit routes in the vicinity of the Specific Plan Area and Table 3.11-1 summarizes the existing hours of operation and headways for the existing transit services in the Specific Plan Area.



Source: Fehr & Peers 2024.

Figure 3.11-1 Existing Transit Services

VTA operates light rail transit, bus, and paratransit services throughout Santa Clara County. VTA Bus Routes 44/47, 66, 71, and Express 104 operate within the Specific Plan Area. In addition, the Specific Plan Area is located approximately 0.5 miles from the Milpitas Transit Center which serves VTA Routes 20, 60, 70, 77, and 104. The VTA orange light rail line operates along Great Mall Parkway south of the Specific Plan Area. The Bay Area Rapid Transit (BART) orange light rail transit line (Richmond to Berryessa/North San José) and green light rail transit line (Daly City to Berryessa/North San José) also operate alongside the eastern frontage of the Specific Plan Area (BART 2023). Alameda-Contra Costa and Altamont Commuter Express Transit District also offer transit services near the Specific Plan Area.

In addition to fixed-route transit services, the Specific Plan Area is also served by on-demand transit. Simple Mobile Access to Reliable Transit (SMART) provides on-demand rideshare service from various pick-up/drop-off locations and provides first- and last-mile connections to/from the Milpitas BART Station and VTA bus and light rail stations. VTA also offers Access Paratransit, a reservation-based service that operates during the regularly scheduled operating hours of bus and light rail routes.

Table 3.11-1 Existing Transit Services within the Vicinity of the Specific Plan Area

Route	From	To	Weekdays Operating Hours ¹	Weekdays Peak Headway	Saturday Operating Hours ¹	Saturday Headway	Sunday Operating Hours ¹	Sunday Headway
VTA								
Route 20	Milpitas Transit Center	Sunnyvale Transit Center	5:45 a.m. - 8:20 p.m.	30 minutes	<i>No Weekend Services</i>		<i>No Weekend Services</i>	
Route 44	Milpitas Transit Center	McCarthy Ranch Shopping Center	6:00 a.m. - 8:30 p.m.	30 minutes	7:30 a.m. – 8:00 p.m.	45 minutes	8:15 a.m. – 6:15 p.m.	60 minutes
Route 47	Milpitas Transit Center	McCarthy Ranch Shopping Center	7:00 a.m. – 8:00 p.m.	30 minutes	7:50 a.m. – 6:50 p.m.	60 minutes	8:45 a.m. – 5:45 p.m.	60 minutes
Route 60	Milpitas Transit Center	Winchester Station	5:30 a.m. – 11:30 p.m.	15 minutes	6:30 a.m. – 11:30 p.m.	30 minutes	7:15 a.m. – 11:30 p.m.	30 minutes
Route 66	North Milpitas	Kaiser San José	5:15 a.m. – 11:00 p.m.	15 minutes	6:00 a.m. – 10:45 p.m.	20 minutes	6:00 a.m. – 11:00 p.m.	20 minutes
Route 70	Milpitas Transit Center	Capital Station	6:00 a.m. – 10:30 p.m.	30 minutes	6:30 a.m. – 9:30 p.m.	40 minutes	7:00 a.m. – 9:00 p.m.	30 minutes
Route 71	Milpitas Transit Center	Eastridge Transit Center	5:25 a.m. – 11:45 p.m.	15 minutes	6:30 a.m. - 11:45 p.m.	30 minutes	7:30 a.m. - 10:45 p.m.	30 minutes
Route 77	Milpitas Transit Center	Eastridge Transit Center	5:45 a.m. – 11:45 p.m.	15 minutes	7:15 a.m. - 11:45 p.m.	20 minutes	7:20 a.m. – 10:45 p.m.	30 minutes
Route 104	Milpitas Transit Center	Stanford Research Park	6:10 a.m. – 7:00 a.m. and 4:00 p.m. – 4:30 p.m.	30 minutes	<i>No Weekend Services</i>		<i>No Weekend Services</i>	
VTA Light Rail								
Orange Line	Mountain View	Alum Rock	5:30 a.m. – 10:55 p.m.	20 minutes	6:00 a.m. – 10:55 p.m.	30 minutes	6:00 a.m. – 10:55 p.m.	30 minutes
AC Transit								
Route 217	Fremont BART	Milpitas Transit Center	6:10 a.m. – 9:40 p.m.	30 minutes	7:00 a.m. – 9:30 p.m.	30 minutes	7:00 a.m. – 9:30 p.m.	30 minutes

Route	From	To	Weekdays Operating Hours ¹	Weekdays Peak Headway	Saturday Operating Hours ¹	Saturday Headway	Sunday Operating Hours ¹	Sunday Headway
ACE Shuttle								
Purple Shuttle	Great America ACE Amtrak Station	McCarthy Ranch Shopping Center	6:10 a.m. – 9:30 a.m., 3:10-6:15 p.m.	60 minutes	<i>No Weekend Services</i>		<i>No Weekend Services</i>	
Violet Shuttle	Great America ACE Amtrak Station	North East Medical Services	6:10 a.m. to 9:30 a.m., 3:10 p.m. to 5:00 p.m.	60 minutes	<i>No Weekend Services</i>		<i>No Weekend Services</i>	
BART								
Berryessa-Richmond Line (Orange)	Berryessa/ North San José	Richmond	5:00 a.m. – 11:45 p.m.	15 minutes	6:00 a.m. to 11:50 p.m.	20 minutes	8:00 a.m. – 11:50 p.m.	20 minutes
Berryessa-Daly City Line (Green)	Berryessa/ North San José	Daly City	4:45 a.m. to 6:45 p.m.	20 minutes	5:45 a.m. – 6:45 p.m.	20 minutes	7:45 a.m. – 6:45 p.m.	20 minutes

Notes: VTA = Santa Clara Valley Transportation Authority; AC = Alameda-Contra Costa Transit; ACE = Altamont Commuter Express; BART = Bay Area Rapid Transit.

¹ Times rounded up to 5 nearest 5-minute increment.

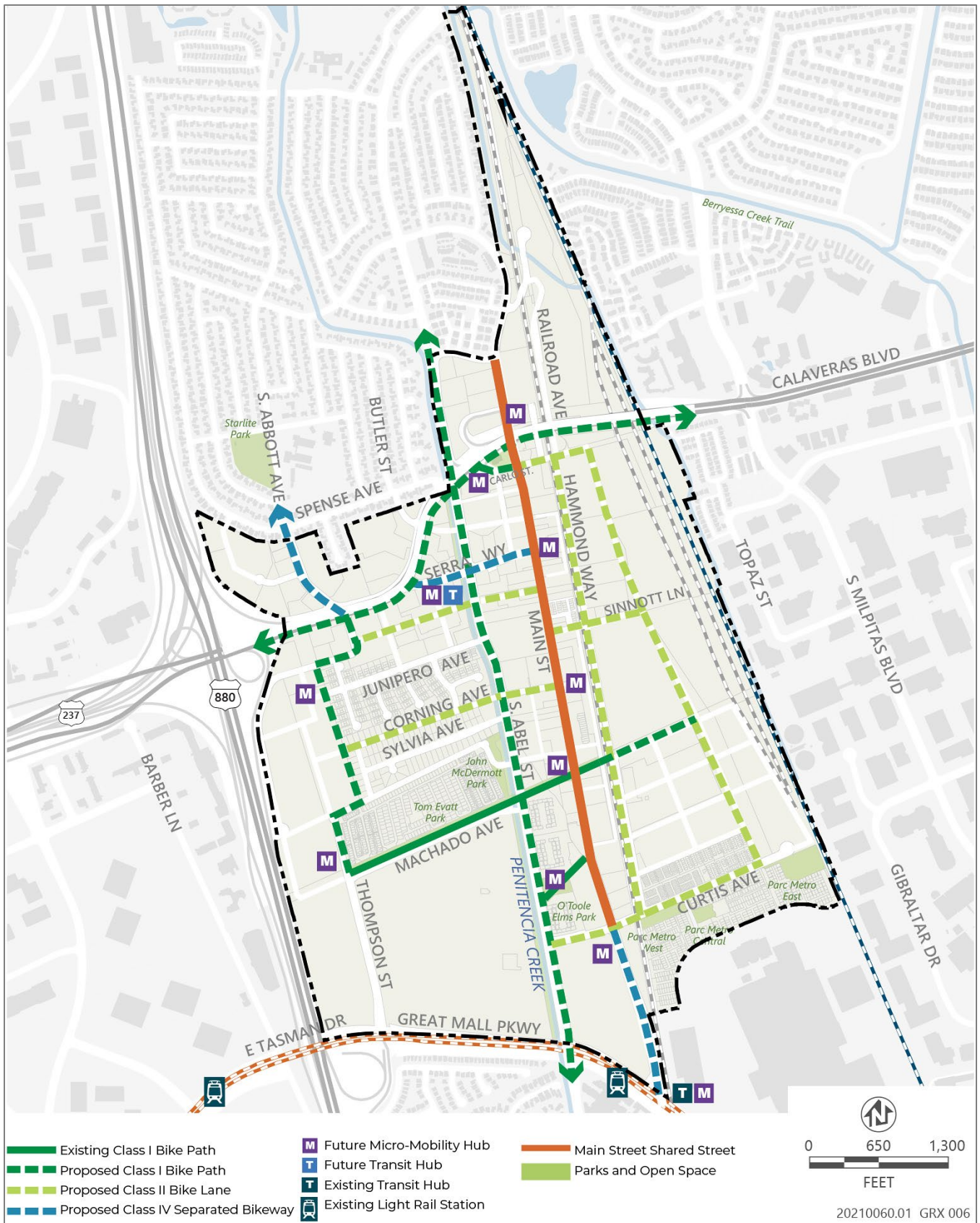
Sources: VTA 2024; BART 2024; AC Transit 2024.

BICYCLE SYSTEM

Bicycle facilities (e.g., designated bicycle lanes, routes, and paths) are located along many of the city roads in the vicinity of the Specific Plan Area. Caltrans classifies bicycle facilities into the following types (Caltrans 2020c):

- ▶ **Class I Shared-Use Paths:** Paths completely separated from motor vehicle traffic used by people walking and biking, making them comfortable for people of all ages and abilities. Typically located immediately adjacent and parallel to a roadway or in its own independent ROW.
- ▶ **Class II Bicycle Lanes:** A dedicated lane for bicycle travel adjacent to traffic. A painted white line separates the bicycle lane from motor vehicle traffic.
- ▶ **Class III Signed Bicycle Routes:** Streets with signs and/or pavement markings that indicate people biking share the travel lane with motor vehicles.
- ▶ **Class IV Bikeways:** A bikeway for the exclusive use of bicycles and includes a separation between the separated bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible posts, inflexible barriers, or on-street parking.

As of 2021, the existing bicycle network in the City included nearly 50 miles of bicycle lanes, including 8 miles of paved shared use paths (Class I), 25 miles of bike lanes (Class II), and 15 miles of designated bike routes (Class III) (City of Milpitas 2021b: Table 7). Figure 3.11-2 shows the existing and proposed bicycle facilities in the vicinity of the Specific Plan Area. There is an existing Class I path adjacent to Machado Avenue between Thompson Street and Main Street. There are Class II bike lanes present along Main Street between Calaveras Boulevard and Great Mall Parkway, along Abel Street between Corning Avenue and Great Mall Parkway, and along Great Mall Parkway on the southern border of the Specific Plan Area. In addition, there are Class III bike routes along Abel Street, north of Corning Avenue (City of Milpitas 2021b: Figure 27).



Source: Fehr & Peers 2024.

Figure 3.11-2 Existing and Proposed Bicycle Network

PEDESTRIAN NETWORK

The pedestrian network in the City of Milpitas includes trails, park paths, sidewalks, crosswalks, crossing signals, pedestrian signal heads, and other features that support the safety and comfort of people walking and rolling (City of Milpitas 2021b: 31). Most streets within the Specific Plan Area provide sidewalks on both sides of the roadway; however, roadway segments with missing sidewalks or sidewalks on only one side include: Carlo Street (no sidewalk along the southern side), Serra Street (sidewalk gaps on the southern side), and Calaveras Boulevard (no sidewalk between Carlo Street and Milpitas Boulevard). There is also a pedestrian-activated flashing beacon on Main Street at Tom Evatt Park (Fehr & Peers 2022).

3.11.3 Environmental Impacts and Mitigation Measures

This section describes the analysis techniques, assumptions, and results used to identify potential significant impacts of the project on the transportation system. Transportation impacts are described and assessed, and mitigation measures are recommended for impacts identified as significant or potentially significant.

METHODOLOGY

The following methodologies were used to evaluate the impacts of the proposed Specific Plan.

Bicycle and Pedestrian Analysis

The bicycle and pedestrian analyses evaluate if the Specific Plan would, either directly or indirectly, disrupt existing bicycle or pedestrian programs or facilities; interfere with the implementation of a planned facility; or create a physical or operational transportation outcomes that conflict with applicable bicycle or pedestrian system plans, guidelines, policies, or standards.

Transit Analysis

The transit analysis evaluates if the Specific Plan would, directly or indirectly, disrupt existing transit services or facilities or interfere with the implementation of a planned transit facility.

Vehicle Miles Traveled Analysis

This analysis is based on the VMT Report prepared by Fehr & Peers (Appendix D). Consistent with the City's TAG, the City of Milpitas Travel Model was used to develop the VMT forecasts for this analysis. The analysis used the City of Milpitas Travel Model received from Kittelson & Associates for the Milpitas Metro Specific Plan, which is based on the VTA/City/County of Governments of San Mateo County (C/CAG) Bi-County Travel Model. This version of the City of Milpitas Travel Model uses 2015 as its base year, and 2040 as its cumulative horizon year. To reflect 2020 as the base year for the analysis, the model was interpolated between 2015 and 2040. Kittelson had updated the model to include the full buildout of the Milpitas General Plan (which includes the Midtown Specific Plan) and Milpitas Metro Specific Plan in 2040.

The City of Milpitas Travel Model extends south beyond the Bay Area regional boundary into the Association of Monterey Bay Area Governments region (i.e., Santa Cruz County, Monterey County, and San Benito County) and east into San Joaquin County. However, the City of Milpitas Travel Model stops at the Bay Area regional boundary and does not include inter-regional travel to Mendocino County, Lake County, Yolo County, and Merced County, resulting in shortened vehicle travel to those counties. This truncation results in a lower total project generated VMT estimate for the region and Santa Clara County affecting baseline regional and/or county baseline VMT values used to establish VMT thresholds. Therefore, the California statewide travel demand model was used to estimate and forecast trip lengths that occur outside the City of Milpitas Travel Model boundary. These trip lengths have been appended to the external stations and are reflected in the VMT estimates and forecasts contained in this analysis. See Appendix D for details.

Consistent with City TAG, the VMT Report analyzed both project-generated VMT and the project effect on VMT as described below:

- ▶ Project-generated VMT presents trips and trip distances of specific trips associated with the Specific Plan.
- ▶ Project effect on VMT is an estimate of how VMT within a specified boundary would change once the Specific Plan is implemented.

VMT estimates are presented on a per service population basis (sum of residents and employees) to account for both the effects of population and/or employment growth and the effects of changes in personal travel behavior. For example, population growth could result in an increase in overall VMT; however, travelers changing their behavior with the use of alternative transportation or decreasing their trip lengths (such as a higher percentage of people living and working in the Specific Plan Area) would reduce in the amount of VMT each person generates. Additionally, the analysis herein focuses on the VMT for all trip purposes and vehicle types and does not separate VMT by land use.

Project-Generated Vehicle Miles Traveled

The analysis of project-generated VMT studies the project’s direct effect on VMT. Therefore, project-generated VMT is calculated by summing the VMT “within,” “from,” and “to” a specified geographic area. Consistent with the City TAG, and as detailed in Table 3.11-2, implementation of the Specific Plan would result in a significant project-generated VMT impact if the total VMT per service population would exceed 25.40 (i.e., 15 percent below the existing County total VMT per service population), the home-based VMT per resident would exceed 11.87 (i.e., 15 percent below the existing County VMT per resident), or the home-based work VMT per employee would exceed 14.31 (i.e., 15 percent below the existing County VMT per employee). Table 3.11-2 presents calculations for the project-generated VMT thresholds identified above.

Table 3.11-2 Project-Generated Vehicle Miles Traveled Threshold

	Project-Generated VMT Threshold
Total VMT per Service Population Threshold	
Total VMT (A) ¹	92,685,100
Service Population (B) ^{1,2}	3,101,410
Total VMT per Service Population (C=A/B)	29.88
Total VMT per Service Population Threshold (D = C * 85%)	25.40
Home-Based VMT per Resident Threshold	
Home-Based VMT (A) ¹	27,937,530
Residents (B) ^{1,2}	1,999,110
Home-Based VMT per Resident (C = A/B)	13.97
Home-Based VMT per Resident Threshold (D = C*85%)	11.87
Home-Based Work VMT per Employee Threshold	
Home-Based Work VMT (A) ¹	18,561,410
Employees (B) ^{1,2}	1,102,300
Home-Based Work VMT per Employee (C = A/B)	16.84
Home-Based Work VMT per Employee Threshold (D = C*85%)	14.31

Notes: VMT = vehicle miles traveled; % = percent

¹ Rounded service population and VMT to nearest 10.

² Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers 2024.

Project's Effects on Vehicle Miles Traveled

The project's long-term effect on VMT involves an evaluation of the change in total vehicle travel within a defined geographic area boundary, compared between the "with project" and "without project" conditions. A project's effect on VMT is evaluated using the boundary VMT which captures all VMT on the roadway network within a specified geographic area, including local trips plus inter-regional travel that does not have an origin or destination within the study area. The geographical boundary method does not include the impact of vehicles once they travel outside the area limits because it only considers travel within the physical limits of the selected study area. The boundary VMT is also divided by the service population (sum of residents and employees) to account for the effects of population and/or employment growth and the effects of changes in personal travel behavior within the specified geographic area. The use of boundary VMT is a more comprehensive evaluation of the potential effects of a project because it captures the combined effect of new VMT, shifts in existing VMT to/from other neighborhoods, and/or shifts in existing vehicular traffic to alternate travel routes or modes. The threshold of significance for assessing cumulative impacts is no net increase in the Cumulative Conditions boundary VMT per service population for 2040. Therefore, the project would result in a significant cumulative VMT impact if the cumulative regionwide daily boundary VMT per service population is greater than 13.40 with implementation of the Specific Plan.

Transportation Hazards and Emergency Access

The transportation hazards and emergency access analyses evaluate if the Specific Plan would directly or indirectly, substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

THRESHOLDS OF SIGNIFICANCE

The following thresholds of significance are based on Appendix G of the CEQA Guidelines and the City of Milpitas TAG. A transportation-related impact would be significant if implementation of the Specific Plan would:

- ▶ conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
- ▶ result in a VMT-related impact defined as:
 - ▶ a total VMT per service population greater than 25.40 miles (i.e., 15 percent below existing Santa Clara County VMT per service population);
 - ▶ a home-based VMT per resident greater than 11.87 miles (i.e., 15 percent below existing Santa Clara County VMT per resident); or
 - ▶ a home-based work VMT per employee greater than 14.31 miles (i.e., 15 percent below existing Santa Clara County VMT per employee).
- ▶ substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- ▶ result in inadequate emergency access.

ISSUES NOT DISCUSSED FURTHER

All potential transportation issues identified in the significance criteria are evaluated below.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.11-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities

The General Plan Update EIR (Impact 3.14-1) identified that the policies included in the General Plan would help further the implementation of City transportation plans, support interjurisdictional coordination, and link the development of transportation facilities to surrounding land uses and result in less-than-significant impact. Implementation of the Specific Plan would develop a transportation network for users of all modes of transportation including pedestrians, bicyclists, and transit riders. The standards and policies proposed under the Specific Plan would support multi-modal transportation, improve non-vehicular access throughout the Specific Plan Area, and encourage transit-oriented land use development, consistent with policies and standards in relevant transportation plans. In addition, new project-generated demand for transit, bicycle, and pedestrian facilities would be satisfied by the multimodal improvements proposed under the Specific Plan. For these reasons, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Under Impact 3.14-1, the General Plan Update EIR concluded that the policies included in the General Plan help further the implementation of City transportation plans including the BPTMP, support interjurisdictional coordination, and link the development of transportation facilities to surrounding land uses. The General Plan Update EIR determined that with adherence to these policies, implementation of the General Plan would not conflict with a program, plan, ordinance, or policy addressing the circulation system.

Implementation of the Specific Plan would change the Specific Plan Area boundaries and result in an increase in dwelling units and a decrease in nonresidential square footage compared to what was evaluated under the General Plan. Implementation of the Specific Plan would increase the population by 6,827 and reduce employment by 6,014 from what was analyzed in the General Plan Update EIR for the Midtown Specific Plan Area.

Transit Facilities and Service

As detailed in Section 3.11.2 "Environmental Setting," several transit operators provide service to and within the Specific Plan Area including VTA and BART. Additionally, the City offers the SMART shuttle program that provides on-demand rideshare service from various pick-up and drop-off locations. As discussed, although implementation of the Specific Plan would decrease employment, it would also result in an increase in the residential population which would generate additional demand for transit facilities and services. However, according to the OPR Technical Advisory, when evaluating impacts to multimodal transportation networks, the addition of new transit users generally should not be treated as an adverse impact (OPR 2018). In addition, the Specific Plan proposes a Public Transit Framework and Transit Design Standards that would enhance the transit network and provide a comfortable and safe experience for transit users.

The Specific Plan proposes a shuttle loop along Main Street, Weller Lane, North / South Abel Street, Thompson Street, and Great Mall Parkway to connect the Specific Plan Area to existing transit services and that could build upon existing bus stop facilities and serve underserved locations in the Specific Plan Area. In accordance with Transit Design Standards proposed under the Specific Plan, the shuttle service would be implemented in coordination with existing services, and thus would only enhance, not interfere with, existing transit facilities or service. In addition to new transit service, the Specific Plan proposes new bus stop amenities including shelters, benches, and lighting at all existing bus stops and existing and new transit hubs within the Specific Plan Area; curb extensions at all existing bus stops along South Main Street; and bus boarding islands along Serra Way. These new transit facilities would be constructed and maintained in a manner consistent with the VTA *Bus Stop and Facility Criteria and Standards*. Therefore, implementation of the Specific Plan would result in enhanced transit amenities and improved connectivity and access to existing transit in accordance with General Plan policies such as Policy CIR 1-3, which aims to promote interconnectivity of the transportation network; Policy CIR 3-2 which encourages coordination with transit service providers to provide seamless service for transit users; and Policy CIR 3-4, which requires that all transit-supportive infrastructure are adequately maintained to provide high-quality facilities for users. In summary, implementation of

the Specific Plan would enhance existing transit facilities and services in a manner consistent with applicable plans and any new demand for transit facilities and service would be accommodated by the existing transit services and transit improvements proposed under the Specific Plan. For these reasons, the Specific Plan would not disrupt existing or planned transit facilities and services and would not conflict with a program, plan, ordinance, or policy addressing such facilities.

Bicycle and Pedestrian Facilities

Implementation of the Specific Plan would result in an increase in the residential population as compared to what was evaluated in the General Plan Update EIR; and thus, would presumably result in an increase in demand for bicycle and pedestrian facilities. The Specific Plan would encourage the shift to active modes of transportation (e.g., walking and biking) by enhancing existing bicycle and pedestrian infrastructure, constructing new bicycle and pedestrian facilities, and establishing design standards for these facilities.

The proposed bicycle infrastructure network would provide a continuous bicycle connection from local neighborhoods to the commercial and mixed-use zones within the Specific Plan Area. As shown in Figure 3.11-2, the Specific Plan proposes Class I, Class II, and Class IV bicycle facilities along several roadways within the Specific Plan Area and a Class III separated bikeway proposed along Main Street. The Class III separated bikeway proposed along Main Street deviates from the Class IIB bicycle facilities proposed in the TPBMP; however, the TPBMP would be amended to include the Class III bicycle facilities. Thus, the facilities proposed in the Specific Plan would align with, and further the recommendations included in the TPBMP. In addition to proposed bicycle facilities, the Specific Plan also includes bicycle parking requirements for new development, signal and intersection improvements benefiting bicyclists and pedestrians (e.g., curb extensions, high-visibility crosswalks), and pedestrian level design standards (e.g., lighting, signage, and landscaping) that would enhance the pedestrian network. The proposed improvements and design standards included in the Specific Plan are aligned with the goals and policies of the General Plan, PTBMP, Caltrans District 4 Bike Plan and Pedestrian Plan, and the City of Milpitas CAP. For example, Measure TR-3.3 of the City of Milpitas CAP aims to improve active transportation options, and the mobility goal of Caltrans District 4 Bike and Pedestrian Plan intends to increase walking and bicycling in the district. General Plan Policy CIR 4-1 seeks to encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities, Policy CIR 4-4 aims to provide secure bicycle parking at various land uses, and Policy CIR 4-6 proposes to eliminate gaps in the pedestrian and bicycle network. The Specific Plan supports these and other related policies as its objective is to create a network of complete streets that provide a safe, comprehensive, and integrated system of pedestrian and bicycle facilities. Additionally, the Specific Plan for shared-use micro-mobility infrastructure provides strategically located micro-mobility hubs that provide a safe alternative transportation means within the Specific Plan Area. As detailed in Chapter 2, "Project Description," the Specific Plan proposes micro-mobility hubs at 10 locations throughout the Specific Plan Area. In summary, the implementation of the Specific Plan would only enhance the environment for bicyclists and pedestrians, not disrupt any existing or planned bicycle or pedestrian facilities and would not conflict with a program, plan, ordinance, or policy addressing such facilities. In addition, any new demand for bicycle and pedestrian facilities would be accommodated by the multimodal improvements required of new development under the Specific Plan.

Summary

Implementation of the Specific Plan would include the construction of enhanced transit, pedestrian, and bicycle facilities. In addition, the Specific Plan establishes standards that support a complete streets network that prioritizes a safe and integrated system of bicycle, pedestrian, and transit facilities. Therefore, implementation of the Specific Plan would result in improvements to these facilities consistent with the policies included in applicable plans, including the General Plan, City of Milpitas CAP, and the TPBMP identified above. For these reasons, the Specific Plan would not conflict with a program, plan, ordinance, or policy that addresses transit, bicycle, or pedestrian facilities. Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.11-2: Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3(b) Regarding Vehicle Miles Traveled

General Plan Update EIR (Impact 3.14-2) determined that the VMT generated by residential development under the General Plan would not exceed the applicable significance threshold; however, the VMT generated by employment-based development under the General Plan would exceed the applicable threshold. The General Plan Update EIR concluded that because it could not be guaranteed that VMT would be reduced to below the applicable threshold with adherence to General Plan policies and all feasible mitigation measures, the VMT impact would be significant and unavoidable. Implementation of the Specific Plan would result in increased residential development and decreased non-residential development as compared to what was analyzed for the General Plan buildout. Consistent with the findings of the General Plan Update EIR, implementation of the Specific Plan would not exceed the significance thresholds of 25.40 VMT per service population or 11.87 VMT per resident. However, employment-based development proposed by the project would exceed the threshold of 14.31 VMT per employee. Therefore, consistent with the conclusion in the General Plan Update EIR, VMT per employee would exceed the applicable threshold with implementation of the Specific Plan. Implementation of Mitigation Measures 3.11-2a through 3.11-2f would help reduce VMT from employee commutes as well as at the plan area level; however, it cannot be guaranteed how effective these measures would be. For these reasons, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **significant and unavoidable**.

Under Impact 3.14-2, the General Plan Update EIR determined that the VMT generated by residential development associated with the proposed General Plan would be below the applied significance threshold of 11.48 VMT per capita; however, the VMT generated by employment-based development associated with the General Plan would exceed the threshold of 14.31 VMT per employee. Therefore, the General Plan VMT impact was determined to be significant. The General Plan Update EIR identified that individual development projects under the General Plan would be required to complete VMT analyses and implement VMT reducing measures (e.g., TDM) designed to reduce employment based VMT. However, the General Plan Update EIR concluded that because it could not be guaranteed that VMT would be reduced to below the applicable threshold (i.e., 14.31 VMT per employee), the impact would be significant and unavoidable.

Proposed uses within the Specific Plan Area include residential facilities, public spaces, mobility hubs, and commercial land uses. Implementation of the Specific Plan would change the Specific Plan Area boundaries and result in an increase in dwelling units and a decrease in nonresidential square footage compared to what was evaluated under the General Plan. Implementation of the Specific Plan would increase the population by 6,827 and reduce employment by 6,014 from what was analyzed in the General Plan for the Midtown Specific Plan Area. Additionally, the Specific Plan seeks to promote and encourage the use of alternative modes of transportation by improving and increasing opportunities to bike, walk, and roll in the Specific Plan Area. The Specific Plan Bicycle and Micro-Mobility Framework proposes bicycle infrastructure improvements and micro-mobility hubs (see Figure 3.11-2) that would be strategically located to provide a safe alternative means of transportation within and around the Specific Plan Area. The Specific Plan also establishes design standards to ensure that the bicycle and micro-mobility network is comfortable, safe, and efficient. In addition to bicycle and micro-mobility design standards, the Specific Plan also includes district-wide parking design standards, identified in Section 5.8.2 of the Specific Plan, including a standard to establish a Parking District and Parking Management Plan which would establish parking fees and fines, and identify a strategy for short-term on-street parking space (City of Milpitas 2024). Implementation of these standards would encourage biking, walking, and transit use in the Specific Plan Area.

As detailed in the Methodology section, the project-generated VMT impacts of the Specific Plan were evaluated using VMT per service population, home-based VMT per resident, and home-based work VMT per employee under "Cumulative with Project" conditions. The results of the project-generated VMT are presented in Table 3.11-3.

Table 3.11-3 Total Project-Generated Vehicle Miles Traveled Assessment

	Total Project-Generated VMT
Total VMT per Service Population	
Total Project-Generated VMT (A) ¹	536,440
Service Population (B) ^{1,2}	21,925
Project-Generated VMT per Service Population (C=A/B)	24.47
Total VMT per Service Population Threshold	25.40
Home-Based VMT per Resident	
Home-Based VMT (A) ¹	171,770
Residents (B) ^{1,2}	16,384
Project-Generated Home-Based VMT per Resident (C = A/B)	10.49
Home-Based VMT per Resident Threshold	11.87
Home-Based Work VMT per Employee	
Home-Based Work VMT (A) ¹	107,360
Employees (B) ^{1,2}	5,541
Home-Based Work VMT per Employee (C = A/B)	19.38
Home-Based Work VMT per Employee Threshold	14.31

Notes: VMT = vehicle miles traveled; % = percent

¹ Rounded service population and VMT to nearest 10.

² Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers 2024.

As shown in Table 3.11-3, implementation of the Specific Plan would generate 24.47 VMT per service population, which is approximately 4 percent below the VMT threshold of 25.40 total VMT per service population (i.e., 15 percent below countywide VMT per service population) and 10.49 VMT per resident, approximately 12 percent below the VMT threshold of 11.87 home-based VMT per resident (i.e., 15 percent below countywide VMT per resident). However, implementation of the Specific Plan would generate 19.38 VMT per employee exceeding the threshold of 14.31 home-based work VMT per employee by approximately 35 percent. These impact conclusions are consistent with the findings of the General Plan Update EIR VMT impact analysis. Thus, implementation of the proposed Specific Plan would not result in new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **significant and unavoidable**.

Mitigation Measures

A description of the individual effects of each mitigation measure's impact on VMT reduction is provided below. Although the information on the potential reduction in VMT from each measure is provided, it should be noted that the VMT-reducing benefits of implementing each measure are considered the maximum VMT benefit and are not additive when multiple measures are applied. There may be diminishing returns when certain measures are implemented together to reduce VMT. For each measure applied, it is likely that a lesser effect would be observed (CAPCOA 2021: 36).

Mitigation Measure 3.11-2a: Implement Commute Trip Reduction Program

Future employers shall develop and implement a commute trip reduction program and shall present the strategy to the City of Milpitas for review and approval. The following elements, or equally effective alternatives, shall be provided as part of the Commute Trip Reduction program:

- ▶ ridesharing program,
- ▶ subsidized or discounted transit passes,

- ▶ end-of-trip bicycle facilities,
- ▶ employer-sponsored vanpool, and
- ▶ guaranteed ride home program.

Additionally, the Commute Trip Reduction Program must be complimented with Commute Trip Reduction Marketing to share information, facilitate coordination, and implement marketing for services, infrastructure, and incentives provided by the Commute Trip Reduction Program. The following features, or similar alternatives, shall be implemented to satisfy the Commute Trip Reduction Marketing strategy.

- ▶ On-site or online commuter information services,
- ▶ Employee transportation coordinators, and
- ▶ On-site or online transit pass sales

Potential Reduction in VMT: Commute Trip Reduction programs discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, thereby reducing VMT. A voluntary commute trip reduction program can reduce employee commute VMT by up to 4.0 percent with full participation of all eligible employees (CAPCOA 2021).

Mitigation Measure 3.11-2b: Require Employers to Provide Employer-Sponsored Vanpool or Shuttle Service

The project applicant shall require building occupants or tenants (i.e., employer) to implement an employer-based shuttle or vanpool service. For large employers with corporate campuses, this may include running private shuttles to and from neighborhoods where employees live. For smaller employers, or buildings with multiple employer tenants, it may involve a shuttle connecting to regional transit, such as a Caltrain station, funded through an organization such as a transportation management association.

Potential Reduction in VMT: Vanpooling is a flexible form of public transportation that provides groups of five to 15 people with a cost-effective and convenient rideshare option for commuting, thus reducing single-occupancy trips and VMT. Employer-sponsored vanpool can reduce employee commute VMT by up to 7 percent (Fehr & Peers 2024).

Mitigation Measure 3.11-2c: Provide a Ridesharing Program

Building occupants or tenants who provide employment for 50 people or more shall develop and implement ridesharing programs. The following strategies provide examples of a multifaceted approach for promoting a rideshare program:

- ▶ designating a certain percentage of desirable parking spaces for ridesharing vehicles,
- ▶ designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles, and
- ▶ providing an app or website for coordinating rides.

Potential Reduction in VMT: Ridesharing encourages carpooled vehicle trips in place of single-occupancy vehicle trips, thereby reducing the number of trips and VMT. Ridesharing programs can reduce employee commute VMT by up to 8 percent (CAPCOA 2021).

Mitigation Measure 3.11-2d: Implement Carshare Program

The project applicant shall increase carshare access in the user's community by deploying conventional carshare vehicles.

Potential Reduction in VMT: Carsharing offers people convenient access to a vehicle for personal or commuting purposes. This helps encourage transportation alternatives and reduces vehicle ownership, thereby reducing VMT. Carsharing can reduce VMT by up to 0.15 percent in the plan area (CAPCOA 2021).

Measure 3.11-2e: Establish a Bikeshare, Electric Bikeshare, and Scootershare Program

Establish a bikeshare and scootershare program that provides users with on-demand access to bicycles, electric pedal assist bicycles, and electric scooters for short-term rentals.

Potential Reduction in VMT: This encourages a mode shift from vehicles to active modes of transportation, displacing VMT. Establishing bikeshare, electric bikeshare, and scootershare programs can result in up to 0.02 percent, 0.06 percent, and 0.07 percent VMT reduction in plan area, respectively (CAPCOA 2021).

Measure 3.11-2f: Implement On-Street Market Price Parking

The City shall establish pricing all on-street parking in central business districts, employment centers, and retail centers within the Specific Plan area.

When pricing on-street parking, best practice is to allow for dynamic adjustment of prices to ensure approximately 85 percent occupancy, which helps prevent induced VMT due to circling behaviors as individuals search for a vacant parking space. In addition, this method should primarily be implemented in areas with available alternatives to driving, such as transit availability within 0.5 mile or areas of high residential density nearby (allowing for increased walking/biking). If the measure is implemented in a small area, residential parking permit programs should be considered to prevent parking intrusion on nearby streets in residential areas without priced parking.

Potential Reduction in VMT: Increasing the cost of parking increases the total cost of driving to a location, incentivizing shifts to other modes and thus decreasing total VMT to and from the priced areas. On-street market price parking can reduce VMT by up to 30 percent in the plan area (CAPCOA 2021).

Significance After Mitigation

The implementation of Mitigation Measures 3.11-2a through 3.11-2f would reduce VMT per employee as well as community VMT in the Specific Plan Area consistent with General Plan Policy CIR 4-1. However, the project cannot demonstrate definitively that the mitigation measures would reduce VMT per employee below the applicable threshold of 14.31 (i.e., 15 percent below existing countywide VMT per employee) because the feasibility and effectiveness is either insufficient or unknown at this time. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan Update EIR. For these reasons, the project's impact on VMT would remain **significant and unavoidable**.

Impact 3.11-3: Substantially Increase Hazards Due to a Geometric Design Feature or Incompatible Uses

The General Plan Update EIR (Impact 3.14-3) determined that implementation of the General Plan would result in a less-than-significant impact on transportation hazards because future development would be required to meet applicable federal, state, and City design standards. All new transportation infrastructure and improvements under the proposed Specific Plan would improve multimodal circulation and access and minimize the potential for transportation hazards (e.g., conflicts between vehicles and pedestrians). Future development associated with the Specific Plan would be designed in accordance with applicable design and safety standards and subject to review by City staff ensuring implementation of the Specific Plan would not substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Impact 3.14-3 of the General Plan Update EIR evaluated the potential for the General Plan to result in increased transportation hazards due to a geometric design feature or incompatible use. The General Plan Update EIR concluded that because future development under the General Plan would be required to meet applicable federal, state, and City design standards, implementation of the General Plan would not result in a substantial increase in transportation hazards and the impact would be less than significant.

As detailed in Chapter 2, "Project Description," the proposed Specific Plan aims to create a network of complete streets through proposed transit, pedestrian, bicycle, micromobility, and automobile circulation improvements. The Specific Plan also includes design standards for specific streets (i.e., South Main Street, South Abel Street, Calaveras

Boulevard, Serra Way, and South Abbott Avenue) and for future mixed-use and residential streets, future service alleys, and future paseos (City of Milpitas 2024: 98). In addition to street design standards, the Specific Plan includes pedestrian design standards intended to provide a safe, direct, and connected pedestrian network; bicycle design standards to create a comfortable, efficient, and safe experience for bicyclists; and micromobility design standards to provide first- and last-mile connections within the Specific Plan Area. Implementation of the Specific Plan would result in the modification of existing roadways and the construction of new roadways within the Specific Plan Area. New and modified roadways associated with the Specific Plan would be designed and constructed in accordance with all applicable design and safety standards to allow for the safe and efficient movement of all modes of transportation. In addition, the types of transportation associated with operation of the land uses proposed in the Specific Plan Area are consistent with those currently utilizing the circulation network. The Specific Plan's proposed Objective Design Standards would also help minimize opportunities for transportation-related hazards. For example, Standards identified in Section 4.1.4 "Site Access and Parking" of the Specific Plan, would ensure that vehicular, service, and parking access is designed to limit conflicts with pedestrians, bicycles, and transit (City of Milpitas 2024: 78).

Additionally, the City of Milpitas requires an encroachment permit for any work that would occur within City ROW; therefore, subsequent development under the proposed Specific Plan would be subject to review by City staff. In accordance with the City encroachment permit application, all permits would be required to provide a traffic control plan in compliance with the CA MUTCD and that would be subject to approval by the City Traffic Engineer (City of Milpitas 2024). Furthermore, in accordance with the Milpitas Zoning Ordinance, development review would be required for all new construction or site modifications, thus ensuring that future improvements and subsequent development would be designed in accordance with applicable City design and safety standards. For these reasons, the Specific Plan would not substantially increase transportation hazards. Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.11-4: Result in Inadequate Emergency Access

The General Plan Update EIR (Impact 3.14-4) determined that implementation of the General Plan would result in a less-than-significant impact on emergency access because all future development would be subject to the City Design and Construction Standards, which include requirements for emergency access, and would be reviewed by public safety officials. The Specific Plan proposes streetscape improvements and standards that were developed in coordination with the Milpitas Fire Department (MFD). Future development under the Specific Plan would be required to adhere to the California Fire Code, as adopted by reference in Title V, Chapter 300 of the City Municipal Code. Adherence to the California Fire Code would ensure that future developments provide adequate emergency access. In addition, future development projects under the Specific Plan would be subject to review by the MFD to ensure that adequate emergency access is provided. For these reasons, implementation of the Specific Plan would not result in inadequate emergency access. The Specific Plan would not result in a new or substantially more severe impact on emergency access than identified in the General Plan Update EIR. This impact would remain **less than significant**.

Impact 3.14-4 of the General Plan Update EIR evaluated the potential for implementation of the General Plan to result in inadequate emergency access. The General Plan Update EIR concluded that implementation would result in a less-than-significant impact on emergency access because development proposed under the General Plan would be subject to City design standards and would be reviewed by public safety officials as part of the City's entitlement process (City of Milpitas 2020: 3.14-37).

As described in Chapter 2, "Project Description," the Specific Plan proposes streetscape improvements designed to support a variety of mobility options including vehicles, bicycles, transit, and pedestrians. The building and streetscape standards established in the Specific Plan were developed in coordination with the MFD (City of Milpitas 2024: 161). In addition, the Specific Plan also proposes new roadways (e.g., streets and service alleys parallel to Main Street) to connect to existing roadways and support a more walkable neighborhood grid pattern. Construction of

new streets in areas where limited access exists would result in better connectivity and access within the Specific Plan Area. Under the Specific Plan, all new development, new roadways, and modifications to existing streets would be required to meet all state and local regulations related to emergency access during construction and operations. Additionally, future development would be required to comply with the California Fire Code of Regulations (Title 24, Part 9), adopted by reference in Title V, Chapter 300 of the Milpitas Municipal Code. The California Fire Code includes design standards for fire apparatus access (e.g., turning radii, minimum widths), standards for emergency access during construction, and other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. Adherence to the California Fire Code would ensure that subsequent development under the Specific Plan provides adequate emergency access during construction and operation. Furthermore, future development projects under the Specific Plan would be subject to review by the MFD to ensure that adequate emergency access is provided. Therefore, all future projects would be designed to meet applicable emergency access and design standards. For these reasons, implementation of the Specific Plan would not result in inadequate emergency access. For these reasons, the Specific Plan would not result in a new or substantially more severe impact on emergency access than identified in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

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3.12 UTILITIES AND SERVICE SYSTEMS

This section describes the applicable regulations that govern utilities and service systems, describes the existing utility and service systems (water, wastewater, stormwater, electricity, and natural gas) that serve the Specific Plan Area, and evaluates the availability of existing utility and infrastructure systems (water, wastewater, stormwater, electricity, and natural gas) to serve the proposed Gateway-Main Street Specific Plan (Specific Plan) and the potential for the Specific Plan to result in new or substantially more severe significant impacts on these systems compared to those identified in the General Plan Update EIR.

Two comment letters were received in response to the Notice of Preparation from Hetch Hetchy Regional Water System and Santa Clara Valley Water District regarding the City and County of San Francisco Public Utilities Commission's ownership of parcels and easements within the Specific Plan Area and the need to prepare a water supply assessment (WSA) for the Specific Plan. A Water Supply Assessment (WSA) was prepared for the Gateway-Main Street Specific Plan and is provided in Appendix E. Comments received in response to the notice of preparation are presented in Appendix A of this SEIR.

3.12.1 Regulatory Setting

FEDERAL

Clean Water Act

The Clean Water Act (CWA) employs a variety of regulatory and nonregulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The US Environmental Protection Agency (EPA) established primary drinking water standards in Section 304 of the CWA. States are required to ensure that the public's potable water meets these standards.

The National Pollutant Discharge Elimination System (NPDES) permit program was established under the CWA to regulate municipal and industrial discharges to surface waters of the United States. NPDES permit regulations have been established for broad categories of discharges including point source waste discharges and nonpoint sources. Each NPDES permit identifies limits on allowable concentrations and mass loadings of pollutants contained in the discharge. Sections 401 and 402 of the CWA contain general requirements regarding NPDES permits. Section 307 of the CWA describes the factors that EPA must consider in setting effluent limits for priority pollutants.

NPDES permits cover various industrial and municipal discharges, including discharges from storm sewer systems in larger cities, stormwater generated by industrial activity, runoff from construction sites disturbing more than 1 acre, and mining operations. Point source dischargers must obtain a discharge permit from the proper authority (usually a state, sometimes EPA, a tribe, or a territory). So-called "indirect" point source dischargers are not required to obtain NPDES permits. "Indirect" dischargers send their wastewater into a public sewer system, which carries it to the municipal sewage treatment plant, through which it passes before entering any surface water.

The CWA was amended in 1987 with Section 402(p) requiring NPDES permits for nonpoint source (i.e., stormwater) pollutants in discharges. Stormwater sources are diffuse and originate over a wide area rather than from a definable point. The goal of the NPDES stormwater regulations is to improve the water quality of stormwater discharged to receiving waters to the "maximum extent practicable" using structural and nonstructural best management practices (BMPs). BMPs can include educational measures (e.g., workshops informing the public of what impacts can result when household chemicals are dumped into storm drains), regulatory measures (e.g., local authority of drainage-facility design), public-policy measures (e.g., labeling storm-drain inlets as to impacts of dumping on receiving waters) and structural measures (e.g., filter strips, grass swales, and detention ponds).

Safe Drinking Water Act

As mandated by the Safe Drinking Water Act (SDWA) (Public Law 93-523), passed in 1974, EPA regulates contaminants of concern to domestic water supply. Such contaminants are defined as those that pose a public health threat or that alter the aesthetic acceptability of the water. These types of contaminants are regulated by EPA primary and secondary maximum contaminant levels (MCLs). MCLs and the process for setting these standards are reviewed every three years. Amendments to the Safe Drinking Water Act enacted in 1986 established an accelerated schedule for setting drinking water MCLs. EPA has delegated responsibility for California's drinking water program to the State Water Resources Control Board (SWRCB) Division of Drinking Water. This division is accountable to EPA for program implementation and for adoption of standards and regulations that are at least as stringent as those developed by EPA.

STATE

California Green Building Standards Code

The State of California historically establishes progressive standards that serve as models for other states and even the federal government. With the adoption of the 2010 California Green Building Standards Code (CALGreen Code), California became the first state to incorporate green building strategies into its building code. The CalGreen Code comprises Part 11 of the California Buildings Standards Code in Title 24 of the California Code of Regulations. CALGreen Code outlines mandatory and voluntary requirements for new residential and nonresidential buildings (e.g., retail, office, public schools, hospitals) throughout the state beginning on January 1, 2011.

The development and implementation of the CALGreen Code aims to (1) reduce greenhouse gas (GHG) emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to directives by the Governor. Pursuant to the California Global Warming Solutions Act of 2006 (AB 32), CALGreen Code provides strategies to reduce building-related sources of GHG to attain California's 2020 and 2050 goals.

In implementing a statewide baseline for green building strategies, California recognized the adverse effects of anthropogenic climate change. CALGreen Code serves as a tool for California to reduce GHG emissions and physical waste, increase energy efficiency, and achieve water conservation and water efficiency.

Updated every 3 years, the CALGreen Code was last updated in 2022 and became effective in January 2023. The CALGreen Code was developed to enhance the design and construction of buildings, and the use of sustainable construction practices, through planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental air quality.

Chapter 4 (Division 4.3) of the 2022 CALGreen Code describes measures to reduce indoor demand for potable water and to reduce landscape water usage. Divisions 4.4 and 5.4 require a minimum of 65 percent of all non-hazardous construction and demolition waste for residential and non-residential development, respectively, to be recycled and/or salvaged for reuse. Code requirements include preparing a construction waste management plan that identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project, or salvage for future use or sale; determining whether materials will be sorted on-site or mixed; and identifying diversion facilities where the materials collected will be taken. In addition, CALGreen Code requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting primarily from land clearing be reused or recycled.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) is the principal State law governing water quality regulation in California, and applies to surface waters, wetlands, and groundwater, as well as regulation of both point and nonpoint sources of pollution. The Porter-Cologne Act implements provisions of the CWA, such as the NPDES permitting program, through the SWRCB and nine regional water quality control boards (RWQCBs), which issue permits for point source discharges. Other State agencies with jurisdiction over water quality regulation in California include the California Department of Health Services (DHS) (for drinking water regulations), the California Department of Pesticide Regulation, and the Office of Environmental Health and Hazard Assessment.

San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)

The San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan) includes a summary of beneficial water uses, water quality objectives needed to protect the identified beneficial uses, and implementation measures. The Basin Plan establishes water quality standards for all the ground and surface waters of the region. The term “water quality standards,” as used in the Federal Clean Water Act, includes both the beneficial uses of specific water bodies and the levels of quality that must be met and maintained to protect those uses. The Basin Plan includes an implementation plan describing the actions by the RWQCB and others that are necessary to achieve and maintain the water quality standards.

The RWQCB regulates waste discharges to minimize and control their effects on the quality of the region’s ground and surface water. Permits are issued under a number of programs and authorities. The terms and conditions of these discharge permits are enforced through a variety of technical, administrative, and legal means. Water quality problems in the region are listed in the Basin Plan, along with the causes, where they are known. For water bodies with quality below the levels necessary to allow all the beneficial uses of the water to be met, plans for improving water quality are included. The Basin Plan reflects, incorporates, and implements applicable portions of a number of national and statewide water quality plans and policies, including the California Water Code (CWC) and the Clean Water Act.

California Department of Water Resources

The California Department of Water Resources (DWR) is responsible, in cooperation with other agencies, for managing the water resources of the state. Most important is the operation of the State Water Project, which supplies water to public water systems that serve the majority of state residents (approximately 27 million people). DWR is also responsible for developing the California Water Plan, which serves as a guide to the development and management of the state’s water resources.

State Water Resources Control Board

The SWRCB oversees public water systems, and has oversight of water recycling projects, issuance of water treatment permits, and certification of drinking water treatment and distribution operators. In addition, through the Drinking Water Programs, the SWRCB regulates public water systems and enforces the federal and State Safe Drinking Water Acts, including performing field inspections, reviewing plans and specifications for new facilities, taking enforcement actions for noncompliance with laws and regulations, reviewing water quality monitoring results, and supporting and promoting water system security.

California Fire Code

The 2022 California Fire Code, which is codified in Part 9 of Title 24 of the California Code of Regulations (CCR), incorporates by adoption the 2021 International Fire Code and contains regulations related to construction, maintenance, and use of buildings. Topics addressed in the California Fire Code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety. The California Building Standards Code, including the California Fire Code, is revised and published every 3 years by the California Building Standards Commission.

California Safe Drinking Water Act

The SWRCB Division of Drinking Water is responsible for implementing the federal SDWA and its updates, as well as California statutes and regulations related to drinking water. State primary and secondary drinking-water standards are promulgated in CCR Title 22, Sections 64431–64501 (described in greater detail below).

The California Safe Drinking Water Act (CA SDWA) was passed in 1976 to build on and strengthen the federal SDWA. The CA SDWA authorizes DHS to protect the public from contaminants in drinking water by establishing MCLs that are at least as stringent as those developed by EPA, as required by the federal SDWA.

Title 22 Water Recycling Criteria

The California Department of Public Health (formerly the Department of Health Services) is responsible for establishing criteria to protect public health in association with recycled water use. The criteria issued by this department are found in the California Code of Regulations, Title 22, Division 4, Chapter 3, entitled Water Recycling Criteria. Commonly referred to as Title 22 Criteria, the criteria contain treatment and effluent quality requirements that vary based on the proposed type of water reuse. Title 22 sets bacteriological water quality standards on the basis of the expected degree of public contact with recycled water. For water reuse applications with a high potential for the public to come into contact with the reclaimed water, Title 22 requires disinfected tertiary treatment. For applications with a lower potential for public contact, Title 22 requires three levels of secondary treatment, basically differing by the amount of disinfectant required.

Title 22 also specifies the reliability and redundancy for each recycled water treatment and use operation. Treatment plant design must allow for efficiency and convenience in operation and maintenance and provide the highest possible degree of treatment under varying circumstances. For recycled water piping, the department has requirements for preventing backflow of recycled water into the public water system and for avoiding cross-connection between the recycled and potable water systems. The Department of Public Health does not have enforcement authority for the Title 22 criteria; instead, the RWQCBs enforce the criteria through enforcement of their permits containing the applicable criteria.

Sustainable Groundwater Management Act of 2014

The Sustainable Groundwater Management Act of 2014 (SGMA)¹ became law on January 1, 2015, and applies to all groundwater basins in the state (Water Code Section 10720.3). By enacting the SGMA, the Legislature intended to provide local or regional agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater within their jurisdiction (CWC Section 10720.1). The SGMA is a follow up to SB X7-6, adopted in November 2009, which mandated a statewide groundwater elevation monitoring program to track seasonal and long-term trends in groundwater elevations in California's groundwater basins. In accordance with this amendment to the CWC, DWR developed the California Statewide Groundwater Elevation Monitoring (CASGEM) program.

Pursuant to the SGMA, any local agency that has water supply, water management or land use responsibilities within a groundwater basin may elect to be a "groundwater sustainability agency" for that basin (CWC Section 10723). Local agencies were given until January 1, 2017 to elect to become or form a groundwater sustainability agency. In the event a basin is not within the management area of a groundwater sustainability agency, the county within which the basin is located is to be presumed to be the groundwater sustainability agency for the basin. However, the county may decline to serve in this capacity (CWC Section 19724).

The SGMA also requires DWR to categorize each groundwater basin in the state as high-, medium-, low-, or very low priority (CWC Sections 10720.7, 10722.4). All basins designated as high- or medium-priority basins must be managed by a groundwater sustainability agency under a groundwater sustainability plan that complies with Water Code Section 10727 et seq. If required to be prepared, groundwater sustainability plans were required to be prepared by January 31, 2020 for all high- and medium-priority basins that are subject to critical conditions of overdraft, as determined by DWR, or by January 31, 2022 for all other high- and medium-priority basins.

On December 15, 2014, DWR announced its official "initial prioritization" of the state's groundwater basins for purposes of complying with the SGMA, and this priority list became effective on January 1, 2015. The subbasin is not subject to a groundwater sustainability plan as required under the Sustainable Groundwater Management Act.

Urban Water Management Planning Act

In 1983, the California Legislature enacted the Urban Water Management Planning Act (UWMPA) (CWC Sections 10610–10656). The UWMPA states that every urban water supplier that provides water to 3,000 or more customers, or that provides more than 3,000 acre-feet of water annually, should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry,

¹ The SGMA is comprised of three separate bills: Senate Bill 1168, Senate Bill 1319, and Assembly Bill 1739. All three were signed into law by the Governor on September 16, 2014.

and multiple dry years. This effort includes the adoption of an urban water management plan (UWMP) by every urban-water supplier and an update of the plan every 5 years on or before December 31, of every year ending in a five or zero. The UWMPA has been amended several times since 1983 with the most recent amendment occurring with the enactment of SB 318 in 2004. The UWMPA and SB 610, described below, are interrelated; the UWMP is typically relied upon to meet the requirements for SB 610.

Senate Bill 610

SB 610 (Stats. 2001, ch. 643) made changes both to the UWMPA and to the rules governing the preparation of “water supply assessments” (WSAs), as originally enacted in 1995 via SB 901 (Stats.1995, c. 881). The rules governing WSA preparation are set forth in Water Code sections 10910 through 10915, which are referenced in CEQA Guidelines Section 15155, promulgated in 2007 and amended in 2018. Pursuant to SB 610 and Section 15155, cities and counties acting as lead agencies are required to identify the public water system that would serve a defined “project” and to request that such public water system prepare a WSA addressing whether the public water system has a water supply is sufficient to provide for projected water demand associated with a project when existing and future uses are also considered (CWC Section 10910 [c] [3]). Where a city or county acts as its own public water system, the obligation to prepare the WSA falls onto the city or county. The definition of a water-demand project is the same as CEQA Guidelines Section 15155. Residential projects proposing more than 500 dwelling units come under the definition, as do office projects employing more than 1,000 persons or having more than 250,000 square feet of floor space.

Water Conservation Act of 2009

Requirements regarding per capita water use targets are defined in the Water Conservation Act of 2009, which was signed into law in November 2009 as part of a comprehensive water legislation package. Known as SB X7-7, the legislation sets a goal of achieving a 20 percent reduction in urban per capita water use statewide by 2020. SB X7-7 required that retail water suppliers define in their 2010 urban water management plans the gallons-per-capita-per-day targets for 2020, with an interim 2015 target. Water purveyors are required to select one of the four methods that the legislation defines for establishing a gallons-per-capita-per-day target.

California Code of Regulations, Title 17, Section 8007

CCR Title 17, Section 8007 requires the contents of chemical tanks to be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity to handle the wastes, a suitably sized and constructed holding tank, approved by the local health department, or by any other method approved by the local health department.

California’s Integrated Waste Management Act of 1989

The California Integrated Waste Management Act (CIWMA) of 1989 created the California Integrated Waste Management Board, which was subsequently abolished, with its duties now carried out by the California Department of Resources Recycling and Recovery (CalRecycle). CalRecycle is the agency designated to oversee, manage, and track California’s 92 million tons of waste generated each year. CalRecycle provides grants and loans to help cities, counties, businesses, and organizations meet the state’s waste reduction, reuse, and recycling goals. CalRecycle promotes a sustainable environment in which these resources are not wasted but can be reused or recycled. In addition to many programs and incentives, CalRecycle promotes the use of new technologies to divert resources away from landfills. CalRecycle is responsible for ensuring that waste management programs are carried out primarily through local enforcement agencies.

The CIWMA is the result of two pieces of legislation: AB 939 and SB 1322. The CIWMA was intended to minimize the amount of solid waste that must be disposed of through transformation and land disposal by requiring all cities and counties to divert 25 percent of all solid waste from landfill facilities by January 1, 1995, and 50 percent by January 1, 2000.

The 50 percent diversion requirement is measured in terms of per capita disposal expressed as pounds per day per resident and per employee. The per capita disposal and goal measurement system uses an actual disposal measurement based on population and disposal rates reported by disposal facilities, and it evaluates program implementation efforts.

Assembly Bill 341 (Mandatory Recycling Requirements)

AB 341 requires CalRecycle to issue a report to the Legislature that includes strategies and recommendations that would enable the state to recycle 75 percent of the solid waste generated in the state by January 1, 2020, requires businesses that meet specified thresholds in the bill to arrange for recycling services by July 1, 2012, and streamlines various regulatory processes.

Assembly Bill 827

AB 827, as approved in October 2019, requires businesses that either generates 4 cubic yards or more of commercial solid waste or 8 cubic yards or more of organic waste per week to provide accessible easily visible recycling receptacles clearly marked with educational signage next to all trash bins, except in restrooms.

Assembly Bill 1826 (Mandatory Commercial Organics Recycling Requirements)

AB 1826 requires a business that generates 4 cubic yards or more of organic waste per week to arrange for recycling services for that organic waste in a specified manner. The bill would also require a business that generates 4 cubic yards or more of commercial solid waste per week, on and after January 1, 2019, to arrange for organic waste recycling services and, if CalRecycle makes a specified determination, would decrease that amount to 2 cubic yards, on or after January 1, 2020. The bill would require each jurisdiction to report to CalRecycle on its progress in implementing the organic waste recycling program, and CalRecycle would be required to review whether a jurisdiction is in compliance with this act.

AB 1826 would require CalRecycle to identify and recommend actions to address permitting and siting challenges and to encourage the continued viability of the state's organic waste processing and recycling infrastructure, in partnership with the California Environmental Protection Agency and /other specified State and regional agencies. The bill also would require the department to cooperate with local jurisdictions and industry to provide assistance for increasing the feasibility of organic waste recycling and to identify certain State financing mechanisms and State funding incentives and post this information on its website.

Senate Bill 1374

SB 1374, Construction and Demolition Waste Materials Diversion Requirements, requires that jurisdictions summarize their progress realized in diverting construction and demolition waste from the waste stream in their annual AB 939 reports. SB 1374 required CalRecycle to adopt a model construction and demolition ordinance for voluntary implementation by local jurisdictions.

Senate Bill 1383 (Short-Lived Climate Pollutant Reduction Strategy)

The California Global Warming Solutions Act of 2006 designates the California Air Resources Board (CARB) as the State agency charged with monitoring and regulating sources of emissions of greenhouse gases. SB 1383 required CARB, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030, as specified. The bill also establishes specified targets for reducing organic waste in landfills.

SB 1383 requires CalRecycle, in consultation with CARB, to adopt regulations that achieve the specified targets for reducing organic waste in landfills. The bill authorizes local jurisdictions to charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations. SB 1383 requires, no later than July 1, 2020, for CalRecycle, in consultation with CARB, to analyze the progress that the waste sector, state government, and local governments have made in achieving the specified targets for reducing organic waste in landfills. The bill authorizes CalRecycle, depending on the outcome of that analysis, to amend the regulations to include incentives or additional requirements, as specified. By adding to the duties of local governments related to organic waste in landfills, SB 1383 imposes a State-mandated local program.

Senate Bill 350 (Clean Energy and Pollution Reduction Act)

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

LOCAL

Milpitas General Plan 2040

The City of Milpitas General Plan 2040 (City of Milpitas 2021a) includes 11 elements. The Utilities and Community Services Element contains policies relevant to utilities and service systems and applicable to the Specific Plan, as listed below.

- ▶ **Policy UCS 1-1:** Provide adequate public infrastructure (i.e., street, sewer, water, and storm drain systems) to meet the needs of existing and future development.
- ▶ **Policy UCS 1-2:** Require development and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, Urban Water Management Plan (UWMP), the Sewer Master Plan, the Sewer System Management Plan, the Green Infrastructure Plan, and the Capital Improvement Program.
- ▶ **Policy UCS 1-3:** Require all future development projects to analyze their infrastructure and service impacts and either demonstrate that the City's existing infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be diminished or impaired, or make the necessary improvements to mitigate all potential impacts.
- ▶ **Policy UCS 1-4:** The City shall prioritize infrastructure improvements in areas identified for economic growth in the next 5-10 years.
- ▶ **Policy UCS 1-5:** Require the payment of impact fees for all new development.
 - ▶ **Action UCS-1b:** As part of the development review process, determine the potential impacts of development projects on public infrastructure, and ensure that new development contributes its fair share toward necessary on and off-site infrastructure.
 - ▶ **Action UCS-1c:** Through development review, ensure that infrastructure is adequately sized to accommodate the proposed development and, if applicable, allow for extensions to future developments.
- ▶ **Policy UCS 2-1:** Ensure the water system and supply adequately meets the needs of existing and future development and is utilized in a sustainable manner.
- ▶ **Policy UCS 2-3:** Pursue additional water supply sources to supplement the City's existing supply as needed to meet projected future demand.
- ▶ **Policy UCS 2-4:** Ensure that all new development provides for and funds its fair share of the costs for adequate water distribution, including line extensions, easements, and dedications.
- ▶ **Policy UCS 2-5:** Reduce potable water use and increase water conservation.
- ▶ **Policy UCS 2-7:** Maintain existing groundwater wells as a source of emergency water supply and a resource for supplemental supply.
 - ▶ **Action UCS-2f:** Require, as a condition of project approval, dedication of land and easements, or payment of appropriate fees and exactions, to help offset municipal costs of expansion of water conveyance and delivery systems.
- ▶ **Policy UCS 3-1:** Ensure safe and reliable wastewater collection and treatment infrastructure to serve existing and future development.
- ▶ **Policy UCS 3-2:** Maintain the existing wastewater system on a regular basis to increase the lifespan of the system and ensure public safety.

- ▶ **Policy UCS 3-3:** Ensure that all new development provides for and funds its fair share of the costs for adequate sewer collection and treatment, including line extensions, easements, and dedications.
 - ▶ **Action UCS-3b:** Require new development to provide for and fund a fair share of the costs for adequate sewer distribution, including line extensions, easements, and plant expansions.
- ▶ **Policy UCS 4-1:** Maintain and improve Milpitas's storm drainage facilities.
- ▶ **Policy UCS 4-2:** Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.
- ▶ **Policy UCS 4-3:** Require all future development projects to analyze their drainage and stormwater conveyance impacts and either demonstrate that the City's existing infrastructure can accommodate increased stormwater flows, or make the necessary improvements to mitigate all potential impacts.
- ▶ **Policy UCS 4-4:** Applicable projects shall incorporate Best Management Practices (BMPs) and Low Impact Development measures (LID) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.
- ▶ **Policy UCS 4-5:** Applicable projects shall control peak flows and duration of runoff to prevent accelerated erosion of downstream watercourses.
- ▶ **Policy UCS 4-6:** Applicable projects shall minimize directly connected impervious areas by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.
- ▶ **Policy UCS 4-7:** Encourage dual-use detention basins for parks, ball fields, and other appropriate uses.
- ▶ **Policy UCS 4-9:** Maintain drainage channels in a naturalized condition with riparian corridors and wetland where appropriate, incorporating recreational trails, parkway vegetation, and other amenities and ensuring that vegetation does not reduce channel capacity. Where possible, set back development from these areas sufficiently to maximize habitat values.
- ▶ **Policy UCS 4-10:** Where feasible, conform developments to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and trees, and maintain natural drainage patterns.
- ▶ **Policy UCS 4-12:** Projects accommodating outdoor activities, including work areas, storage areas or other areas that are potential sources of stormwater pollutants, shall incorporate measures to control those pollutant sources to the maximum extent practicable.
- ▶ **Policy UCS 4-13:** Owners and operators of stormwater treatment facilities shall maintain those facilities and ensure they continue to be effective.
- ▶ **Policy UCS 4-14:** Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code).
 - ▶ **Action UCS-4b:** Continue to complete gaps in the drainage system in areas of existing development through the implementation of drainage improvement projects identified in the Storm Drain Master Plan.
 - ▶ **Action UCS-4e:** Continue to implement a comprehensive municipal stormwater pollution-prevention program in compliance with requirements of the Santa Clara Valley Urban Runoff Prevention Program (SCVURPPP) and the C.3 Stormwater Handbook.
- ▶ **Policy UCS 5-2:** Implement and enforce the provisions of the City's Source Reduction and Recycling Program and update the program as necessary to meet or exceed the State waste diversion requirements.

- ▶ **Policy UCS 5-3:** Reduce municipal waste generation by increasing recycling, on-site composting, and mulching, where feasible, at municipal facilities, as well as using resource efficient landscaping techniques in new or renovated medians and parks.
- ▶ **Policy UCS 5-4:** Encourage residential, commercial, and industrial recycling and reuse programs and techniques.
- ▶ **Policy UCS 5-6:** When feasible, minimize the potential impacts of waste collection, transportation, and the location of potential disposal facilities upon the residents of Milpitas.
- ▶ **Policy UCS 6-2:** Coordinate with service providers in the siting and design of power facilities to minimize environmental, aesthetic, and safety impacts.
- ▶ **Policy UCS 6-3:** Require that all new power and gas lines and transformers are installed underground where feasible and promote the undergrounding of existing overhead facilities.
 - ▶ **Action UCS-6c:** Confer with utility providers regarding major development plans and participate in the planning of the extension of utilities.
 - ▶ **Action UCS-6d:** Require the undergrounding of utility lines in new development, and as areas are redeveloped, except where infeasible for operational reasons
- ▶ **Policy UCS 7-1:** Work cooperatively with utility providers to ensure the provision of adequate telecommunications services and facilities to serve the needs of existing and future residents and businesses. The City shall place emphasis on improving the quality of service in underserved areas.
- ▶ **Policy UCS 7-6:** Coordinate with service providers in the siting and design of telecommunication facilities to minimize environmental, aesthetic, and safety impacts.
- ▶ **Policy UCS 7-7:** Require that all new telecommunication lines are installed underground where feasible and promote the undergrounding of existing overhead facilities.
 - ▶ **Action UCS-7c:** Require the undergrounding of telecommunication lines in new development, and as areas are redeveloped, except where infeasible for operational reasons.

City of Milpitas Urban Water Management Plan and Water Shortage Contingency Plan

The City of Milpitas City Council adopted its 2020 UWMP on June 15, 2021, in accordance with the Urban Water Management Planning Act (CWC Sections 10608 to 10656). The City's UWMP provides information related to its existing water system, current and projected water demands and water supplies, water conservation efforts, projected water supply reliability during normal, dry, and multiple-year drought conditions, water shortage contingency planning, and demand management measures. The next 5-year UWMP update is anticipated by June 2026 and would include additional changes that have occurred since the 2020 UWMP.

The 2020 UWMP identifies that the City would have shortfalls in supply in 2025, 2030, and 2045 under single dry-year and multiple dry year conditions if contract water supply sources provided by the San Francisco Public Utilities Commission and Valley Water are reduced. During these conditions, the City would implement its 2020 Water Shortage Contingency Plan (WSCP) that consists of voluntary and mandatory water conservation measures that would address water supply shortfalls.

The 2020 WSCP contains documented processes and procedures, which are given legal authority through the Water Shortage Contingency Response Ordinance. The 2020 WSCP includes the steps to assess if a water shortage is occurring and how to respond to a water shortage. The 2020 WSCP has prescriptive elements, including an analysis of water supply reliability; the drought shortage actions for each of the six standard water shortage levels that correspond to water shortage percentages ranging from 10 percent to greater than 50 percent; an estimate of potential to close supply gap for each measure; protocols and procedures to communicate identified actions for any current or predicted water shortage conditions; procedures for an annual water supply and demand assessment; monitoring and reporting requirements to determine customer compliance; and reevaluation and improvement procedures for evaluating the WSCP.

City of Milpitas Water Master Plan

The City's Water Master Plan (WMP) was first developed in 2002 and comprehensively updated in 2009, and most recently updated in 2021. The current WMP evaluates the City's existing water system infrastructure, addresses the effects of short-term and long-term planned growth, and provides a comprehensive road map for the City's Water System Capital Improvement Program (CIP). The WMP conducted various analyses, including an assessment of the City's distribution system's capacity to meet hydraulic performance criteria under different demand and outage scenarios. Both the existing (2019) and projected buildout (2040) systems were scrutinized, with the latter incorporating anticipated water demands from planned growth and development, including those outlined in the Specific Plan. Hydraulic evaluations of the City's buildout water distribution system encompassed peak-hour demand, maximum day demand with fire flow, as well as potential water supply and power outages.

City of Milpitas Storm Drain Master Plan

The City's 2021 Storm Drain Master Plan (SDMP) is an update to the 2013 SDMP and is intended to help guide the City in implementing a prioritized CIP. The 2021 SDMP identifies the capital improvements needed to maintain recommended levels of protection against local flooding from stormwater runoff, the need for a revenue stream that will allow the necessary capital improvements made, and the need to keep the storm drain system in working order into the future. The 2021 SDMP relies on updated hydrologic modeling, specifically the Integrated Catchment Modeling (ICM) model, which integrates updated rainfall and different hydrologic methodology compared to prior versions of the SDMP. Additionally, the model accounts for surface storage within streets and other open spaces and the precise timing of coincident creek discharges, which was not directly accounted for in previous SDMPs. These updates generally suggest less flooding at the desired level of service and fewer CIP projects that would be needed to meet the City's storm drainage criteria.

California Regional Water Quality Control Board's San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Order R2-2015-0049 (NPDES Permit No. CAS612008) November 2015

The City of Milpitas participates in the Santa Clara Valley Urban Runoff Prevention Program (SCVURPPP) as a co-permittee under the California Regional Water Quality Control Board's San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (Order R2-2015-0049), also referred to as the "MS4 Permit." Permit number CAS612008 became effective in November of 2015. The City has typical urban runoff water quality issues and is working on implementing a 70 percent reduction in trash load by July 1, 2017, focused around trash capture on 100 acres of high or very high trash generating land uses.

Santa Clara Valley Urban Runoff Prevention Program

The SCVURPPP is an association of 15 municipal agencies in the Santa Clara Valley that discharge stormwater to the lower South San Francisco Bay. Member agencies (Co-permittees) include the cities of Campbell, Cupertino, Los Altos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, the towns of Los Altos Hills and Los Gatos, the County of Santa Clara, and the SCVWD. The SCVURPPP and member agencies implement pollution prevention, source control, monitoring and outreach programs aimed at reducing pollutants in stormwater runoff, and protecting water quality and beneficial uses of the San Francisco Bay and Santa Clara Valley creeks and rivers. The SCVURPPP also promotes valuing stormwater as an important resource. The member agencies of the SCVURPPP share a common NPDES permit to discharge stormwater to the South San Francisco Bay. Total population within the SCVURPPP area is approximately 1.7 million people. The SCVURPPP incorporates regulatory, monitoring and outreach measures aimed at reducing pollution in urban runoff to the "maximum extent practicable" to improve the water quality of South San Francisco Bay and the streams of Santa Clara Valley.

City of Milpitas Sewer Master Plan

The City's Sewer Master Plan was first developed in 2002 and comprehensively updated in 2009, and most recently updated in 2021. The current Sewer Master Plan includes a CIP based on existing (2020) and future (2040) planning horizons. The Sewer Master Plan describes the City's service area and wastewater services it provides; describes the City's existing wastewater collection system; provides the results of the condition assessment performed as part of the

Sewer Master Plan; describes the hydraulic modeling developed as part of the Sewer Master Plan; provides the results of the wastewater flow monitoring program and analysis of corresponding data; identifies the hydraulic capacity-related deficiencies under existing (2020) and future (2040) modeled conditions; identifies the recommended improvements resulting from the condition assessment and basis for cost development; and identifies the recommended capital improvement projects, costs, and timeline for implementation.

City of Milpitas Sewer System Management Plan (2014)

In May 2006, SWRCB implemented Order No. 2006-0003-DWQ. Any municipality that owns or operates a sanitary sewer system greater than 1.0 mile in length and that collects and/or conveys untreated or partially treated wastewater to publicly owned treatment plants in the State of California is required to comply with the terms of this order. This order requires the development and implementation of a system-specific sanitary sewer management plan (SSMP). The City's SSMP facilitates the overall management of the City of Milpitas' sewer system.

Milpitas Municipal Code, Chapter 200: Solid Waste Management

Chapter 200 of the Milpitas Municipal Code contains specific requirements related to:

- ▶ keeping or accumulating solid waste;
- ▶ collection and disposal;
- ▶ authorized contractors;
- ▶ manner of collection, removal, and transportation;
- ▶ solid waste disposal;
- ▶ enforcement and penalties; and
- ▶ disaster operations.

Milpitas Source Reduction and Recycling Element

Adopted in 1991, the Milpitas Source Reduction and Recycling Element provides a summary and analysis of existing and needed source reduction, recycling, and composting programs and facilities, strategies for handling special wastes, and for funding. Implementation measures for both short (next 5 years) and medium term (next 10 years) are specified and include multifamily residential and non-residential recycling, public awareness, and regulatory programs. Implementation measures outlined in the Element are expected to lead to diversion of an estimated 13.6 to 19.5 percent of the waste stream by 2000.

Goals adopted as part of the City's *Source Reduction and Recycling Element* include:

- ▶ Meet or exceed state-mandated solid waste disposition rates by maximizing source reduction, recycling and composting opportunities for Milpitas residents and businesses;
- ▶ Motivate the residential and business sectors to reduce and recycle solid waste;
- ▶ Ensure that all land development projects provide adequate space and design for waste reduction and management activities and equipment;
- ▶ Encourage the development and expansion of local and regional markets for diverted materials;
- ▶ Provide solid waste management services that minimize environmental impacts, ensure public health and safety and facilitate waste reduction efforts; and
- ▶ Increase residents' awareness of proper disposal and reduction methods for wastes.

3.12.2 Environmental Setting

The environmental setting provided on pages 3.15-1 through 3.15-8 (water); 3.15-15 through 3.15-19 (wastewater); 3.15-24 and 3.15-25 (stormwater); and 3.15-32 and 3.15-33 (solid waste) of the General Plan Update EIR remains

applicable to this analysis, unless noted otherwise. The following section provides updates to the environmental setting since certification of the General Plan Update EIR and includes additional information applicable to the impact analysis for the Specific Plan.

Public utilities in the Specific Plan Area are provided by various entities, as identified in Table 3.12-1 and discussed in detail below.

Table 3.12-1 Utilities Providers for the Specific Plan Area

Utility	Agency/Provider
Water Supply	City of Milpitas
Wastewater Collection and Conveyance	City of Milpitas
Wastewater Treatment	San Jose-Santa Clara Regional Wastewater Treatment Facility (Cities of San Jose and Santa Clara); West Valley Sanitation District; Cupertino Sanitation District
Stormwater Conveyance	City of Milpitas; Santa Clara Valley Water District
Solid Waste Collection and Disposal	Republic Services / Newby Island Solid Waste Facility
Electrical Service	Pacific Gas & Electric Company (PG&E)
Natural Gas	Pacific Gas & Electric Company (PG&E)

Source: Data compiled by Ascent in 2024

WATER SUPPLY

As detailed in the General Plan Update EIR, the City is the water supplier for areas within its jurisdiction, including the Specific Plan Area. Since certification of the EIR, the City updated its UWMP and WSCP as part of the 5-year update review cycle required under the Urban Water Management Planning Act. The following describes the water supply conditions that have changed since certification of the EIR. Unless noted otherwise, the following information is summarized from the City’s 2020 UWMP (City of Milpitas 2021b).

Existing Water Supply Sources

As detailed in the WSA, water supplies within the city are provided via potable water purchased from the San Francisco Public Utilities Commission (SFPUC) and Valley Water (formerly Santa Clara Valley Water District) and distributed to customers through the City’s potable water system. The existing water supply sources for each of these wholesale water suppliers as well as the City are described below based on the WSA prepared for the proposed Specific Plan (Appendix E).

San Francisco Public Utilities Commission

Approximately 60 percent of the City’s water supply is provided from SFPUC. The City receives imported water from the City and County of San Francisco’s Regional Water System (RWS), operated by SFPUC. This supply is predominantly from the Sierra Nevada, delivered through the Hetch Hetchy aqueducts, but also includes treated water produced by the SFPUC from its local watersheds and facilities in Alameda and San Mateo Counties. Water from the RWS is treated before delivery and supplied to City from two connections, Bay Division Pipelines (BDPL) 1 and 2, and the Crystal Springs Bypass Tunnel.

The amount of imported water available to the SFPUC’s retail and wholesale customers is constrained by hydrology, physical facilities, and the institutional parameters that allocate the water supply of the Tuolumne River. Due to these constraints, the SFPUC is very dependent on reservoir storage to ensure ongoing reliability of its water supplies.

On June 2, 2009, the City entered into a 25-year Water Supply Agreement with SFPUC. This agreement affirms the City’s perpetual right to purchase up to 9.23 million gallons per day (mgd) of treated potable water unless SFPUC has a water shortage.

Future Water Sources and Reliability

In December 2018, the State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay Delta Plan) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The adopted Bay Delta Plan was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay Delta. The Bay Delta Plan Amendment requires the release of 30 to 50 percent of the “unimpaired flow” on these tributaries from February through June in every year type. As noted above, SFPUC obtains surface water from the Tuolumne River.

The SFPUC has initiated an Alternative Water Supply Planning Program to ensure that San Francisco can meet its Retail and Wholesale Customer water needs, address projected dry years shortages, and limit rationing to a maximum 20 percent system-wide in accordance with adopted SFPUC policies. This program is intended to meet future water supply challenges and vulnerabilities such as environmental flow needs and other regulatory changes; earthquakes, disasters, and emergencies; increases in population and employment; and climate change.

Since the City’s water supply relies partially on the SFPUC RWS, impacts from the potential implementation of the Bay Delta Plan, is anticipated to impact the City’s service reliability. The City would be able to meet the projected water demands in normal years through 2045 but would experience supply shortages in single dry years and multiple dry years. Such implementation of the Bay Delta Plan would require rationing in all single dry years and multiple dry years. For the preparation of local UWMPs, SFPUC provided two scenarios, using hydrologic models with and without the Bay Delta Plan Amendment. This included Bay Area Water Supply & Conservation Agency (BAWSCA) drought cutback allocations based on the information about projected water supply availability for the wholesale customers from SFPUC. All of BAWSCA’s allocation tables assume that the wholesale customers can purchase up to 184 mgd from SFPUC’s RWS through 2045. In normal years 100 percent of the City’s ISG is available to the City, that is 9.232 mgd.

Valley Water

Valley Water began providing treated surface water from Valley Water in August 1993 under a September 1984 contract between the City and Valley Water (previously known as Santa Clara Valley Water District). The supply delivery is adjusted annually based on a binding 3-year annual delivery schedule. The City’s annual purchase must be at least 90 percent of the delivery schedule and the City’s monthly “supply guarantee” is at least 15 percent of the annual delivery schedule. Valley Water provides treated water from its Penitencia and Santa Teresa treatment plant via its Milpitas Pipeline which terminates in the City.

Although the City purchases are currently limited to surface water largely purchased by Valley Water from the State Water Project (SWP) and Central Valley Project CVP (Valley Water has a contract for 152,500 acre-feet per year [AFY] from the CVP and 100,000 AFY from the SWP), Valley Water’s overall water supply comes from a variety of sources. Nearly half is from local groundwater aquifers, and more than half is imported from the Sierra Nevada through pumping stations in the Sacramento-San Joaquin River Delta. Both groundwater and imported water are sold to retailers. Valley Water also manages the groundwater basin to the benefit of agricultural users and other independent users who pump groundwater. Local runoff is captured in Valley Water reservoirs for recharge into the groundwater basin or treatment at one of Valley Water’s water treatment plants. The total storage capacity of these reservoirs is about 170,000 acre-feet. According to the City’s Water Master Plan, a new Valley Water turnout near Piper Drive and a two mgd storage reservoir and 4,000 gallon per minute pump station in the Valley Water service area is anticipated to be constructed between 2031 and 2035 (Silveira 2025, pers comm). Further, according to the City’s Water Master Plan, a new emergency pressure reducing valve at the intersection of Cedar Way and South Main Street to allow flows between zone SF1 and zone VW1, as identified in Section 7.3 of the Specific Plan, is anticipated to be constructed between 2031 and 2035 (Silveira, pers. comm., 2025).

Future Water Sources and Reliability

To maintain water supply reliability and flexibility, Valley Water’s water supply includes a variety of sources including local groundwater, imported water, and local surface water. Valley Water has an active conjunctive water management program to optimize the use of groundwater and surface water, and to prevent groundwater overdraft and land subsidence.

Long-term planning and modeling analysis performed by Valley Water as part of its Integrated Water Resources Planning Study (IWRP) indicates that if additional investments are made, future countywide demands can reliably be met. It is the intent of Valley Water to invest in accordance with the IWRP framework to develop a flexible resource mix. This flexibility will allow Valley Water to respond to uncertain future conditions. The 2003 IWRP developed a planning framework and supporting modeling tools to help Valley Water identify and select specific water resource investments. The 2003 IWRP evaluation was based on a best estimate of the water demand and water supply outlook through 2040. Future water demand was estimated based on data from ABAG, Department of Finance and general plans from cities and Santa Clara County. The demand projection for the cities in Santa Clara County did not distinguish between Valley Water or SFPUC supplies.

The key findings from the 2003 IWRP are: (1) securing baseline supplies is top priority for ensuring reliability, 2) a mix of three types of new water supply investments makes the best water supply portfolio, and 3) local supplies decrease vulnerability.

Modeling conducted for the Water Supply Master Plan 2040 (Master Plan) indicates shortages during droughts in all demand years, with shortages increasing in severity and frequency as demands increase and Delta-conveyed supplies decrease. By 2040, without new supplies or conservation savings, shortages could occur in about 40 percent of years. The Master Plan identifies that 2040 available water supplies would range from 250,000 AFY to 399,000 AFY depending on the water year that could result in water supply shortfalls as high as 140,000 AFY during extended drought conditions.

To improve the reliability of water supplies, the Master Plan includes the Valley Water's Ensure Sustainability water supply strategy that consists of securing existing supplies and infrastructure; increasing water conservation and water reuse; and optimizing the use of existing supplies and infrastructure. The following projects would be implemented as part of this strategy:

- ▶ Delta Conveyance Project,
- ▶ Additional Conservation and Stormwater Projects and Programs,
- ▶ Potable Reuse Program,
- ▶ Pacheco Reservoir Expansion,
- ▶ Transfer-Bethany Pipeline, and
- ▶ South County Recharge.

Implementation of these projects would provide a reliable water supply that would meet 2040 demands during a non-drought year. During drought conditions, water supplies would be sufficient to meet 100 percent of demand during the first five years of drought and more than 90 percent in the last year.

Recycled Water

Recycled water is provided to the City by South Bay Water Recycling (SBWR). Currently, recycled water use consists of projects currently underway to convert potable users within the vicinity of the existing recycled water system, irrigation and conversion of cooling towers as identified through a SBWR Cooling Tower Initiative and extension of the recycled water system to capture additional irrigation use. Every year, the City purchases approximately 300 million gallons of recycled water from the San Jose/Santa Clara Regional Wastewater Facility, through SBWR. The recycled water undergoes an extensive tertiary treatment process (including filtration and disinfection) and is delivered to more than 220 recycled water customers in the City, for landscape irrigation and industrial uses.

The recycled water system is part of the South Bay Water Recycling Strategic Master Planning Report completed in 2014. The Strategic Plan was divided into two phases, near-term (2015-2020) and long term (2020-2035). Master Planning would provide basis for identifying alternative governance frameworks and associated funding strategies for non-potable water (i.e. recycled water). The SBWR system is currently developed to reflect near term recycled water demands. The long term plan is currently being studied, and future allocations have not been identified. Projected recycled water use is limited by the future supply allocations outlined by SBWR.

City of Milpitas

As noted above, the City obtains its water supply from SFPUC, Valley Water, and recycled water from SBWR. The City owns, operates and maintains a potable water distribution system consisting of five turnouts, one emergency groundwater well, three emergency interties, five storage reservoirs, five pump stations, 17 pressure reducing valves (PRVs), and approximately 183 miles of pipeline. The City also operates and maintains a recycled water system owned by the City of San Jose SBWR program. The City's potable water supply system is divided into two distinct service areas, corresponding to the areas served by SFPUC and Valley Water. The Specific Plan Area is within the Valley Water service area. Under normal operating conditions, the City does not blend water from SFPUC and Valley Water; however, the two sources of water can be interconnected to provide an emergency water supply, if needed.

In addition to the above water sources, the City has two existing groundwater wells; however, only one is active. These groundwater wells are located within the Santa Clara Sub-basin of the Santa Clara Valley Groundwater Basin. The McCandless Well is anticipated to have its construction complete by 2026 and operational in 2027 with a 0.58 mgd capacity. The 1.7 mgd capacity Pinewood Well, located at Pinewood Park, is connected to the City's lowest water pressure zone (Zone SF1) and can supply up to 50 percent of the zone's average daily water demand. The Pinewood Well was used for approximately three months in 1991, with many complaints about taste and odor. The City plans to add onsite iron and manganese treatment to prevent future complaints. The City is currently analyzing if the well can be converted into a production well and anticipates to determine the direction of the well in early 2026 based on the findings and recommendations.

The City also maintains the Curtis Well, which is located along Curtis Avenue within Zone SF2 and has a 1.5 mgd capacity. This well is artesian, which means that the well flows by itself without the use of a pump. The well is currently inactive, but the City Water Master Plan identifies that this well will be improved and operational on or after 2035.

There is no plan for an additional well at this time. As mentioned in the UWMP, a fourth well is needed for a 5th dry year by 2035 or 3rd dry year by 2045. The City will continue to evaluate the need for a fourth well in future UWMPs and Water Master Plans will continue to be evaluated by the City (Silveira, pers. comm., 2025).

Emergency water interties are connections between water systems that allow for the exchange or delivery of water between those systems on a short-term emergency basis. As described in the General Plan Update EIR, the City entered into agreements with the San Jose Water Company (SJWC) (located south of Milpitas) in March of 1973 and the Alameda County Water District (ACWD) (located north of Milpitas) in December of 1995 for emergency water supply. If a short-term or emergency supply were needed, the City could activate interties with SJWC and ACWD and/or pump groundwater. ACWD interties, both of which are 8-inches in diameter, could each suffice to supply the City with approximately 2.3 mgd. This equates to 4.6 mgd, which is nearly half of Milpitas's pre-drought average day demand. The primary supply for the two ACWD interties is the South Bay Aqueduct. Other sources include the SFPUC and local wells (City of Milpitas 2016).

The SJWC intertie is designed to function only when the City's water distribution system pressure experiences a significant drop. The agreement allows the City to receive water from Valley Water's Penitencia Water Treatment Plant if the SJWC is not also experiencing a water supply emergency. This intertie has never been used.

Current and Future Water Supply Sources and Demands

As mentioned, since certification of the General Plan Update EIR, the City adopted the 2020 UWMP as part of the 5-year update review cycle required under the Urban Water Management Planning Act. The City's 2015 UWMP discussed in the General Plan Update EIR provided projected water demand and estimated supply from 2020 through 2040. The 2020 UWMP provides updates to the projected water demand and estimated supply from what was disclosed in the General Plan Update EIR and includes projections for 2025 through 2045 under normal and dry year weather conditions (single and multiple), as shown in Table 3.12-2.

Table 3.12-2 City of Milpitas Normal, Single-, and Multiple-Dry Year Water Supply and Demand (2025–2045) (AFY)

	2025	2030	2035	2040	2045
Normal Year					
Supply	4,325	4,475	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	0	0	0	0	0
Single-Year Dry					
Supply	3,460	4,475	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(865)	0	0	0	0
Multiple-Year Dry (First Year)					
Supply	3,450	4,475	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(875)	0	0	0	0
Multiple-Year Dry (Second Year)					
Supply	3,230	4,475	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(1,095)	0	0	0	0
Multiple-Year Dry (Third Year)					
Supply	2,940	4,370	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(1,385)	(105)	0	0	0
Multiple-Year Dry (Fourth Year)					
Supply	2,940	4,370	4,626	4,776	4,870
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(1,385)	(105)	0	0	(47)
Multiple-Year Dry (Fifth Year)					
Supply	2,940	4,370	4,626	4,776	4,870
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(1,385)	(105)	0	0	(47)

Source: City of Milpitas 2021b, Tables 7-2 through 7-4.

As shown in Table 3.12-2, future demand would be met by the supply in each 5-year increment through 2045 during normal year conditions. However, demand would not be met in 2025 under drought conditions, including single dry year and multiple dry years. Additionally, demand would not be met in 2030 under multiple dry year conditions (third through fifth years) or 2045 under multiple dry year conditions (fourth and fifth years). These water supply and demand projections are reevaluated for the reasonably foreseeable future (i.e., 20-year planning period) as part of the UWMP update process, which occurs every 5 years as required by the UWMPA.

WASTEWATER

The City owns, operates, and maintains the wastewater collection system within its jurisdiction, which includes main sewer connections, gravity pipes, force mains, and pump stations. All wastewater collected in the City is conveyed to

the San José-Santa Clara Regional Wastewater Facility (RWF), which treats approximately 110 mgd of wastewater and has a treatment capacity of 167 mgd. Eight tributary agencies contribute flow to the RWF including the City of Santa Clara, Cupertino Sanitary District, West Valley Sanitation District, the City of San Jose, County Sanitation District 2-3, Burbank Sanitary District, and the City of Milpitas. The City has rights to discharge 14.25 mgd to the RWF under its current allotment (City of Milpitas 2021c).

The wastewater collection system consists of approximately 160 miles of gravity sewers, with pipe diameters ranging from 4- to 66-inches. The collection system generally flows from east to west and south to north towards the San Francisco Bay. Most of the collection system flows by gravity to the Milpitas Main Lift Station (Main LS) then is pumped to the San Jose-Santa Clara RWF through dual force mains. The Venus Way Lift Station (Venus Way LS) pumps sewage from a small portion of the City that is at a lower elevation up to a higher elevation where it then flows by gravity to the Main LS (City of Milpitas 2021c).

The City's wastewater collection system includes pipelines and structures of varying age, size, and material. Most of the City's wastewater collection system pipelines are vitrified clay pipe and 4- to 12-inches in diameter. Approximately 70 percent of all pipelines were built before 1990. The collection system also includes almost 3,000 manholes, of which approximately 60% were built before 1990. Of these manholes, 177 are flow splits, which are manholes that allow outflow via two or more pipes (City of Milpitas 2021c).

Since certification of the General Plan Update EIR, the City adopted a comprehensive update to its Sewer Master Plan in 2021. Within the 2021 Sewer Master Plan, system risk exposure was identified and classified using a 5-point scoring – ranking all segments of the existing system. Risks levels 1, 2, and 3 range from insignificant to medium risk, while significant risks are rated as 4 (high) and 5 (extreme). These are identified in various areas of the Specific Plan Area, particularly along Main Street. Consequently, a series of CIP projects have been identified for this area of the City. The 2021 Sewer Master Plan incorporates a capacity analysis of the citywide system, which accounts for anticipated land uses within the Milpitas Gateway-Main Street Specific Plan Area (as illustrated in Figure 5-2 of the 2021 Sewer Master Plan). Although the capacity analysis in the 2021 Sewer Master Plan did not identify any existing deficiencies in the Specific Plan Area, certain downstream segments are currently exceeding capacity; thus the 2021 Sewer Master Plan identifies CIP projects to address these existing deficiencies. The following streets within the Plan Area necessitate sewer CIPs: Curtis Avenue, South Main Street, Sinnot Lane, South Abel Street, East Calaveras Boulevard, Corning Avenue, and Machado Avenue. The sewer infrastructure improvements from the 2021 Sewer Master Plan identified within the Specific Plan Area are shown in Figure 7-2, "Stormwater Infrastructure Improvements," of the proposed Specific Plan.

STORMWATER DRAINAGE SYSTEMS

Stormwater runoff is collected in a system of nearly 77 miles of storm drain pipelines ranging from 3-inches to 96-inches in diameter, with outfalls and pumping stations along the City's major waterways that ultimately drain to the San Francisco Bay. Each of the city's storm drainage collection systems discharges into one of Coyote Creek's tributaries, whether by gravity or by pumping. Milpitas owns and operates 13 storm water pumping stations, but the Santa Clara Valley Water District manages most of the natural and urbanized waterways into which Milpitas discharges its stormwater.

Since certification of the General Plan Update EIR, the City adopted a comprehensive update to its SDMP in 2021 (2021d). The 2021 SDMP relies on updated hydrologic modeling, specifically the ICM model, which integrates updated rainfall and different hydrologic methodology compared to prior versions of the SDMP. Additionally, the model accounts for surface storage within streets and other open spaces and the precise timing of coincident creek discharges, which was not directly accounted for in previous SDMPs. The 2021 SDMP identifies 14 CIP projects, consisting of both high and low priority projects, that would correct inadequate storm drain capacity caused primarily by undersized pipes during a 10-year design storm. The inundation areas that each of the CIP projects specifically address is shown in Figures 3-4 to 3-10 of the 2021 SDMP. High priority CIP projects are those that would be implemented within 20 years, while low priority projects would not begin until the high priority CIP projects are completed in their entirety, unless there is an opportunity for a low priority project to occur ancillary to or

conditioned with a high priority project. The City may complete capital projects in any order and spread projects throughout the twenty-year CIP.

According to the 2021 SDMP, the identified 14 CIP projects do not resolve surcharges from high creek levels downstream of the storm drain network, nor do they address inlets or manholes at isolated low points with low ground cover. The inundated areas are areas not resolved by the fourteen CIP projects and would only be resolved by major creek projects (outside of the scope of SDMP) or by the installation of small, localized pump stations, all determined to be cost-prohibitive in the SDMP. These inundation areas are located mainly on roadways and empty lots; however, minor flooding also occurs on some residential and commercial properties (City of Milpitas 2021d).

The 2021 SDMP outlines proposed land uses for some portions of the Specific Plan Area but not others. Areas with no defined land uses were assigned sub-basin-specific hydrology parameters, based on the World Imagery Map. Of the 14 total CIP projects identified in the 2021 SDMP, three low-priority CIP projects are identified within the Specific Plan boundaries at Main Street and Serra Way, Comet Drive, and a short segment of Railroad Avenue. Additionally, the 2021 SDMP identifies four CIP storm drain main extensions along Main Street. These projects are not yet prioritized in the City's 2025-2029 CIP. The stormwater infrastructure improvements from the 2021 SDMP identified within the Specific Plan Area are shown in Figure 7-2, "Stormwater Infrastructure Improvements," of the proposed Specific Plan.

SOLID WASTE

Existing conditions related to solid waste have changed since certification of the General Plan Update EIR and the changes are described below. At the time of preparation of the General Plan Update EIR, the City had a franchise agreement with Republic Services for solid waste collection and disposal services, and solid waste was disposed of at Newby Island Landfill. Beginning on December 1, 2017, Milpitas Sanitation, Inc. (MSI) became the solid waste and collection services provider for the city, with a term of contract from September 6, 2017 to August 31, 2032. The City of Milpitas disposes solid waste at different facilities depending on the material waste stream (e.g. garbage, recyclables, food waste, yard trimmings, and construction and demolition) in accordance with the City's franchise agreement with MSI. While collection is performed by MSI, the facilities where the waste streams are transported vary as listed below:

- ▶ **Solid Waste.** Solid waste is processed at the GreenWaste Recovery MRF with the end destination of the material at Kirby Canyon Landfill.
- ▶ **Recyclables.** The primary approved facility for recyclables is GreenWaste Recovery MRF. Alternate approved facilities include Alameda County Industries Material Recovery Facility and the Sunnyvale Materials Recovery and Transport Station (SMaRT Station).
- ▶ **Yard Trimmings.** Yard trimmings are processed at GreenWaste Recovery MRF.
- ▶ **Food Scraps.** The primary approved facility for food scraps is Sustainable Organic Solutions (SOS). Food waste is used to make animal feed. Alternate approved facilities include East Bay Municipal Utility District Treatment Plant and the Sunnyvale Materials Recovery and Transport Station (SMaRT Station).
- ▶ **Construction and Demolition (C&D).** The primary approved facility for C&D is Mission Trails Waste Systems (MTWS). Alternate approved facilities include Zanker Road Resource Management Facilities, Guadalupe C&D Recovery Facility, and the Sunnyvale Materials Recovery and Transport Station (SMaRT Station).

Table 3.12-3 summarizes the permitted daily capacity, estimated remaining capacity, and estimated closure dates for the solid waste disposal facilities that would serve the proposed Specific Plan Area.

Table 3.12-3 Solid Waste Disposal Facilities

Facility	Permitted Daily Throughput (tons/day)	Permitted Capacity (CY)	Estimated Remaining Capacity (CY)	Estimated Closure Date
Kirby Canyon Landfill	2,600	36,400,000	16,191,600	2059
Guadalupe Sanitary Landfill	3,650	28,238,855	7,518,220	2043
SMaRT Station	1,500	N/A	N/A	N/A
Mission Trails Waste Systems	375	N/A	N/A	N/A
Zanker Material Processing Facility (Landfill)	350	640,000	640,000	2025

Sources: CalRecycle 2024a, 2024b, 2024c, 2024d, 2024e.

Hazardous waste is being managed through Santa Clara County's household hazardous waste (HHW) program, which provides a drop-off site for residents and small generators through an appointment-based system. Milpitas continues to participate in this program. Santa Clara County and the City of Milpitas hold an annual HHW collection event within the city to encourage proper disposal of hazardous waste.

CalRecycle tracks and monitors solid waste generation rates on a per capita basis. Per capita solid waste generation rates and total annual solid waste disposal volumes for the City between 2016 and 2022 are shown in Table 3.12-4. These years provide updates to the data presented in the General Plan Update EIR, which included data between 2010 and 2015.

Table 3.12-4 Solid Waste Generation Rates

Year	Per Capita Disposal (Population) (lbs/person/day)	Per Capita Disposal (Employment) (lbs/person/day)	Total Disposal Tonnage (tons/year)
2016	5.10	8.10	69,713
2017	5.10	7.50	68,593
2018	4.70	6.60	63,826
2019	4.20	6.00	57,915
2020	3.70	5.80	52,245
2021	3.40	6.00	49,941
2022	3.20	5.50	47,107

Notes: lbs – pounds.

Source: CalRecycle 2022.

As shown in Table 3.12-4, the City disposed of 47,107 tons of solid waste in 2022, which is a decrease of 32 percent from 2016. The City offers green waste and yard trimming disposal and recycling of mixed paper, bottles, cans and other recyclable materials. In 2022, the City had a per capita disposal rate of 3.2 pounds of solid waste per person per day for its general population and 6.4 pounds of solid waste per person per day for employees.

ELECTRICITY AND NATURAL GAS

The Pacific Gas and Electric Company (PG&E) provides electricity and natural gas services to the residents and businesses of the city, including the Specific Plan Area. PG&E serves a total of 5.5 million electric customers and 4.5 million natural gas customers within a service area extending from Eureka in the north to Bakersfield in the south, and from the Pacific Ocean in the west to Sierra Nevada in the east. The PG&E electricity distribution system consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines. The natural gas system consists of 42,141 miles of natural gas distribution pipelines and 6,438 miles of transmission pipelines (PG&E 2023a). In 2021 PG&E provided its customers with 30 percent eligible renewable energy (i.e., biomass combustion, geothermal, small scale hydroelectric solar, and wind) and 18 percent and 52 percent from large scale

hydroelectric and natural gas, respectively (PG&E 2023b). The contribution of in- and out-of-State power plants depends on the precipitation that occurred in the previous year, the corresponding amount of hydroelectric power that is available, and other factors.

The Specific Plan Area is served by two electrical substations located outside of the plan area:

- ▶ The Montague Substation, located east of I-880 on Montague Expressway; and
- ▶ Milpitas Substation, located on Milpitas Boulevard, north of Montague Expressway.

A majority of the electrical service in the Specific Plan Area is currently located underground, except for a section of South Main Street, between Corning Avenue and West Curtis Avenue, and within the existing single family residential neighborhood around Corning Avenue and Sylvia Avenue west of South Abel Street.

TELECOMMUNICATIONS

Telecommunication services involve the transmission of information and include phone services (landlines and/or wireless services), internet (dial-up, fiber optics, broadband), television (cable, etc.), AM/FM radio, and computer networking. As defined by Federal Standard 1037C, telecommunication facilities include the following:

- ▶ Any fixed, mobile, or transportable structure, including all installed electrical and electronic wiring, cabling, and equipment and all supporting structures, such as utility, ground network, and electrical supporting structures.
- ▶ A network-provided service to users or the network operating administration; a transmission pathway and associated equipment.
- ▶ A real property entity consisting of one or more of the following: a building, a structure, a utility system, pavement, and underlying land.

Wireless telecommunication services in the City are provided by various private companies. Additionally, Comcast/Xfinity is the primary provider of cable television in the City. Some companies also provide cable television services either separately or bundled with telecommunication services.

3.12.3 Environmental Impacts and Mitigation Measures

ANALYSIS METHODOLOGY

The analysis of utilities impacts (wastewater, water, stormwater, solid waste, natural gas, electricity, and telecommunications) from implementation of the Specific Plan were assessed and quantified, where applicable, using information available from the 2021 Water Master Plan, 2021 Sewer Master Plan, and 2021 SDMP, as well as the WSA prepared for the Specific Plan (Appendix E), the 2020 UWMP, and available information regarding the existing capacity of utilities and service systems. The analysis of utilities impacts considers whether new or expanded facilities would be required to meet the utility demand from implementation of the Specific Plan, and whether the construction of these utilities would result in significant environmental impacts.

THRESHOLDS OF SIGNIFICANCE

A utilities and service systems impact would be significant if implementation of the proposed Specific Plan would:

- ▶ require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- ▶ have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;

- ▶ result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments;
- ▶ 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;
- ▶ not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

ISSUES NOT DISCUSSED FURTHER

All the issues identified in the preceding list of thresholds are addressed in the following impact analysis.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.12-1: Construction Impacts of New or Expanded Water, Wastewater Treatment, or Storm Water Drainage, Electric Power, Natural Gas, or Telecommunications Facilities

The General Plan Update EIR (Impacts 3.15-1 through 3.15-6) determined that impacts related to environmental impacts from utility improvements as a result of General Plan implementation would be less than significant. Implementation of the proposed Specific Plan could require the construction of utility extensions to serve future development. Development within the Specific Plan Area could include retention of existing infrastructure as well as installation of new utility lines and infrastructure. Because these improvements are needed to accommodate the water demand, wastewater generation, stormwater runoff, and electricity and natural gas demand associated with buildout of the proposed Specific Plan, the potential impacts associated with construction of utilities have been analyzed throughout this SEIR. Implementation of the proposed Specific Plan would not itself trigger construction of new or expanded off-site utilities to serve the project's demand that are not planned for under the City's infrastructure master plans. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As addressed in General Plan Update EIR Impacts 3.15-1 through 3.15-6, implementation of the General Plan could result in construction of new or expanded infrastructure improvements for water, wastewater, drainage, and other utility services. The EIR identified as future development and infrastructure projects are considered by the City, subsequent development would be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA.

Implementation of the proposed Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. Since certification of the General Plan Update EIR, the City adopted comprehensive updates to several utility master plans, including the 2021 Water Master Plan, 2021 Sewer Master Plan, 2021 Sewer System Management Plan, and 2021 SDMP. Each of these plans identify CIP projects to be implemented throughout the city, including the Specific Plan Area, and are intended to address existing deficiencies in the city's utility infrastructure as well as accommodate projected growth in the city. The specific CIP projects identified in each of these plans for the Specific Plan Area are summarized in Chapter 7, "Infrastructure & Public Services," of the proposed Specific Plan. As described in Chapter 7 and shown in Figures 7-2, 7-5, and 7-6 of the Specific Plan, the CIP projects identified within the Specific Plan Area include stormwater, water, and sewer infrastructure improvements and would accommodate future development and growth from buildout of the Specific Plan. Implementation of the Specific Plan would not require the construction of new or expanded offsite utilities beyond those already planned for in the 2021 Water Master Plan, 2021 Sewer Master Plan, 2021 Sewer System Management Plan, and 2021 Storm Drain Master Plan. These CIP projects would be implemented irrespective of the Specific Plan.

The installation of any new utility lines to serve future development associated with the Specific Plan would require ground disturbing construction activities. However, because of the urbanized nature of the Specific Plan Area, the installation of any new utility lines would occur within developed areas, such as within joint trenches, existing roadways, or within the footprint of existing utility infrastructure and would not require construction across undisturbed ground. The installation of all utilities would comply with applicable requirements of the Milpitas Municipal Code. Because future utility improvements would be needed to accommodate the water demand, wastewater generation, stormwater runoff, and natural gas and electricity demand associated with the Specific Plan, the potential impacts associated with the construction of utility lines are programmatically analyzed throughout this SEIR as part of overall development of the Specific Plan area. For example, Section 3.2, "Air Quality," Section 3.5, "Energy," Section 3.6, "Greenhouse Gas Emissions and Climate Change," and Section 3.8, "Noise and Vibration," evaluate increases in air pollutant and greenhouse gas emissions and noise levels associated with constructing, operating, and maintaining utility improvements needed to serve future development under the Specific Plan. Section 3.4, "Cultural and Tribal Cultural Resources," evaluates the potential impacts that trenching and excavation for utility installation may have on buried resources. As required by law, utility connections would be constructed in accordance with all applicable building codes and standards to ensure that new transmission and conveyance systems are adequately sized and properly constructed. All necessary connections would be constructed prior to building occupancy and in a manner that would minimize the potential for utility service disruption of existing uses. Subsequent infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA and the conclusions of this SEIR.

Additionally, the proposed Specific Plan includes several standards, identified in Sections 7.1.2, 7.2.2, 7.3.2, and 7.4.2 of the Specific Plan, intended to ensure that water, sewer, and stormwater infrastructure would be able to support future growth in the Specific Plan Area. Regarding stormwater infrastructure, provisions include providing storm drain infrastructure that is designed to serve new development and meet City standards; ensuring that that run-off in storm drains does not lower water quality within or outside of the Specific Plan Area by implementing Best Management Practices in new development; constructing the improvements within the Specific Plan Area that were identified in the 2021 SDMP. Additionally, in conjunction with plans for future streetscape improvements along Main Street as part of the Sense of Place Plan, a study to determine the stormwater infrastructure system improvements needed to address flooding along Main Street would be conducted, and to addressing gaps in the stormwater infrastructure system; improving public curb and gutter along the project frontage and eliminate ponding to the satisfaction of the City Engineer; and, upgrading and expanding the storm drain system in accordance with the Storm Drain Master Plan, including conducting a study to determine the stormwater infrastructure system improvements needed to address flooding along Main Street, including addressing gaps in the stormwater infrastructure system, and as required along new roads within the Specific Plan Area, ensuring it meets the needs of new development to the satisfaction of the City Engineer.

Regarding water infrastructure, standards include providing water supply for the Specific Plan Area from the City's portfolio of water supplies and prohibiting the entitlement of development to municipal water until building permits are issued by the City; reducing overall potable water consumption through water conservation measures, including through the use of recycled water, water saving features, and drought-tolerant landscaping; upgrading, expanding, and looping the water distribution system in accordance with the Water Master Plan and to the satisfaction of the City Engineer to ensure it can adequately serve new development within the Specific Plan Area; and developing parcel-by-parcel water models at the project level to evaluate project-specific effects on the City's water infrastructure and identify necessary improvements and funding mechanisms for associated improvements. Additionally, an update the City's water model would be conducted as part of the Main Street Sense of Place Plan to reflect buildout of the Specific Plan and any necessary upgrades to the City's water infrastructure system.

Regarding wastewater infrastructure, standards include requiring development to obtain a building permit issued by the City prior to being entitled to wastewater treatment capacity; require new development to participate in fair share contributions to downstream improvements that were identified as deficient in the 2021 Sewer Master Plan, and fair share contributions would be re-evaluated by the City with any significant updates to the Sewer Master Plan; and upgrading and expanding the sanitary sewer system in accordance with the Sewer Master Plan and to the satisfaction of the City Engineer, ensuring it meets the needs of new development in the Specific Plan Area.

All future development associated with the Specific Plan would be required to comply with the standards identified in Chapter 7 of the proposed Specific Plan. The full list of infrastructure provisions is provided in Chapter 7, Sections 7.1.2 (Stormwater Infrastructure), 7.2.2 (Flood Protection), 7.3.2 (Water Infrastructure), and 7.4.2 (Sewer Infrastructure) of the proposed Specific Plan. As demonstrated in the proposed Specific Plan, the utility needs of future development within the Specific Plan Area would be evaluated at the project-level as individual development projects are proposed, and should any infrastructure improvements be identified, they would be implemented to the satisfaction of the City Engineer. Therefore, the proposed Specific Plan standards would ensure that adequate utility infrastructure would be available to serve future development within the Specific Plan Area. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 1-1 through 1-3 and associated Actions USC-1b and USC-1c.

No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.12-2: Have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development

The General Plan Update EIR (Impact 3.15-1) determined that General Plan implementation would result in sufficient water supplies available to serve the City and reasonably foreseeable future development during normal, dry and multiple dry years and that this impact would be less than significant. Based on the WSA, implementation of the Specific Plan would decrease water demand by 105,875 gpd as compared to buildout under the General Plan. However, the 2020 UWMP identifies that the City would have shortfalls in supply in 2025, 2030, and 2045 under single dry-year and multiple dry year conditions if contract water supply sources provided by the San Francisco Public Utilities Commission and Valley Water are reduced. This water supply shortage would apply city-wide and would not directly occur because of the proposed Specific Plan. Although the potential water demand would decrease under the proposed Specific Plan compared to the land uses assumed in the General Plan Update EIR, implementation of the proposed Specific Plan would contribute to water supply shortages that would potentially trigger the need to construct additional groundwater wells, the construction and operation of which could result in significant environmental impacts. However, the City is implementing drought contingency measures identified in the UWMP through the construction of additional groundwater wells to offset water supply shortages identified for 2030 and 2045. Therefore, sufficient water supplies would be available to serve the Specific Plan and reasonably foreseeable future development during normal, dry, and multiple dry years. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As discussed in the General Plan Update EIR, implementation of the General Plan would result in increased population and employment growth as well as a corresponding increase in demand for water supplies. However, the General Plan Update EIR determined that the City would have adequate water supplies available to accommodate buildout of the General Plan based on water supply and demand projections in the City's 2015 UWMP. Additionally, the General Plan Update includes a range of policies designed to ensure an adequate water supply for development and to minimize the potential adverse effects of increased water use. The General Plan Update EIR concluded that potential impacts associated with water supply would be less than significant.

Implementation of the proposed Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. The WSA prepared for the project calculated the change in water demand associated with the Specific Plan compared with the demand identified in the General Plan for the Specific Plan Area (Appendix E). Table 3.12-5 shows the changes in water demand between the adopted General Plan and proposed Specific Plan.

Table 3.12-5 Comparison of Adopted General Plan to the Specific Plan Water Demands

Project	Land Use Type Residential (Dwelling units)	Non-Residential Land Use Type (Square feet)	Residential Water Demand Factors (gpd/du) ¹	Residential Water Demand Factors Non-(gpd/ksf) ²	Residential Water Demands (Gallons Per Day)	Non-Residential Water Demands (Gallons Per Day)	Total (Gallons Per Day)
General Plan Land Uses for Specific Plan Area ³	3,838	3,293,240	170	270	652,460	889,175	1,541,635
Proposed Specific Plan	5,176	2,058,666	170	270	879,920	555,840	1,435,760
Increase	1,338	-1,234,574	-	-	227,460	-333,335	-105,875

¹ Assumed gallons per dwelling unit based on the City of Sunnyvale Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Water Supply Assessment (City of Sunnyvale 2020) as the 2020 UWMP and the City of Milpitas Water Master Plan do not provide water demand factors on a per unit basis.

² Assumed gallons per 1,000 square feet of non-residential use for a mix commercial, industrial and institutional uses based on the City of Sunnyvale Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Water Supply Assessment (City of Sunnyvale 2020) as the 2020 UWMP and the City of Milpitas Water Master Plan do not provide water demand factors on a square footage basis.

³ The allowable development numbers under the General Plan include the development assumptions of the adopted Midtown Plan.

Source: Compiled by Ascent 2024.

As shown in Table 3.12-5, implementation of the Specific Plan would decrease water demand by 105,875 gpd, resulting in a decrease of 119 AFY compared to the land uses assumed for the Specific Plan Area in the General Plan Update EIR.

Since certification of the General Plan Update EIR, the City adopted the 2020 UWMP in June 2021, which provides updates to the water demand and supply projections for the city from the 2015 UWMP relied on in the General Plan Update EIR. The 2020 UWMP specifically includes the proposed land uses and development projections in the Specific Plan; thus, the water demand associated with the proposed Specific Plan has been accounted for in the 2020 UWMP. As detailed in the 2020 UWMP and shown in Table 3.12-2, estimated water demand in the city would be met by the supply in each 5-year increment through 2045 during normal year conditions. However, future water demand in the city would not be met in 2025 under drought conditions, including single dry year and multiple dry years. Additionally, water demand would not be met in 2030 under multiple dry year conditions (third through fifth years) or 2045 under multiple dry year conditions (fourth and fifth years). This water supply shortage would apply citywide and would not directly occur because of the proposed Specific Plan; however, because the proposed land uses and development projections in the Specific Plan were accounted for in the 2020 UWMP, the Specific Plan would contribute to the water supply shortage during these dry year conditions.

During dry year conditions, the City would implement its 2020 WSCP that includes voluntary and mandatory water conservation measures to address water supply shortages. Specifically, Table 3-2 of the 2020 WSCP identifies water demand reduction actions that include a range of measures (e.g., restrictions on operation of water features, landscaping irrigation, public information campaigns, reductions of system water loss) that are identified to reduce the water supply shortage gap from 1 to 70 percent. The 2020 WSCP also includes Table 3-3 that identifies water augmentation through the installation of five additional groundwater wells by 2025 and two additional groundwater wells by 2040, each with a 1.2 mgd production capacity. This could include involve a managed groundwater well extraction program similar to neighboring water agencies, ACWD to the north and City of Santa Clara and San Jose Water Company to the south. The south-western portion of the City of Milpitas overlays a groundwater aquifer that has been determined to be adequately productive. In-pipe blending of groundwater with SFPUC and Valley Water has been identified viable option for augmenting supply shortages. Four wells at an average withdrawal rate of 1.2 million gallons per day (450 million gallons per year) would produce up to 5 million gallons per day of supplemental water supply for the City. Based on the shortfalls identified in Table 3.12-2, groundwater production by four wells would be adequate to offset water supply shortages identified for 2030 and 2045. The construction of these additional groundwater wells would have the potential to result in direct environmental effects, including potential

impacts on air quality, biological resources, cultural and tribal cultural resources, water quality, and noise, as well as secondary environmental effects such as aquifer depletion, changes in groundwater flow, and subsidence.

As previously mentioned, the General Plan Update EIR concluded that the City would have adequate water supplies available to accommodate buildout of the General Plan based on water supply and demand projections in the City's 2015 UWMP, resulting in a less-than-significant impact on water supply. However, based on updated water supply and demand projections in the 2020 UWMP, which accounted for the land uses and development projections of the proposed Specific Plan, water supply shortages have been identified during dry year conditions for 2025, 2030, 2045. Therefore, although the potential water demand would decrease under the proposed Specific Plan compared to the land uses assumed in the General Plan Update EIR, implementation of the Specific Plan would contribute to water supply shortages that would potentially trigger the need to construct additional groundwater wells, the construction and operation of which could result in significant environmental impacts. However, the City is implementing drought contingency measures identified in the UWMP through the construction of additional groundwater wells to offset water supply shortages identified for 2030 and 2045. McCandless Well, located in Delango Manaong Park along McCandless Drive, is a production well that is currently under construction. The well casing was completed in 2021 with the remaining to facilities anticipated to begin construction in early 2025. The well would be available for use in 2027. Pinewood well is an existing standby well that may be converted into production. According to the City Water Master Plan, Curtis well, designated to be a production well, is anticipated to be constructed between 2031 and 2035 (Silveira, pers. comm., 2025). Operation of McCandless Well alone could provide approximately 649 AFY of supplemental water supply that would offset the UWMP projected dry year conditions through the year 2040. Therefore, sufficient water supplies would be available to serve the Specific Plan and reasonably foreseeable future development during normal, dry, and multiple dry years.

The proposed Specific Plan includes several provisions intended to ensure a reliable, sustainable water supply that supports future growth projections within the Specific Plan Area. These provisions include providing water supply for the Specific Plan Area from the City's portfolio of water supplies and prohibiting the entitlement of development to municipal water until building permits are issued by the City; reducing overall potable water consumption through water conservation measures, including through the use of recycled water, water saving features, and drought-tolerant landscaping; upgrading, expanding, and looping the water distribution system in accordance with the Water Master Plan and to the satisfaction of the City Engineer to ensure it can adequately serve new development within the Specific Plan Area; and developing water models at the project level to evaluate project-specific effects on the City's water infrastructure and identify necessary improvements and funding mechanisms for associated improvements. All future development associated with the Specific Plan would be required to comply with the standards identified in Chapter 7 of the proposed Specific Plan. The full list of water infrastructure provisions is provided in Chapter 7, Section 7.3.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 2-1 and USC 2-4 and associated Action USC-2f.

The proposed water infrastructure provisions would help to reduce water demand associated with buildout of the Specific Plan. Therefore, water supply impacts from implementation of the Specific Plan would be less than significant. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.12-3: Have Adequate Wastewater Treatment Capacity

The General Plan Update EIR (Impact 3.15-3) determined that adequate wastewater treatment capacity would be available to accommodate General Plan implementation and that this impact would be less than significant. The proposed land use changes within the Specific Plan Area would result in a decrease in water demand by 105,875 gpd, as compared to buildout under the General Plan. Assuming a 1 to 1 ratio of water consumption to wastewater generation, the proposed Specific Plan would result in a corresponding decrease in wastewater of 105,875 gpd as compared to buildout under the General Plan. Additionally, the proposed Specific Plan includes provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As discussed in the General Plan Update EIR Impact 3.15-3, continued growth in the City would increase the need for water and wastewater services, including a reliable source of recycled water. These needs have been addressed in the three utility districts' master plans and will require that the districts, in coordination with the City, continue to implement phased improvements to some pump stations, sewer mains, and the various wastewater treatment plants when triggered by growth. The General Plan Update EIR determined that estimated average dry weather flow from buildout of the General Plan would be below the City's current treatment capacity rights. Additionally, the General Plan Update includes a range of policies that would further assist in ensuring that adequate wastewater treatment and conveyance infrastructure is available to serve new growth projected under the General Plan. The General Plan Update EIR concluded that impacts associated with wastewater treatment capacity would be less than significant.

Implementation of the proposed Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. As discussed under Impact 3.12-2, the proposed land use changes within the Specific Plan Area would result in a decrease in water demand by 105,875 gpd as compared to buildout under the General Plan. Assuming a 1 to 1 ratio of water consumption to wastewater generation, the proposed Specific Plan would result in a corresponding decrease in wastewater of 105,875 gpd as compared to buildout under the General Plan.

Additionally, the proposed Specific Plan includes several provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area, including requiring development to obtain a building permit issued by the City prior to being entitled to wastewater treatment capacity; participating in fair share contributions to downstream improvements that were identified as deficient in the 2021 Sewer Master Plan, and any other improvements identified in subsequent updates to the Sewer Master Plan; and upgrading and expanding the sanitary sewer system in accordance with the Sewer Master Plan and to the satisfaction of the City Engineer, ensuring it meets the needs of new development in the Specific Plan Area. All future development associated with the Specific Plan would be required to comply with the standards identified in Chapter 7 of the proposed Specific Plan. The full list of wastewater infrastructure provisions is provided in Chapter 7, Section 7.4.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 3-1 through 3-3 and associated Action USC-3b.

No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.12-4: Solid Waste Facilities and Compliance with Solid Waste Statutes and Regulations

The General Plan Update EIR (Impact 3.15-6) determined that General Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, and that this impact would be less than significant. Future construction and demolition activities associated with development under the proposed Specific Plan would generate solid waste, including metals, plastics, wood, concrete, and other building materials. However, future construction activities would be required to comply with applicable waste diversion requirements, including CALGreen Divisions 4.4 and 5.4, which requires a minimum of 65 percent of all non-hazardous construction and demolition waste for residential and non-residential development, respectively, to be recycled and/or salvaged for reuse. Additionally, implementation of the proposed Specific Plan would generate approximately 8.3 fewer tons of operation-related solid waste per day and 3,037 fewer tons of operation-related solid waste per year compared to what was identified in the General Plan Update EIR. As such, Kirby Canyon Landfill would have sufficient capacity to accommodate solid waste generated from buildout of the Specific Plan, and the Specific Plan would not contribute to an exceedance of the landfill's disposal capacity. Furthermore, future development under the Specific Plan would be required to comply with all applicable state and local management and reduction statutes and regulations related to solid waste, including AB 939, AB 341, AB 1826, and the Milpitas Municipal Code, which would reduce the amount of operation-related solid waste that would be disposed of at Kirby Canyon Landfill. Finally, the proposed Specific Plan includes several provisions intended to ensure that solid waste facilities would be able to support future growth in the Specific Plan Area and that waste continues to be collected and disposed of safely. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As discussed in the General Plan Update EIR Impact 3.15-6, future development associated with buildout of the General Plan would result in an increase in population and associated solid waste generation within the City. However, the General Plan Update EIR determined that the amount of solid waste generated by buildout of the General Plan would be well within the Newby Island Landfill's permitted capacity of 57.5 million cubic yards. Additionally, the General Plan Update includes policies and actions to further reduce effects on solid waste services. The General Plan Update EIR concluded that impacts related to solid waste would be less than significant.

Construction

Construction and demolition activities associated with the proposed Specific Plan would generate solid waste, including metals, plastics, wood, concrete, and other building materials. Construction of future development under the Specific Plan would be required to comply with applicable waste diversion requirements. Although the City does not have a separate ordinance for construction and demolition debris recycling, it adopted the 2022 edition of CALGreen (CCR, Part 11 of Title 24) as part of its building code (Title II, Chapter 3). Divisions 4.4 and 5.4 of CALGreen require a minimum of 65 percent of all non-hazardous construction and demolition waste for residential and non-residential development, respectively, to be recycled and/or salvaged for reuse. Code requirements include preparing a construction waste management plan that identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project, or salvage for future use or sale; determining whether materials will be sorted on-site or mixed; and identifying diversion facilities where the materials collected will be taken.

Demolition debris, including concrete, that can be recycled would be taken to MTWS, while non-recyclable or reusable materials would be disposed of at the Kirby Canyon Landfill. Compliance with applicable state and local regulations related to construction demolition and debris would reduce the amount of solid waste that would be disposed of in landfills from construction of future development under the Specific Plan. Therefore, because a majority of the waste generated during future construction activities would be recycled or salvaged for reuse in compliance with existing local and state regulations, future construction activities under the Specific Plan would not substantially contribute to the remaining capacity available at the Kirby Canyon Landfill. Accordingly, construction associated with implementation of the Specific Plan would not result in any new or substantially more severe significant impacts related to solid waste compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Operation

State and local management and reduction statutes and regulations related to solid waste include AB 939, AB 341, AB 1826, and Title V, Chapter 200 (Solid Waste Management) of the Milpitas Municipal Code. AB 939 requires jurisdictions to utilize “integrated waste management,” and established mandatory State waste diversion goals of 25 percent by the year 1995 and 50 percent by the year 2000, and, with the adoption of AB 341 in May 2012, 75 percent of solid waste from landfills by 2020. AB 341 also establishes the statewide mandatory commercial recycling program, which requires businesses that generate 4 cubic yards or more of commercial solid waste per week, or multi-family residential dwellings of five units or more, to implement recycling practices during operation to help the State achieve the statewide diversion goal of 75 percent. AB 1826 requires a business that generates 4 cubic yards or more of organic waste per week to arrange for recycling services for that organic waste in a specified manner. The bill would also require a business that generates 4 cubic yards or more of commercial solid waste per week, on and after January 1, 2019, to arrange for organic waste recycling services and, if CalRecycle makes a specified determination, would decrease that amount to 2 cubic yards, on or after January 1, 2020. Chapter 200 of the Milpitas Municipal Code includes solid waste collection, diversion, and disposal requirements for both residential and commercial generators.

Implementation of the Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. As discussed in Chapter 2, “Project Description,” it is estimated that the proposed Specific Plan at buildout could result in a population of 16,384 residents (General Plan identified 9,557 residents in the Midtown Specific Plan Area) and 5,541 jobs (General Plan identified 11,555 jobs in the Midtown Specific Plan Area).

As shown in Table 3.12-4, the City’s disposal rates have been steadily decreasing over time and would likely continue to decrease throughout the life of the Specific Plan in accordance with state and local solid waste diversion requirements. In 2022, the City had a per capita disposal rate of 3.2 pounds of solid waste per person per day for residents and 6.4 pounds of solid waste per person per day for employees in 2022. Conservatively assuming that these disposal rates would remain constant throughout the life of the Specific Plan, implementation of the Specific Plan would generate approximately 87,891 pounds of solid waste per day, which equates to 43.9 tons per day or 16,040 tons per year of solid waste. Applying the same disposal rates to the population and employment projections identified for the Specific Plan Area in the General Plan Update EIR, the General Plan land uses for the Specific Plan Area would generate approximately 104,534 pounds of solid waste per day, which equates to 52.3 tons per day or 19,078 tons per year of solid waste. As such, the proposed Specific Plan would generate approximately 3,037 fewer tons of solid waste per year compared to what was identified in the General Plan Update EIR.

Additionally, the General Plan Update EIR evaluated the potential for development associated with buildout of the General Plan to generate solid waste in excess of the available remaining capacity at Newby Island Landfill. However, since certification of the General Plan Update EIR, the City entered into a franchise agreement with MSI for solid waste collection and disposal services. Waste collected by MSI is disposed of at varying facilities depending on the material waste stream (e.g., garbage, recyclables, food waste, yard trimmings, and construction and demolition). Solid waste is disposed of at the Kirby Canyon Landfill, while recyclables, yard trimmings, and food scraps would be diverted to other facilities as described in Section 3.12.2, “Environmental Setting.” As shown in Table 3.12-3, Kirby Canyon Landfill can accept up to 2,600 tons per day of waste and has a remaining permitted capacity of 16,191,600 cubic yards as of 2015, with an estimated closure date of 2059. Implementation of the Specific Plan would generate approximately 43.9 tons of solid waste per day, which would represent approximately 1.7 percent of the daily permitted capacity of Kirby Canyon Landfill. This amount of daily solid waste would be well within the landfill’s daily permitted capacity. Moreover, the amount of daily solid waste generated by the Specific Plan land uses would be a reduction of 8.3 tons per day compared to what was evaluated in the General Plan Update EIR. As such, Kirby Canyon Landfill would have sufficient capacity to accommodate solid waste generated from buildout of the Specific Plan, and the Specific Plan would not contribute to an exceedance of the landfill’s disposal capacity. Furthermore, future development under the Specific Plan would be required to comply with all applicable state and local management and reduction statutes and regulations related to solid waste, including AB 939, AB 341, AB 1826, and the Milpitas Municipal Code, which would reduce the amount of operation-related solid waste that would be disposed of at Kirby Canyon Landfill.

Finally, the proposed Specific Plan includes several provisions intended to ensure that solid waste facilities would be able to support future growth in the Specific Plan Area and that waste continues to be collected and disposed of safely. These provisions include requiring all new development to participate to the maximum extent practical in solid waste source reduction and diversion programs and negotiating new agreements to handle the long-term disposal of its solid waste before the expiration of the current waste disposal contract. All future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of solid waste facility provisions is provided in Chapter 7, Section 7.5.1 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 5-2 through 5-4.

No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

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4 CUMULATIVE IMPACTS

4.1 INTRODUCTION TO THE CUMULATIVE ANALYSIS

This Draft Subsequent Environmental Impact Report (SEIR) provides an analysis of cumulative impacts of the proposed Specific Plan, as required by State CEQA Guidelines Section 15130. The goal of such an exercise is twofold: first, to determine whether the overall long-term impacts of all such projects would be cumulatively significant; and second, to determine whether the incremental contribution to any such cumulatively significant impacts by the project would be “cumulatively considerable” (and thus significant) (See State CEQA Guidelines Sections 15130[a]–[b], Section 15355[b], Section 15064[h], and Section 15065[c]; and *Communities for a Better Environment v. California Resources Agency* [2002] 103 Cal. App. 4th 98, 120). In other words, the required analysis intends first to create a broad context in which to assess cumulative impacts, viewed on a geographic scale beyond the project site itself, and then to determine whether the project’s incremental contribution to any significant cumulative impacts from all projects is itself significant (i.e., “cumulatively considerable”).

Cumulative impacts are defined in State CEQA Guidelines Section 15355 as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” A cumulative impact occurs from “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time” (State CEQA Guidelines Section 15355[b]).

4.2 CUMULATIVE IMPACT ANALYSIS METHODOLOGY

Consistent with State CEQA Guidelines Section 15130, the discussion of cumulative impacts in this Draft SEIR focuses on significant and potentially significant cumulative impacts. Section 15130(b) of the State CEQA Guidelines provides, in part, the following:

[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

A proposed project is considered to have a significant cumulative effect if:

- ▶ the cumulative effects of development without the project are not significant and the project’s additional impact is substantial enough, when added to the cumulative effects, to result in a significant impact; or
- ▶ the cumulative effects of development without the project are already significant and the project contributes measurably to the effect.

The term “measurably” is subject to interpretation. The standards used herein to determine measurability are that the impact must be noticeable to a reasonable person or must exceed an established threshold of significance (defined throughout the resource sections in Chapter 3 of this Draft SEIR). This cumulative analysis also assumes that all mitigation measures identified in Chapter 3 to mitigate Project impacts are adopted and implemented to minimize environmental effects.

The State CEQA Guidelines (Section 15130) identify two basic methods for establishing the cumulative environment in which the project is to be considered: the use of a list of past, present, and probable future projects, or the use of adopted projections from a general plan, other regional planning document, or a certified EIR for such a planning document. This analysis uses a combination of the list and planning document approach, as described further below.

The cumulative impact analysis provided in this chapter evaluates whether the Project could result in potentially new cumulatively considerable impacts or an increase in the severity of previously identified cumulative impacts that were identified in the General Plan EIR pursuant to State CEQA Guidelines Section 15162(b).

4.3 CUMULATIVE SETTING

Section 15130(b) of the State CEQA Guidelines states that the discussion of cumulative impacts should be guided by the standards of practicality and reasonableness, and should include the following elements, which are necessary to an adequate discussion of cumulative impacts:

- ▶ A discussion of the geographic scope of the area affected by the cumulative impact.
- ▶ Either 1) a list of past, present, and probable future projects producing related or cumulative impacts or 2) a summary of projections contained in an adopted general plan or similar document.
- ▶ A summary of expected environmental effects to be produced by these projects.
- ▶ Reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

This SEIR makes use of both the list and project approaches depending on the environmental issue area.

4.3.1 Geographic Scope

The geographic area that could be affected by the project and is appropriate for a cumulative impact analysis varies depending on the environmental resource topic, as presented in Table 4-1.

Table 4-1 Geographic Scope of Cumulative Impacts

Resource Topic	Geographic Area
Aesthetics	Specific Plan Area and surrounding public viewshed
Air Quality	Region (pollutant emissions that affect the San Francisco Bay Area Air Basin) and immediate project vicinity (pollutant emissions that are highly localized)
Biological Resources	Specific Plan Area and region
Cultural, and Tribal Cultural Resources	Specific Plan Area and region
Energy	Pacific Gas & Electric Company service area and state
Greenhouse Gas Emissions and Climate Change	Global/statewide
Land Use and Planning	City of Milpitas
Noise and Vibration	Specific Plan Area and immediate project-specific vicinity
Population and Housing	City of Milpitas and Santa Clara County
Public Services and Recreation	City of Milpitas
Transportation	Specific Plan Area and region
Utilities and Service Systems	Region (water supply); local service areas (all other utilities)

Source: Compiled by Ascent in 2024.

4.3.2 Regional Planning Environment

CITY OF MILPITAS GENERAL PLAN UPDATE

The City of Milpitas General Plan Update was adopted in 2021 and serves as the long-term planning document for the city through 2040. It establishes goals, policies, and actions to guide the future growth and development of the

city. The General Plan Update is used by City leaders, City staff, developers, and community members in making decisions about the City's physical and social development. The Planning Area for the General Plan Update includes both land within City boundaries (13.6 square miles, or 8,704 acres) and areas of Santa Clara County within the City's Sphere of Influence (SOI).

Full buildout of the General Plan Update could generate an additional 11,186 dwelling units, 37,473 residents, 19,729,648 square feet of non-residential building square footage, and 36,795 jobs through the 2040 planning horizon (City of Milpitas 2020: Table 2.0-2). Under this scenario, the City would accommodate a total of 33,401 dwelling units, 113,530 residents, 47,807,536 square feet of non-residential building square footage, and 84,333 jobs. The EIR for the General Plan Update evaluated the full development potential of the General Plan, including the Specific Plan Area, compared to existing (2017) conditions (City of Milpitas 2020). However, it should be noted that the Specific Plan Area evaluated within the General Plan Update EIR.

As part of the General Plan, the City is required to adopt a Housing Element, which identifies how the City plans for current and future housing needs by analyzing the City's housing needs, assesses past accomplishments and fair housing practices, shows opportunities for future residential development, and addresses potential constraints to the development of housing in the city. Under State law, the City is required to update its Housing Element every eight years, with the most current Housing Element (2023-2031 Housing Element) being adopted on January 24, 2023. For the 2023-2031 planning period, the City was assigned a Regional Housing Need Allocation (RHNA) of 6,713 housing units. The 2023-2031 Housing Element identifies the City's housing plan to achieve the City's RHNA while not exceeding the total 33,401 dwelling units included in the buildout capacity estimated under the General Plan Update and evaluated within the corresponding EIR.

ASSOCIATION OF BAY AREA GOVERNMENTS

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2050 in October 2021. The Final Plan Bay Area 2050 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy (SCS) for the nine-county San Francisco Bay Area. The plan charts a course for transportation investment and land-use priorities.

Plan Bay Area 2050, which serves as ABAG's Regional Transportation/Sustainable Communities Strategy (RTP/SCS), identifies the City's housing plan designed to guide future development as the City works to achieve State-mandated housing goals by provides regional housing, land use planning, and transportation planning for its nine-county region, which encompasses Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties. In developing Plan Bay Area 2050, ABAG prepared land use forecast and modeling to forecast the growth in jobs by industry, housing units and population in the Bay Area. Plan Bay Area 2050 projects future growth within ABAG's plan area over a 30-year planning period, which is based on economic and demographic projections through 2050, adopted and pending land use plans and policies, market and economic considerations, and other state and federal policies and regulations that can affect the locations and pace of growth. The number of new residents in the ABAG area is estimated to increase by approximately 2,670,000 people between 2015 and 2050 (ABAG 2021: Table 8).

CITY OF MILPITAS METRO SPECIFIC PLAN

The Milpitas Metro Specific Plan (Metro Plan) is an update to the Milpitas Transit Area Specific Plan (TASP), adopted in 2008. The Metro Plan Area is adjacent to the east of the proposed Specific Plan Area. The Metro Plan, adopted in February 2023, increases the Metro Plan Area from approximately 437 acres to approximately 510 gross acres and includes annexations on the east and west sides of the original Metro Plan Area. The long-term focus of this work is to continue and accelerate the transformation of this area from industrial and auto-oriented to a vibrant, connected and fully developed transit oriented neighborhood. The Metro Plan buildout planned for a total of 7,000 residential units, 300,000 square feet of retail space, and 3,000,000 square feet of office space (including 500,000 sf of industrial uses) to be built by 2040.

4.3.3 Related Projects

A list of probable future projects is provided below. Probable future projects are those in the project vicinity that have the possibility of interacting with the project to generate a cumulative impact (based on proximity and construction schedule). These projects:

- ▶ are partially occupied or under construction,
- ▶ have received final discretionary approvals,
- ▶ have applications accepted as complete by local agencies and are undergoing environmental review, or
- ▶ are proposed projects that have been discussed publicly by an applicant or that otherwise have become known to a local agency and for which information is sufficient to allow at least a general analysis of environmental impacts.

Past and present projects in the vicinity are also considered as part of the cumulative analysis because they contribute to the existing conditions upon which the project's and probable future projects' environmental effects are considered.

Table 4-2 briefly summarizes reasonably foreseeable large-scale projects in the project area.

Table 4-2 Cumulative Projects List

Project Number	Location	Project Summary	Project Status
P-SD22-0003	1355 California Circle, Milpitas, CA	Residential development project located on 6.7 acres. Project proposes 206 residential units.	Approved
P-SD16-0003	1301 California Circle, Milpitas, CA	Hotel development project located on 6.36 acres. Project proposes 150 hotel rooms within a 101,367 square feet structure.	Approved
P-SD22-0007	612 S Main Street, Milpitas, CA	Multi-family residential development on 2.31 acres. Includes 57 residential units.	Approved
P-SD19-0006	600 Barber Lane, Milpitas, CA	Mixed-use residential development on 3 acres. Includes 372 residential units and 20,000 square feet of office use.	Approved
P-SD15-0006	Milpitas, CA	Mixed-use development on 7.91 acres. Includes 213 residential units within a 221,541 square feet structure.	Approved; under development

Source: Compiled by Ascent 2024.

4.4 ANALYSIS OF CUMULATIVE IMPACTS

Because the General Plan is essentially a set of guidelines for projects that could occur within the timeframe of the General Plan, the Plan itself represents the cumulative development scenario for the reasonably foreseeable future in the City. Therefore, the analysis presented in this Draft SEIR generally represents a cumulative analysis of the City of Milpitas as a whole over the General Plan planning horizon (updated as noted above) described above. In instances where other cumulative development in neighboring jurisdictions or within the region as a whole could contribute to impacts generated by the proposed Specific Plan, those impacts, as well as the context, are discussed in the cumulative impact discussion that follows the impacts in each section.

As indicated above, CEQA requires that an EIR include an assessment of the cumulative impacts that could be associated with project implementation. This assessment involves examining project-related effects on the environment in the context of similar effects that have been caused by past or existing projects, as well as the anticipated effects of future projects. An EIR must discuss the cumulative impacts of a project when its incremental effect will be cumulatively considerable. Although project-related impacts may be individually minor, the cumulative effects of these impacts, in combination with the impacts of other projects, could be significant under CEQA and must be addressed (CEQA Guidelines, Section 15130[a]). Section 15130(a)(3) states that an EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable, and thus not significant, if a project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. Section 15130(b) indicates that the level of detail of the cumulative

analysis need not be as great as for the project impact analyses; that it should reflect the severity of the impacts and their likelihood of occurrence; and that it should be focused, practical, and reasonable.

The following sections contain a discussion of the cumulative effects anticipated from implementation of the proposed Specific Plan, together with related projects and planned development, for each of the environmental issue areas evaluated in this Draft SEIR. The analysis herein analyzes whether, after implementation of project-specific mitigation that minimize environmental effects, the residual impacts of the Project would cause a cumulatively significant impact or would contribute considerably to existing or anticipated (without the proposed Specific Plan) cumulatively significant effects that were identified in General Plan Update EIR. Where the proposed Specific Plan would cumulatively contribute to impacts, additional mitigation is recommended where feasible.

4.4.1 Aesthetics

The geographic context for the analysis of cumulative scenic resource impacts includes areas adjacent to and visible from the Specific Plan Area, or areas that would be visible from locations that currently include views of the Specific Plan Area. These viewing areas include elevated freeways and freeway connector ramps to the north and south of the Specific Plan Area, adjacent surface streets, existing open space and hillsides to the east, and neighborhoods within the Specific Plan Area and adjacent to the Specific Plan Area.

Aesthetic impacts related to visual character and quality impacts and light and glare identified for the proposed Specific Plan are summarized below. As discussed in Section 3.1, "Aesthetics," of this Draft SEIR, buildout of the project would not result in impacts on scenic vistas or scenic resources (scenic roadways and highways) and would therefore not combine to create considerable changes and cumulative effects on visual resources. Therefore, impacts related to scenic vistas or scenic resources are not discussed further.

IMPACT 4.4.1-1: CONTRIBUTE TO CUMULATIVE VISUAL CHARACTER IMPACTS

Impact 4.1 of the General Plan Update EIR evaluated whether buildout of the General Plan would result in a significant contribution to the cumulative degradation of the existing visual character of the region. The General Plan Update EIR determined this impact would be less than cumulatively considerable because the General Plan would be implemented in an already urbanized area. The Specific Plan Area is located within a built-out area of the city, and continued implementation of the General Plan, as well as recent development trends in the region, would encourage the further redevelopment of existing uses within higher density and elevation project. Future development would be subject to design standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.2 of the proposed Specific Plan identifies standards for site planning, urban form, and building design including the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors, organized. The proposed Specific Plan Objective Design Standards would implement and be consistent with General Plan policies CD 1-1, CD 3-1 through CD 3-10, and LU 5-1 through LU 5-3. Through implementation of the proposed Specific Plan Objective Design Standards and adherence to the City's design review process, the existing views and character throughout the City, including within the Specific Plan Area, would be maintained. Therefore, future development would not detract from the existing visual character present within the Specific Plan Area. Thus, the project would not result in a new or greater contribution to cumulative visual character or quality impacts beyond what was identified in the General Plan Update EIR. This impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.1-2: CONTRIBUTE TO CUMULATIVE LIGHT AND GLARE IMPACTS

Impact 4.1 of the General Plan Update EIR evaluated whether buildout of the General Plan would result in a significant contribution to the cumulative increase in lighting. The General Plan Update EIR determined this impact would be less than cumulatively considerable because buildout of the General Plan would occur in an already urbanized area, in compliance with the General Plan policies and actions and adopted regulations pertaining to lighting.

Cumulative effects of lighting are visible over a wide area, because of the potential for lighting from a number of projects to create skyglow. Under existing conditions, the Specific Plan Area, and surrounding areas, experience lighting in the form of streetlights, or illumination for paths, buildings, and other noteworthy structures. As described in Impact 3.1-3 of this Draft SEIR, implementation of the proposed Specific Plan would introduce new lighting sources; however, while these fixtures would be similar in nature to existing lighting, and would not contribute new high, intensity lighting (i.e., field lighting) that could contribute substantially to night lighting conditions. Further, future development would be subject to lighting standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.3.5 of the proposed Specific Plan identifies standards to reduce light pollution and glare. Therefore, the project would not result in a new or greater contribution to cumulative effects of light and glare beyond what was identified in the General Plan Update EIR. This impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.2 Air Quality

The cumulative setting for air quality is the San Francisco Bay Area Air Basin (SFBAAB). Santa Clara County and the SFBAAB are within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Santa Clara County is currently designated as nonattainment with respect to the national ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS) for ozone, with respect to the CAAQS for respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM₁₀), and with respect to the NAAQS for 24-hour respirable particulate matter with an aerodynamic diameter of 2.5 micrometers or less (PM_{2.5}). Emissions of criteria air pollutants and precursors from industrial sources, area sources, and mobile sources in the basin have contributed to exceedances of the NAAQS for ozone and fine particulate matter and the CAAQS for ozone, respirable particulate matter, and fine particulate matter. Projects identified in Table 4-2 would increase emissions of these criteria air pollutants. Odor and toxic air contaminants (TACs) exposure are localized impacts, and the cumulative context is considered to be within 1,000 feet from a project site and associated off-site roadway and infrastructure improvements during construction.

The General Plan Update EIR identified air quality impacts associated with future development from implementation of the General Plan under project and cumulative conditions (City of Milpitas 2020) and concluded the General Plan would result in a less than cumulatively considerable impact for impacts related to plan consistency, long-term operational emissions, odors, and TAC emissions.

IMPACT 4.4.2-1: CONTRIBUTE TO CUMULATIVE CONFLICTS WITH OR OBSTRUCTION OF IMPLEMENTATION OF AN APPLICABLE AIR QUALITY PLAN

As described under Impact 3.3-1 of this SEIR, the proposed Specific Plan would not conflict with the 2017 Clean Air Plan and the relevant 2040 General Plan policies. Therefore, the proposed Specific Plan's contribution to cumulative conflicts with the relevant air quality plan would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.2-2: CONTRIBUTE TO CUMULATIVE EXPOSURE OF TACS

Emissions of TACs and PM is a localized impact and there are no existing or planned land uses adjacent to the project that would be large stationary sources of local TACs or odors. As identified in the discussion of Impact 3.3-2 of this SEIR, the proposed Specific Plan would not introduce any new TAC or PM_{2.5} emission sources but would continue to require all new sources of TAC emissions within the City would be required to obtain an air permit from BAAQMD that includes analysis of any TAC or PM_{2.5} emissions created from the new source and the potential health impacts to

the nearest sensitive receptor. Therefore, the proposed Specific Plan's contribution to cumulative exposure to TACs impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.2-3: CONTRIBUTE TO CUMULATIVE EXPOSURE OF ODORS

As discussed for Impact 3.3-3, construction and operation of land uses under the proposed Specific Plan would not result in the development of new odor sources atypical of developed urban areas, and odor-generating construction activity would be temporary. Therefore, the proposed Specific Plan's contribution to cumulative exposure to odor impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.3 Biological Resources

The geographic context for cumulative impacts related to biological resources is the greater vicinity of the project area, including adjacent wildlife migration and movement corridors in the area. The project area is surrounded by urban development, comprised of industrial and residential units with some small fragments of parks and open space. Future development near the Specific Plan Area includes commercial and residential development (see Table 4-2). The majority of the greater Specific Plan Area vicinity is developed and current and future development projects within the project vicinity primarily involve development on land that has been previously developed within the context of a highly developed region. Past development in the region, including conversion of natural land to urban uses, has resulted in a substantial loss of native habitat. This condition has resulted in a significant and cumulative loss of natural habitat and special-status plant and wildlife species in the region.

As discussed in Section 3.3, "Biological Resources," of this Draft SEIR, implementation of the Specific Plan would not result in impacts on special-status species, riparian habitat or other sensitive natural communities, wildlife movement and nursery sites, State or federally protected wetlands, or conflict with local policies and ordinances and therefore would not combine to create considerable changes to and cumulative effects on biological resources. Therefore, cumulative impacts on special-status species, riparian habitat or other sensitive natural communities, wildlife movement and nursery sites, State or federally protected wetlands, and conflict with local policies and ordinances pertaining to these resources, are not discussed further.

IMPACT 4.4.3-1: CONTRIBUTE TO CUMULATIVE IMPACTS ON BIOLOGICAL RESOURCES

Impact 4.4 of the General Plan Update EIR determined buildout of the General Plan, in combination with other development projects in the surrounding region, would result in a less than cumulatively considerable contribution on biological resources because buildout of the General Plan would occur in an already urbanized area and would be consistent with policies and actions of the General Plan and comply with Federal and State regulations to reduce, avoid, or compensate for potential impacts. The proposed Specific Plan would not result in a new or greater contribution to cumulative biological resources beyond what was identified in the General Plan Update EIR. This impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.4 Cultural and Tribal Cultural Resources

Because all significant cultural and tribal cultural resources are unique and nonrenewable members of finite classes, meaning there are a limited number of significant cultural resources, all adverse effects erode a dwindling resource

base. The loss of any one archaeological or historic site could affect the scientific value of others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. The cultural system is represented archaeologically by the total inventory of all sites and other cultural remains in the region. As a result, a meaningful approach to preserving and managing cultural and tribal cultural resources must focus on the likely distribution of cultural resources, rather than on a single project or parcel boundary.

IMPACT 4.4.4-1: CONTRIBUTE TO CUMULATIVE IMPACTS TO HISTORICAL RESOURCES, ARCHAEOLOGICAL, AND TRIBAL CULTURAL RESOURCES

The cumulative context for the historical resources analysis considers a broad regional area of which the resources are a part. The cumulative context for historical resources for this project includes the project region (i.e., project area, the city of Milpitas, and the county of Santa Clara). The cumulative context for the archaeological resources and tribal cultural resources (TCRs) analysis considers a broad regional area that includes the traditional tribal lands of the Costanoan people that occupied during the pre-contact period.

Impact 4.5 of the General Plan Update EIR determined buildout of the General Plan, in combination with other development projects in the surrounding region, could result in discovery and removal of cultural resources, including archeological, historical, and Native American resources and human remains. However, the General Plan Update EIR concluded the General Plan's contribution to this potential impact would be less than cumulatively considerable because each project under the General Plan would undergo further environmental review of project-specific impacts prior to City approval and would be required to comply with policies, actions, and regulations to avoid and/or minimize a cumulative loss of cultural resources.

As identified in Impact 3.4-1, implementation of the proposed Specific Plan would result in changing the zoning to allow greater density. The development pressure could increase and result in more requests for the demolition of historical resources. Project Mitigation Measures 3.4-1a and 3.4-1b would assist, but not fully mitigate, this impact. As a result, substantially more severe cumulative impact would occur compared to the General Plan Update EIR, and this impact would be **cumulatively considerable and significant and unavoidable**.

Since the adoption of the Midtown Plan in 2001, several discoveries have been made in the area, which indicates a higher sensitivity for resources than previously identified. Additionally, the tribal consultation required under AB52 has informed the context of the area and indicated a higher sensitivity of the area as well. Implementation of the proposed Specific Plan, in combination with other past, present, and reasonably foreseeable future development within the region, would involve ground-disturbing activities that could result in discovery of or damage to known or previously undiscovered archaeological resources and TCRs, as defined in State CEQA Guidelines Section 15064.5 and Public Resources Code (PRC) Section 21074, respectively, within the cumulative context. Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of cultures and past environmental conditions by recording data about sites discovered and preserving artifacts found. Federal, State, and local laws are also in place that protect these resources in most instances. Even so, it is not always feasible to protect these resources, particularly when preservation in place would make projects infeasible, and for this reason the cumulative effects of past, present, and reasonably foreseeable future projects could result in a potentially significant cumulative impact on archaeological and tribal cultural resources.

Compliance with California Health and Safety Code Section 7050.5 and PRC Sections 21080.3.2, and 21084.3(a), as well as implementation of Mitigation Measures 3.4-2a through 3.4-2e and 3.4-3a through 3.4-3e would ensure that treatment and disposition of unique archaeological resources are handled by a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, and TCRs, including human remains, occurs in a manner consistent with the California Native American Heritage Commission guidance. However, due to the sensitivity of the area some archaeological resources may not be able to be avoided during future projects, the Specific Plan's contribution to cumulative impacts on archaeological resources and TCRs would be more severe compared to the General Plan Update EIR, and this impact would be **cumulatively considerable and significant and unavoidable**.

Mitigation Measures

Implementation of Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2a through 3.4-2e, and 3.4-3a through 3.4-3e would address this impact. No additional measures are available.

4.4.5 Energy

The cumulative context for energy is existing and projected energy use in the Pacific Gas and Electric Company service area and in the state. Cumulative development in the County would increase regional energy demand.

No significant and unavoidable energy use impacts were identified in the General Plan Update EIR.

IMPACT 4.4.5-1: CONTRIBUTE TO CUMULATIVE ENERGY IMPACTS

As discussed under Impact 3.5-1 of this SEIR, implementation of the proposed Specific Plan would increase energy demand during temporary construction activities for new buildings and facilities; however, construction activities would not increase long-term, ongoing demand for energy or fuel, because construction would be temporary. Impact 3.5-1 concluded that because the proposed Specific Plan would decrease total energy consumption and energy consumption per service population, decrease VMT, and VMT per service population throughout the Specific Plan Area, and decrease the total usage of gasoline and diesel fuel and gasoline and diesel fuel consumption per service population throughout the Specific Plan Area. Thus, the proposed Specific Plan would not use energy wastefully, inefficiently, or unnecessarily.

Additionally, as discussed in Impact 3.5-2 of this SEIR, the proposed Specific Plan would not conflict with general plan policies, the Milpitas CAP, and Appendix D of the 2022 Scoping Plan. Therefore, the proposed Specific Plan's contribution to cumulative energy impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.6 Greenhouse Gas Emissions and Climate Change

Prominent greenhouse gases (GHGs) contributing to the greenhouse effect are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Human-caused emissions of these GHGs in excess of natural ambient concentrations are found to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. Climate change is a global problem caused by global pollutants and is inherently cumulative. Therefore, the cumulative setting for climate change is global, and the earth is experiencing an adverse cumulative condition. This includes consideration of planned development under the 2040 Milpitas General Plan and pending development projects identified in Table 4-2.

No significant and unavoidable GHG and climate change impacts were identified in the General Plan Update EIR. As identified in Section 3.6, "Greenhouse Gases and Climate Change," the City's 2022 Climate Action Plan (CAP) was updated after certification of the General Plan Update EIR.

IMPACT 4.4.6-1: CONTRIBUTE TO CUMULATIVE GREENHOUSE GAS IMPACTS

As stated above, the issue of global climate change is inherently cumulative because the GHG emissions of individual projects cannot be shown to have any material effect on global climate. Therefore, the Specific Plan's impact on climate change is addressed only as a cumulative impact. Impact 3-6.1 of this SEIR stated that because the proposed Specific Plan would reduce VMT and VMT per service population and reduce GHG emissions throughout the Specific Plan Area, the proposed Specific Plan would meet the State's goals to reduce emissions to 40 percent below 1990

levels by 2030 and carbon neutrality by 2045. Impact 3-6.2 of this SEIR stated that the proposed Specific Plan would increase efficiency throughout the proposed Specific Plan Area and thus would align with the local GHG reduction strategies and plans such as the Milpitas 2022 CAP, the general plan policies, the 2022 Scoping Plan, and the Plan Bay Area 2050+. Therefore, the proposed Specific Plan's contribution to cumulative GHG and climate change impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.7 Land Use and Planning

The geographic scope for evaluating cumulative land use and planning impacts related to physically dividing an established community encompasses the city of Milpitas. A significant cumulative impact related to physically dividing an established community would occur if cumulative development in combination with the proposed Specific Plan physically divided the city through the construction of physical features, such as new highways, aboveground utility infrastructure, or easements, which function as barriers to travel between two or more parts of the city.

The geographic scope for evaluating cumulative land use and planning impacts related to conflicting with a land use plan, policy, or regulation adopted for the purposes of avoiding or mitigating an environmental effect includes the City of Milpitas. A significant cumulative impact related to conflicting with a land use plan, policy or regulation adopted for the purposes of avoiding or mitigating an environmental effect would occur if future development projects, in combination with the proposed Specific Plan, would result in significant environmental impacts due to an inconsistency with an applicable land use plan, policy, or regulation.

IMPACT 4.4.7-1: PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

Impact 4.10 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative land use impacts associated with the division of an established community. The General Plan Update EIR determined urban growth that would occur in the City as a result of General Plan buildout would occur at in-fill locations within existing urbanized areas and would not create physical division within existing communities. Therefore, the General Plan Update EIR concluded that the General Plan would have a less than cumulatively considerable contribution to regional land use impacts.

The cumulative study area is characterized as an urbanized city developed with a clear land use pattern demarcated by parcel boundaries and roadways. As discussed in Section 4.3.3, "Related Projects," cumulative projects within the cumulative study area consists of residential, mixed-use, and hotel projects, all of which are proposed on established parcels under the City's jurisdiction and are not anticipated to include the construction of a physical feature that would physically divide the city. As the city is an urban, developed environment, these cumulative projects most likely would involve infill development or redevelopment within an already-established residential or hotel area. These projects would also not construct physical features that function as barriers to travel between two or more parts of an existing established community. In addition, these projects would not involve permanent street or sidewalk closures that would interfere with or impair access within established communities. Therefore, cumulative effects related to physically dividing an established community are considered less than significant within the cumulative study area.

As discussed in Section 3.7, "Land Use and Planning," of this Draft SEIR, the proposed Specific Plan would be applied to already established parcels within the City's land use pattern and would not include any new areas of the city or surrounding area. All future development would be located on demarcated parcels within the proposed Specific Plan Area. In addition, while the Specific Plan's Mobility Framework (Chapter 5 of the Specific Plan) supports the construction of new roadways and service alleys, the Specific Plan envisions these roadway and alleys to improve mobility throughout the Specific Plan Area. The Specific Plan also supports new streets with redevelopment of the Serra Center and other large neighborhood blocks to connect to existing roadways and support a more walkable neighborhood grid pattern. Therefore, while new roadway infrastructure could be developed under the proposed

Specific Plan, the introduction of such infrastructure would not physically divide or obstruct any other parts of the Specific Plan Area or the city. Therefore, the proposed Specific Plan would not physically divide an established community and as such, would not result in a new significant cumulative effect, and the cumulative impact would not be more severe than the impact identified in the General Plan Update EIR. The Specific Plan's impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.7-2: CONFLICT WITH ANY LAND USE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT

Impact 4.10 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative land use impacts associated with conflicts with land use plans and regulations that provide environmental protection. The General Plan Update EIR determined that implementation of General Plan policies and actions were intended to guide growth to appropriate areas and provide services necessary to accommodate growth. Therefore, the General Plan Update EIR concluded that the General Plan would have a less than cumulatively considerable contribution to regional land use impacts.

All development and redevelopment projects within the city are required to be consistent with the existing General Plan land use designations and applicable Zoning Ordinances designations, including other Specific Plans. The City would review each cumulative project listed in Table 4-2 as part of the development review process to ensure consistency with the policies of the General Plan and Zoning Ordinances unless there is a proposed land use policy amendment to the General Plan and/or Zoning Ordinance with a project application. At the time that an amendment to a land use policy to the General Plan and/or Zoning Ordinance is submitted, the City would need to evaluate if the proposed change to the land use policy would result in environmental impacts. Cumulative projects requiring discretionary approval would be subject to CEQA, which would require incorporation of feasible mitigation measures to reduce significant environmental impacts associated with conflicting with an applicable land use plan, policy, or regulation. With the safeguards of the City's development review process and the environmental review process under CEQA in place, development of cumulative projects within the city would not result in foreseeable environmental impacts associated with conflicting with applicable land use plans, policies, or regulations. Therefore, cumulative effects related to conflicting with a land use plan, policy or regulation adopted for the purposes of avoiding or mitigating an environmental effect are considered less than significant within the cumulative study area.

As discussed in Section 3.7, "Land Use and Planning," the proposed Specific Plan is consistent with all applicable land use plans, policies, and ordinances adopted to avoid or mitigate an environmental effect, including the Plan Bay Area 2050, the City's 2040 General Plan, and the Comprehensive Zoning Ordinance Update upon adoption. Upon adoption of the proposed Specific Plan, the goals, policies, and development standards of the plan would govern future development proposed within the Specific Plan Area. All future development within the Specific Plan Area would be reviewed for compliance with the Specific Plan during the City's design review and building permit processes. In addition, future development proposed under the Specific Plan that requires discretionary review would be subject to CEQA, which would ensure any potentially significant land use impacts are mitigated to the greatest extent possible. Therefore, the proposed Specific Plan would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects and as such, its incremental contribution to this less-than-significant cumulative impact would not be cumulatively considerable. This cumulative impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.8 Noise

Impact 4.12 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative impacts related to noise. The General Plan Update EIR determined that implementation of General Plan policies and actions were intended to minimize exposure to excessive noise, including noise associated with traffic. However, the General Plan Update EIR concluded the traffic noise increases associated with the General Plan exceeded the applicable noise exposure criteria. Therefore, the General Plan Update EIR concluded the General Plan had a significant and unavoidable and cumulatively considerable contribution relative to traffic noise on existing noise-sensitive uses in the city.

Noise and vibration impacts associated with future development under the project are analyzed in Section 3.8, "Noise" of this Draft SEIR. Noise and vibration impacts arise from and reflect project-specific characteristics and conditions, including distance to noise sources, barriers between land uses and noise sources, and other factors. Noise impacts are typically site specific and combine with other noise impacts only when cumulative development occurs close by or when traffic-related noise from a project contributes to traffic volumes on roadways in the project area. For this reason, the geographic scope of the cumulative impact analysis for noise and vibration is the Specific Plan Area vicinity.

The Specific Plan Area is not located within 2 miles of an airport. The airport nearest to the project site is San Jose Mineta International Airport, located approximately 3.8 miles southeast of the Specific Plan Area. The Specific Plan Area is outside the San Jose Mineta International Airport's noise contour. Therefore, the project would not expose people residing or working in the project area to excessive airport noise levels. Thus, the proposed Specific Plan would not contribute to cumulative aircraft exposure impacts.

The proposed Specific Plan would not result in future development that would result in major sources of ground vibration, such as a commercial railway or a passenger rail transit line. No existing or planned land uses in the Specific Plan Area would be sources of substantial and permanent ground vibration. Therefore, development facilitated by the Specific Plan would not result in long-term operational activities associated with permanent or substantial levels of ground vibration. Thus, the Specific Plan would not contribute to or create cumulative operational vibration impacts.

IMPACT 4.4.8-1: CONTRIBUTE TO CUMULATIVE CONSTRUCTION NOISE AND VIBRATION IMPACTS

Construction-related noise and vibration are typically considered localized impacts that affect only receptors close to construction activities. Therefore, unless construction of cumulative projects, including construction associated with the project, occurs on sites close to one another (i.e., less than 500 feet apart) and at the same time, noise and vibration from individual construction projects have little chance of combining to create cumulative impacts. There are no reasonably foreseeable projects within 500 feet of the Specific Plan Area that would be an additional source of construction noise or vibration. Therefore, the Specific Plan's contribution to cumulative construction noise and vibration impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.8-2: CONTRIBUTE TO CUMULATIVE TRAFFIC NOISE IMPACTS

With respect to mobile-source noise levels, the cumulative context includes local roadways likely to be affected by project-related vehicles. As discussed in Section 3.11, "Noise and Vibration," project-related traffic increases would not result in a substantial noise increase on affected roadways. Traffic noise was also modeled under the cumulative context. Table 4-3 shows an increase in traffic noise between the cumulative no project scenario and the cumulative with project scenario.

Table 4-3 Summary of Modeled Traffic Noise Levels under Cumulative No Project and Cumulative Plus Project Conditions

Segment No.	North-South	East-West	Roadway Segment	Midtown Conditions Noise Levels ¹ (dBA L _{dn})	Gateway-Main Street+ Project Noise Levels ² (dBA L _{dn})	Modeled Change (dBA)	Applicable Increase Threshold	Exceeds Applicable Threshold?
1	Park Victoria Dr	Calaveras Dr.	Calaveras West	67.8	67.8	0.0	1.5	No
2	Hillview Dr	Calaveras Dr.	Calaveras West	69.1	68.9	-0.2	1.5	No
3	Hillview Dr	Calaveras Dr.	Calaveras East	69.1	68.8	-0.4	1.5	No
4	Milpitas Blvd	Calaveras Dr.	Calaveras West	69.1	68.8	-0.3	1.5	No
5	Milpitas Blvd	Calaveras Dr.	Calaveras East	63.5	63.2	-0.2	1.5	No
6	Abel St	Calaveras Dr.	Abel North	59.1	58.6	-0.4	3	No
7	Abel St	Sierra Way	Abel South	64.1	63.7	-0.4	3	No
8	Abel St	Calaveras Dr.	Calaveras West	70.1	70.0	-0.2	1.5	No
9	Abel St	Marylinn Dr	Abel North	58.8	58.6	-0.3	5	No
10	Abel St	Marylinn Dr	Abel South	58.5	58.3	-0.3	5	No
11	Abbott Ave	Calaveras Dr.	Calaveras West	64.4	64.2	-0.2	1.5	No
12	Abbott Ave	Calaveras Dr.	Calaveras East	64.2	64.0	-0.2	1.5	No
13	Abel St	Sierra Way	Abel South	57.8	57.3	-0.4	5	No
14	Abel St	Corning Ave	Abel South	57.7	57.4	-0.2	5	No
15	Abel St	Curtis Ave	Abel South	58.9	58.5	-0.4	5	No
16	Main St	Curtis Ave	Main South	56.1	55.4	-0.7	5	No

Notes: L_{dn} = day-night noise level; dBA = A-weighted decibel; SR = State Route; 1 = represents Cumulative Conditions of the VMT for the Environmental Review; 2 = represents Cumulative with Project Conditions of the VMT for the Environmental Review

All modeling assumes average pavement, level roadways (less than 1.5% grade), constant traffic flow, and does not account for shielding of any type or finite roadway adjustments. All noise levels are reported as A-weighted noise levels. For additional details, refer to Appendix EE for detailed traffic data, and traffic-noise modeling input data and output results.

Source: Data provided by Fehr & Peers 2024; Modeled by Ascent in 2024.

As shown above, project-generated traffic would not result in increased traffic along any roadways. Traffic noise increases would range from -0.7 dB to 0.0 dBA L_{dn}, and noise levels along roadway segments.

Therefore, the proposed Specific Plan's contribution to the significant cumulative impact would be less than cumulatively considerable, though the impact would remain **cumulatively considerable** and **significant and unavoidable** as identified in the General Plan Update EIR.

IMPACT 4.4.8-3: CONTRIBUTE TO CUMULATIVE OPERATIONAL NOISE IMPACTS

Similar to construction-related noise impacts, stationary source noise impacts are generally localized. As a result, the context for cumulative stationary noise sources is within 500 feet of the Specific Plan area. Future development under the Specific Pan would potentially include new stationary heating, ventilation, and air conditioning (HVAC) equipment. However, noise from these sources would be localized and would not combine with noise from other projects. As discussed under Impact 3.11-3 of this SEIR, noise from the proposed HVAC equipment is a consideration only within a

project site's immediate vicinity, at distances less than 30 feet. Therefore, operational noise sources on the project site would not combine with noise from other area sources to result in a substantial increase in ambient noise.

Therefore, the Specific Plan's contribution to cumulative operational noise impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.9 Population and Housing

The geographic context for cumulative impacts related to population and housing are confined to the City.

Impact 4.10 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative impacts related to population and housing. The General Plan Update EIR identified implementation of General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the General Plan, the infrastructure anticipated to accommodate proposed land uses, and the goal and policy framework would not induce growth that would exceed adopted thresholds. Therefore, the General Plan Update EIR concluded the impact would be less than cumulatively considerable.

IMPACT 4.4-9-1: CONTRIBUTE TO CUMULATIVE INDUCEMENT OF UNPLANNED GROWTH OR DISPLACEMENT

As described in Section 3.9, "Population and Housing" of this Draft SEIR, the Specific Plan would accommodate up to 5,176 new dwelling units, which is 1,338 units net new units beyond the General Plan. It would also result in a population of 12,887 residents, which is an increase of 3,330 people beyond the General Plan. This growth would exceed projections assumed under the City's General Plan for the Specific Plan Area; however, it would not exceed projections for the City of Milpitas as a whole. The Specific Plan also would not indirectly induce unplanned population growth or residential development.

The proposed Specific Plan does not include proposed changes in land use or zoning that would directly or indirectly result in displacement of substantial numbers of housing or persons. The Specific Plan could accommodate anticipated housing growth in the City. This responsiveness to existing and forecast demand would not induce population growth beyond that planned for and considered in local and regional documents and implementation of the Specific Plan would not result in a new or substantially more severe cumulative impact than what was identified in the General Plan Update EIR. Although cumulative development in Milpitas, including the Specific Plan, would result in a cumulative increase in population and housing in Milpitas, the Specific Plan's contribution to unplanned population growth would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.10 Public Services and Recreation

The cumulative context for public services and recreation is the City of Milpitas, which is the service area for MFD, MPD, and MUSD.

IMPACT 4.4.10-1: CONTRIBUTE TO CUMULATIVE IMPACTS ON PUBLIC SERVICES AND RECREATION

Impact 4.13 of the General Plan Update EIR evaluated the cumulative demand for public services, including fire protection, law enforcement, schools, parks, libraries, and other public and government services and concluded that the General Plan's contribution would be less than cumulatively considerable.

As described in Section 3.10, "Public Services and Recreation" of this Draft SEIR, buildout of the Specific Plan would result in a less than significant impact to public services because applicants of subsequent development projects under the Specific Plan would be required to pay applicable City development fees. Further, the Specific Plan, itself, would not expand the service area of these existing public service providers within the City of Milpitas and is not anticipated to result in substantial demand for public services such that new facilities would be required as a result of plan implementation. Cumulative development in the region, including development elsewhere within the city, would result in the concentration of persons and structures within these local public service jurisdictions and could increase demands for such services and recreation/park facilities. Although the Specific Plan would also increase demand for public services and recreation, no additional facilities would be needed to serve the project site, and development under the Specific Plan would be required to pay impact fees as required by the City and MUSD to ensure the adequate provision of public services in the future. The contribution of fees for the provision of services to the City and MUSD as a whole would reduce a project's incremental contribution to the need for public services and recreation/park facilities within the cumulative context such that the project would not result in a cumulatively considerable contribution. As a result, a significant cumulative public services and recreation impact would not occur with implementation of the Specific Plan and other development. Therefore, the project's contribution to public service and recreation demands would remain **less than cumulatively considerable**, and implementation of the Specific Plan would not result in a new or substantially more severe cumulative impact than what was identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.11 Transportation

The geographic scope of analysis for cumulative impacts related to VMT includes Santa Clara County, the City of Milpitas, and the Specific Plan Area. The geographic scope for the analysis of the impacts related to a program, plan, ordinance, or policy addressing the circulation system; substantially increasing transportation hazards due to geometric design features or incompatible uses; and inadequate emergency access would be different than the geographic scope for VMT analysis. The geographic scope for such analysis would include all past, present, and reasonably foreseeable future projects that would have the potential to affect the same transit, roadway, bicycle, and pedestrian facilities surrounding the Specific Plan Area and the interconnected circulation system of the County of Santa Clara.

IMPACT 4.4.11-1: TRANSIT SERVICE AND FACILITIES, BICYCLE FACILITIES, AND PEDESTRIAN FACILITIES

Development associated with the proposed Specific Plan would occur incrementally over time. Combined with other development in the area, the demand for transit service and facilities, bicycle facilities, and pedestrian facilities is anticipated to increase. Implementation of the Specific Plan would result in improved transit, bicycle, and pedestrian facilities and enhanced connectivity within the Specific Plan Area. In addition, the design standards included in the Specific Plan Update promote alternative transportation, consistent with City General Plan, Trail, Pedestrian, and Bicycle Master Plan, and Climate Action Plan policies applicable to transit, bicycle, and pedestrian facilities and services. As detailed in Chapter 2, "Project Description," of this Draft SEIR, subsequent development projects under the Specific Plan would be subject to all applicable City guidelines, standards, and specifications related to transit,

bicycle, and pedestrian facilities. Therefore, implementation of the Specific Plan, when combined with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts related to transit service and facilities, bicycle facilities, and pedestrian facilities. Impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.11-2: VEHICLE MILES TRAVELED

Impact 4.14 of the General Plan Update EIR analyzed whether the General Plan would result in a net increase in total VMT as compared to existing conditions. The General Plan Update EIR identified that General Plan land use patterns and intensities, and General Plan policies would include a multitude of components to reduce VMT. Individual development projects are required to completed VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. The General Plan Update EIR concluded that while such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan. Therefore, the General Plan Update EIR concluded transportation impacts to be a cumulatively considerable and significant and unavoidable impact. Boundary VMT captures all VMT on the roadway network within a specified geographic area, including local trips plus interregional travel that does not have an origin or destination within the specified area. The use of boundary VMT is a more comprehensive evaluation of the potential effects of a project because it captures the combined effect of shifts in existing VMT due to land use and transportation network changes in the region, shifts in existing traffic to alternate travel routes or modes, and new VMT from additional land use development in the region. Boundary VMT is divided by the service population to account for the effects of population and/or employment growth and the effects of changes in personal travel behavior within the specified geographic area.

The cumulative condition for the analysis is presumed to be the full buildout of the Milpitas General Plan, which includes the Midtown Specific Plan, whereas in the cumulative with project condition replaces the Midtown Specific Plan by the Gateway-Main Street Specific Plan (i.e., project). The cumulative VMT analysis evaluates whether implementation of the Specific Plan would result in an increase in the regionwide boundary VMT from the cumulative scenario to the cumulative plus project scenario. As shown in Table 4-4, the regional impact threshold for the Specific Plan’s effect on VMT is the 2040 regionwide boundary VMT per service population of 13.40.

Table 4-4 Cumulative and Cumulative Plus Project VMT Assessment

	Cumulative Condition	Cumulative Plus Project Condition
South Bay Area¹		
Boundary VMT (A) ¹	111,997,595	111,890,030
Service Population (B) ^{1,2}	8,357,812	8,359,030
Boundary VMT per Service Population (C = A/B)	13.40	13.39
Boundary VMT per Service Population Threshold	13.40	-

Notes: VMT = Vehicle Miles Traveled

¹ Rounded service population and VMT to nearest 10

² Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers 2024.

As shown in Table 4-4, the boundary VMT per service population for the Specific Plan is 13.39, which is below the threshold of significance of 13.40 VMT per service population (i.e., 2040 regional VMT per service population). Therefore, the cumulative VMT impact from the Specific Plan would be **less than cumulatively considerable**. The proposed Specific Plan’s contribution to the significant cumulative impact would be less than cumulatively considerable, though the impact would remain **cumulatively considerable** and **significant and unavoidable** as identified in the General Plan Update EIR.

IMPACT 4.4.11-3: GEOMETRIC DESIGN HAZARDS

Development associated with the Specific Plan would occur incrementally over time. In general, transportation hazards are site-specific and not cumulative in nature. As detailed in Section 3.11-3, of this SEIR, new streets would be constructed in the Specific Plan Area and modification of existing roadways including streetscape, bicycle, pedestrian, and transit facility improvements would occur as the Specific Plan is implemented. All transportation related infrastructure improvements constructed under the Specific Plan would be constructed in accordance with applicable standards to ensure that development would not result in transportation hazards or incompatible uses. Other development projects surrounding the Specific Plan Area would also be required to comply with all applicable design and safety standards, thus minimizing the potential for cumulative transportation-related hazards. With continued regulatory compliance, implementation of the Specific Plan when combined with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative transportation hazard impacts. Impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.11-4: EMERGENCY ACCESS

Implementation of the individual developments under the Specific Plan would be subject to and constructed in accordance with applicable roadway design guidelines and would be subject to review by the Milpitas Fire Department to ensure that adequate emergency access is provided and maintained. Other nearby development projects would also be required to comply with all applicable emergency access standards. Therefore, the Specific Plan's contribution to cumulative effects related to emergency access would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.12 Utilities and Service Systems

The geographic scope for utilities and service systems impacts is based on a mix of the List Method and the Plan Method, as described above in Section 4.3, "Cumulative Setting." A significant cumulative impact would result if implementation of the proposed Specific Plan were to contribute to impacts related to exceeding the planned use and capacity of the wastewater, water, solid waste, and/or energy service providers for the Specific Plan Area, which project future supply and demand based on current land use and development projections within their respective service areas. Therefore, the cumulative setting for utilities and service systems includes all of the projects listed in Table 4-2 of Section 4.3.3, "Related Projects," (i.e., List Method) and all of the growth assumptions provided in regional planning documents such as the 2040 General Plan (i.e., Plan Method). For water supply, the geographic scope includes the assumptions in the water supply assessment (WSA) prepared for the Specific Plan (Appendix E of this SEIR), which relies on the water supply and demand projections in the City's 2020 Urban Water Management Plan (UWMP) (City of Milpitas 2021a).

As described in Impact 3.12-1, since certification of the General Plan Update EIR the City adopted comprehensive updates to several utility master plans, including the 2021 Water Master Plan, 2021 Sewer Master Plan, 2021 Sewer System Management Plan, and 2021 SDMP. Each of these plans identify CIP projects to be implemented throughout the city, including the Specific Plan Area, and are intended to address existing deficiencies in the city's utility infrastructure as well as accommodate projected growth in the city. The specific CIP projects identified in each of these plans for the Specific Plan Area are summarized in Chapter 7, "Infrastructure & Public Services," of the proposed Specific Plan. As described in Chapter 7 and shown in Figures 7-2, 7-5, and 7-6 of the Specific Plan, the CIP projects identified within the Specific Plan Area include stormwater, water, and sewer infrastructure improvements and would accommodate future development and growth from buildout of the Specific Plan. Implementation of the Specific Plan would not require the construction of new or expanded offsite utilities beyond those already planned for in the 2021 Water Master Plan, 2021 Sewer Master Plan, 2021 Sewer System Management Plan, and 2021 Storm Drain

Master Plan. These CIP projects would be implemented irrespective of the Specific Plan. Thus, infrastructure improvements would be within the Specific Plan area and would not contribute to any cumulative impacts.

IMPACT 4.4.12-1: CONTRIBUTE TO CUMULATIVE IMPACTS RELATED TO WATER SUPPLY

Impact 4.15 of the General Plan Update EIR evaluated whether buildout of the General Plan would contribute to cumulative water supply impacts. Impact 4.15 of the General Plan Update EIR concluded that because the projected water demands associated with General Plan buildout would not exceed the projected water supplies, and that the General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable source of clean potable water, cumulative water supply impacts would be less than cumulatively considerable.

Since certification of the General Plan Update EIR, the City adopted the 2020 UWMP in June 2021, which provides updates to the water demand and supply projections for the city from the 2015 UWMP relied on in the General Plan Update EIR. The 2020 UWMP identified citywide water supply shortages during dry year conditions for 2025, 2030, 2045 that would occur as a result of cumulative growth and development throughout the SFPUC and Valley Water service area, including the city. The City's 2020 Water Shortage Contingency Plan, which would be implemented during dry year conditions, identifies the installation of five additional groundwater wells by 2025 and two additional groundwater wells by 2040 to help offset the water supply shortages identified for 2030 and 2045. The construction of these additional groundwater wells would have the potential to result in direct environmental effects, including potential impacts on air quality, biological resources, cultural and tribal cultural resources, water quality, and noise, as well as secondary environmental effects such as aquifer depletion, changes in groundwater flow, and subsidence.

As discussed in Section 3.15, "Utilities and Service Systems," of this Draft SEIR, implementation of the proposed Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. Implementation of the Specific Plan would decrease water demand by 105,875 gpd, resulting in a decrease of 119 AFY compared to the land uses assumed for the Specific Plan Area in the General Plan Update EIR. Although the dry year water supply shortages identified in the 2020 UWMP would not directly occur because of the proposed Specific Plan, the proposed land uses and development projections in the Specific Plan were accounted for in the 2020 UWMP. Therefore, the proposed Specific Plan would contribute to the water supply shortage during these dry year conditions that would potentially trigger the need to construct additional groundwater wells, the construction and operation of which could result in significant environmental impacts. However, the City is implementing drought contingency measures identified in the UWMP through the construction of additional groundwater wells to offset water supply shortages identified for 2030 and 2045. McCandless Well, located in Delango Manaong Park along McCandless Drive is a new production well under construction. The well casing was completed in 2021, and the above facilities is anticipated to begin in early 2025, and is anticipated to be completed by summer 2026. The well would be available for use in 2027. Pinewood well is an existing standby well that may be converted into production. According to the City Water Master Plan, Curtis well, designated to be a production well, is anticipated to be constructed between 2031 and 2035 (Silveira, pers. Comm., 2025). Operation of McCandles Well alone could provide approximately 649 AFY of supplemental water supply that would offset the UWMP projected dry year conditions through the year 2040. Therefore, sufficient water supplies would be available to serve the Specific Plan and reasonably foreseeable future development during normal, dry, and multiple dry years.

All future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of water infrastructure provisions is provided in Chapter 7, Section 7.3.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 2-1 and USC 2-4 and associated Action USC-2f. The proposed water infrastructure provisions would help to reduce water demand associated with buildout of the Specific Plan. Therefore, the Specific Plan's contribution to

cumulative water supply impacts, when combined with past, present, and reasonably foreseeable growth and development, would be **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

IMPACT 4.4.12-2: CONTRIBUTE TO CUMULATIVE IMPACTS RELATED TO WASTEWATER

Impact 4.15 of the General Plan Update EIR evaluated whether buildout of the General Plan would contribute to cumulative impacts related to wastewater generation and treatment capacity. Impact 4.15 of the General Plan Update EIR concluded that because projected wastewater generation volumes associated with General Plan buildout would not exceed the projected wastewater treatment capacity, and that the proposed General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable wastewater collection and treatment system, cumulative impacts associated with wastewater treatment and compliance with waste discharge requirements would be less than cumulatively considerable.

Past, present, and reasonably foreseeable future projects within the city would generate wastewater requiring treatment at the San José-Santa Clara Regional Wastewater Facility (RWF), which treats approximately 110 million gallons per day (mgd) of wastewater and has a treatment capacity of 167 mgd. The City has rights to discharge up to 14.25 mgd to the RWF under its current allotment (City of Milpitas 2021b). Based on the growth and development projections evaluated in the General Plan Update EIR, there would be approximately 2.4 mgd of wastewater treatment capacity available following buildout of the General Plan. As the city continues to develop in the future, there will be an increased need for water and wastewater services, including a reliable source of recycled water. Since certification of the General Plan Update EIR, the City adopted a comprehensive update to its Sewer Master Plan in 2021 that identifies CIP projects to address existing deficiencies throughout the city as well as accommodate projected growth in the city.

As discussed in Section 3.15, "Utilities and Service Systems," of this Draft SEIR, implementation of the proposed Specific Plan would result in a decrease in water demand by 105,875 gpd, as compared to buildout under the General Plan. Assuming a 1 to 1 ratio of water consumption to wastewater generation, the proposed Specific Plan would result in a corresponding decrease in wastewater of 105,875 gpd as compared to buildout under the General Plan. Additionally, the proposed Specific Plan includes provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area. All future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of wastewater infrastructure provisions is provided in Chapter 7, Section 7.4.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 3-1 through 3-3 and associated Action USC-3b.

Therefore, no new significant or substantially more severe cumulative wastewater impacts would occur compared to the General Plan Update EIR, and the Specific Plan's contribution to cumulative wastewater impacts would remain **less than cumulatively considerable**.

Mitigation Measures

No mitigation is required.

IMPACT 4.4.12-3: CONTRIBUTE TO CUMULATIVE IMPACTS RELATED TO SOLID WASTE

Impact 4.15 of the General Plan Update EIR evaluated whether buildout of the General Plan would contribute to cumulative impacts on solid waste disposal facilities. Impact 4.15 of the General Plan Update EIR states that future projects associated with buildout of the General Plan would be required to comply with applicable state and local

requirements including those pertaining to solid waste, construction waste diversion, and recycling. Additionally, the General Plan includes actions to further reduce impacts on solid waste services. The General Plan Update EIR concluded that because buildout of the General Plan would not exceed the permitted capacity of the landfill serving the City, and the General Plan complies with regulations related to solid waste, cumulative solid waste impacts would be less than cumulatively considerable.

Past, present, and reasonably foreseeable future projects within the city would generate solid waste that would need to be disposed of at different facilities depending on the material waste stream (e.g., garbage, recyclables, food waste, yard trimmings, and construction and demolition) in accordance with the City's franchise agreement with Milpitas Sanitation, Inc. (MSI). Solid waste is disposed of at the Kirby Canyon Landfill, while recyclables, yard trimmings, and food scraps would be diverted to other facilities. However, the City's disposal rates have been steadily decreasing over time and would likely continue to decrease throughout the life of the Specific Plan in accordance with state and local solid waste diversion requirements. Kirby Canyon Landfill can accept up to 2,600 tons per day of waste and has a remaining permitted capacity of 16,191,600 cubic yards as of 2015, with an estimated closure date of 2059.

As discussed in Section 3.15, "Utilities and Service Systems," of this Draft SEIR, implementation of the proposed Specific Plan would generate approximately 87,891 pounds of solid waste per day, which equates to 43.9 tons per day or 16,040 tons per year of solid waste. Applying the same disposal rates to the population and employment projections identified for the Specific Plan Area in the General Plan Update EIR, the General Plan land uses for the Specific Plan Area would generate approximately 104,534 pounds of solid waste per day, which equates to 52.3 tons per day or 19,078 tons per year of solid waste. As such, the proposed Specific Plan would generate approximately 3,037 fewer tons of solid waste per year compared to what was identified in the General Plan Update EIR. This amount of daily solid waste would also be well within the Kirby Canyon Landfill's daily permitted capacity. As such, Kirby Canyon Landfill would have sufficient capacity to accommodate solid waste generated from buildout of the Specific Plan, and the Specific Plan would not contribute to an exceedance of the landfill's disposal capacity. Furthermore, future development under the Specific Plan would be required to comply with all applicable state and local management and reduction statutes and regulations related to solid waste, including AB 939, AB 341, AB 1826, and the Milpitas Municipal Code, which would reduce the amount of operation-related solid waste that would be disposed of at Kirby Canyon Landfill.

Finally, all future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of solid waste facility provisions is provided in Chapter 7, Section 7.5.1 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 5-2 through 5-4.

Because the waste facilities that serve the Specific Plan Area also serve multiple jurisdictions and the project-level analysis considered overall capacity at multiple facilities, the proposed Specific Plan's contribution to cumulative solid waste impacts would remain **less than cumulatively considerable**. Therefore, no new significant or substantially more severe cumulative impacts on solid waste facilities would occur compared to the General Plan Update EIR.

5 ALTERNATIVES

5.1 INTRODUCTION

The California Code of Regulations (CCR) Section 15126.6(a) (State CEQA Guidelines) requires EIRs to describe "... a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a range of potentially feasible alternatives that will avoid or substantially lessen the significant adverse impacts of a project, and foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." This section of the State CEQA Guidelines also provides guidance regarding what the alternatives analysis should consider. Subsection (b) further states the purpose of the alternatives analysis is as follows:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code [PRC] Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

The State CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project as proposed (CCR Section 15126.6[d]).

The State CEQA Guidelines further require that the "no project" alternative be considered (CCR Section 15126.6[e]). The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. If the no project alternative is the environmentally superior alternative, CEQA requires that the EIR "...shall also identify an environmentally superior alternative among the other alternatives." (CCR Section 15126[e][2]).

In defining "feasibility" (e.g., "... feasibly attain most of the basic objectives of the project ..."), CCR Section 15126.6(f) (1) states, in part:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

In determining what alternatives should be considered in the EIR, it is important to consider the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by the lead agency's decision-making body, here the City of Milpitas. (See PRC Sections 21081.5, 21081[a] [3].)

5.2 CONSIDERATIONS FOR SELECTION OF ALTERNATIVES

5.2.1 Attainment of Project Objectives

As described above, one factor that must be considered in selection of alternatives is the ability of a specific alternative to attain most of the basic objectives of the project (State CEQA Guidelines Section 15126.6[a]). Chapter 2, "Project Description," articulates the following proposed Specific Plan objectives:

- ▶ Develop a center for the City composed of districts and neighborhoods organized around hubs of activity to improve the character of the area with high quality development, landscaping, and streetscape design.
- ▶ Integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes.
- ▶ Improve mobility and access for infill and mixed-use development in the community, through creation of complete streets, trails and transit improvements to support a walkable and bikeable urban community.
- ▶ Create diverse and meaningful public open space that builds on the assets of its location to support new public realm streetscape improvements, urban parks, plazas, special gathering places, and connected open space.

5.2.2 Environmental Impacts of the Specific Plan

As documented throughout Chapter 3 (Sections 3.1 through 3.12) and Chapter 4, "Cumulative Impacts," of this Draft SEIR, after implementation of the recommended mitigation measures, all of the impacts associated with the proposed Specific Plan would be reduced to a less-than-significant level or remain significant and unavoidable as identified in the General Plan Update EIR, with the exception of the following impacts identified for the proposed Specific Plan that would be significant and unavoidable:

- ▶ Impact 3.4-1 (Cause a Substantial Adverse Change in the Significance of a Historical Resource)
- ▶ Impact 3.4-2 (Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources)
- ▶ Impact 3.4-3 (Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource)
- ▶ Impact 3.8-2 (Generate a Substantial Increase in Long-Term Transportation Noise Levels)
- ▶ Cumulative Impact 4.4.4-1 (Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources)
- ▶ Cumulative Impact 4.4.8-2 (Contribute to Cumulative Traffic Noise Impacts)
- ▶ Cumulative Impact 4.4.11-1 (Contribute to Cumulative Impacts Related to Vehicle Miles Traveled)

5.3 ALTERNATIVES CONSIDERED BUT NOT EVALUATED FURTHER

As described above, State CEQA Guidelines Section 15126.6(c) provides that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project, and could avoid or substantially lessen one or more of the significant effects. Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165-1167.)

In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by lead agency decision-maker(s). (See Pub. Resources Code, Section 21081(a)(3).) At

the time of action on the project, the decision-maker(s) may consider evidence beyond that found in this EIR in addressing such determinations. The decision-maker(s), for example, may conclude that a particular alternative is infeasible (i.e., undesirable) from a policy standpoint, and may reject an alternative on that basis provided that the decision-maker(s) adopts a finding, supported by substantial evidence, to that effect, and provided that such a finding reflects a reasonable balancing of the relevant economic, environmental, social, and other considerations supported by substantial evidence. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998.)

The EIR should also identify any alternatives that were considered by the lead agency, but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency's determination.

The following alternatives were considered by the City of Milpitas but are not evaluated further in this Draft SEIR.

5.3.1 Off-Site Alternative

According to State CEQA Guidelines Section 15126.6[f][2][A], only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

As discussed in the project objectives, a fundamental purpose of the proposed Specific Plan within the Specific Plan Area is to integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes. Thus, the proposed Specific Plan would redevelop an existing urban area that has already been disturbed by previous uses and is served by existing services, avoiding the need for new construction at an undeveloped site.

In addition, an offsite alternative would be inconsistent with the policy direction of the General Plan. The City's General Plan Land Use Element designates the adopted Midtown Plan area as Milpitas Gateway-Main Street Specific Plan (Specific Plan). The General Plan includes the following actions related to the development of the proposed Specific Plan: Action LU-2A to maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses; and Action ED-3H to work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use.

For these reasons, this alternative has been eliminated from further consideration.

5.3.2 Reduced Residential Development Alternative

This alternative would involve amendment the General Plan and zoning for residential uses to reduce the extent of development in order to reduce significant and unavoidable impacts associated with water supply as well as other environmental impacts that were identified for the proposed Specific Plan.

As discussed in the project objectives, a fundamental purpose of the proposed Specific Plan is to promote infill residential development. Thus, this alternative would conflict with this objective. In addition, state law limits the City's ability to downzone land. The Housing Crisis Act of 2019, or Senate Bill 330, was signed into law in 2019 to promote housing development throughout the state. In addition to several requirements to streamline housing approvals, the act restricts local jurisdictions from amending an existing land use designation to prohibit or lower the intensity of residential development unless an increase in capacity is concurrently approved elsewhere to ensure no capacity for housing is lost.

For these reasons, this alternative has been eliminated from further consideration.

5.4 ALTERNATIVES SELECTED FOR DETAILED ANALYSIS

The following alternatives were evaluated in this Draft SEIR.

- ▶ **Alternative 1: No Project Alternative** assumes that the existing Midtown Plan and the associated General Plan land use designations and zoning would remain. No specific plan document would be adopted.
- ▶ **Alternative 2: Increased Residential Development for Main Street and Crossroads Districts Alternative** consists of the proposed Specific Plan modified that would apply the Specific Plan development incentives identified in Section 2.4.4, "Development Incentives," of Chapter 2, "Project Description," to the Main Street and Crossroads Districts to increase residential development beyond the proposed Specific Plan.

Further details on these alternatives, and an evaluation of environmental effects relative to the proposed Specific Plan, are provided below.

5.4.1 Alternative 1: No Project Alternative

Under Alternative 1, the No Project Alternative, no actions would be taken. The Midtown Plan would remain in effect as it was adopted by the city in 2002 and designated in the General Plan Update, adopted in 2021. General Plan land use designations and zoning within the Specific Plan Area would remain unchanged. Buildout under Alternative 1 would consist of 3,838 residential dwelling units (population of 12,568) and nonresidential development of 3,293,240 square feet of nonresidential uses (7,898 jobs). The No Project Alternative would not meet the Specific Plan objectives. However, as required by CEQA, the No Project Alternative is evaluated in this Draft SEIR.

AESTHETICS

As discussed in Section 3.1, "Aesthetics," of this Draft SEIR, the proposed Specific Plan would result in less-than-significant impacts to visual quality and views and new sources of substantial light and glare from new development as identified in the General Plan Update EIR. Alternative 1 would retain current land use designations and zoning and would be subject to General Plan policies CD 1-1, CD 3-1 through CD 3-10, and LU 5-1 through LU 5-3. Therefore, this alternative would result in similar visual and lighting impacts. (*Similar*)

AIR QUALITY

As discussed in Section 3.2, "Air Quality," of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts associated with consistency with the 2017 Clean Air Plan and General Plan, exposure to toxic air contaminants, and odor impacts. Alternative 1 would retain current land use designations and zoning and would result in similar air pollutant emissions as the proposed Specific Plan (see Tables 3.2-5 and 3.2-6). Alternative 1 would not result in any new sources of toxic air contaminants and odor impacts. Therefore, impacts would be similar for Alternative 1 than under the project. (*Similar*)

BIOLOGICAL RESOURCES

As discussed in Section 3.3, "Biological Resources," of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts to biological resources. Alternative 1 would have the same development footprint as the proposed Specific Plan. Therefore, biological resource impacts associated with this alternative would be similar to those under the project. (*Similar*)

CULTURAL AND TRIBAL CULTURAL RESOURCES

As noted above, the proposed Specific Plan would result in new significant and unavoidable impacts to historical resources, archaeological resources, and tribal cultural resources under project and cumulative conditions beyond

what was evaluated in the General Plan Update EIR. Alternative 1 would have the same development footprint as the proposed Specific Plan, however less ground-disturbing activities would occur. Therefore, impacts associated with this alternative would be less than the proposed Specific Plan. (*Less*)

ENERGY

Section 3.5, "Energy," of this Draft SEIR, identified less than significant impacts for the proposed Specific Plan energy demand and consistency with applicable energy plans. As shown in Tables 3.5-1 through 3.5-4, Alternative 1 would be less energy efficient than the proposed Specific Plan. Alternative 1 would be subject to energy efficiency and renewable energy sources provisions of the City's 2022 CAP. Therefore, impacts would be greater for Alternative 1 than under the project. (*Greater*)

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

As discussed in Section 3.6, "Greenhouse Gas Emissions and Climate Change," of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts associated with greenhouse gas (GHG) emission increases and would be consistent with GHG reduction plans and strategies. As shown in Tables 3.6-3 and 3.6-4, Alternative 1 would generate greater GHG emissions than the proposed Specific Plan. Alternative 1 would be subject to GHG reduction measures of the City's 2022 CAP. Therefore, impacts would be greater for Alternative 1 than under the project. (*Greater*)

LAND USE AND PLANNING

Section 3.7, "Land Use and Planning," of this Draft SEIR concludes that the proposed Specific Plan would not result in significant impacts related to physical division of established communities or conflicts with land use plans, policies, or regulations that protect the environment. Alternative 1 would have the same development footprint as the proposed Specific Plan. Alternative 1 would also not result in any conflicts with plans or policies that address environmental resources in the Specific Plan Area. Therefore, impacts associated with this alternative would be similar to those under the project. (*Similar*).

NOISE AND VIBRATION

As discussed in Section 3.8, "Noise and Vibration," of this Draft SEIR, the proposed would not result in new significant impacts related to construction noise or vibration and long-term noise exposure (stationary and traffic noise sources). As shown in Table 3.8-11, the proposed Specific Plan and Alternative 1 would result in similar traffic noise conditions. Therefore, impacts associated with this alternative would be similar to those under the project. (*Similar*).

POPULATION AND HOUSING

Section 3.9, "Population and Housing," of this Draft SEIR concludes that the proposed Specific Plan would not result in significant impacts related to population growth or displacement of housing and residents. Future development under the Alternative 1 would have reduced development potential of 1,338 residential units as compared to the proposed Specific Plan. Therefore, population growth impacts would be less than the proposed Specific Plan. (*Less*)

PUBLIC SERVICES AND RECREATION

As discussed in Section 3.10, "Public Services and Recreation," of this Draft SEIR, the proposed Specific Plan would generate additional residents, which would increase the need for additional fire protection and law enforcement services and additional parks. However, these services are funded through a variety of sources (e.g., property taxes, development impact fees, fees for services) and are expanded as needed to accommodate additional population

growth. Future development under the Alternative 1 would decrease the development potential by 1,338 residential units. Therefore, impacts would be less than the proposed Specific Plan. (*Less*)

TRANSPORTATION

As discussed in Section 3.11, "Transportation," of this Draft SEIR, the proposed Specific Plan would not result in new significant impacts to compliance with circulation plans, safety, or emergency access beyond the less than significant impact conclusions of the General Plan Update EIR. The proposed Specific Plan would also not worsen significant and unavoidable vehicle miles traveled (VMT) impacts identified under the General Plan Update EIR. Alternative 1 would decrease the service population by 3,816 as compared to the proposed Specific Plan. This would result in a decreased VMT efficient as compared to the proposed Specific Plan as shown in Table 9 of Appendix D. Therefore, impacts would be greater. (*Greater*)

UTILITIES AND SERVICE SYSTEMS

As discussed in Section 3.12, "Utilities and Service Systems," of this Draft SEIR, the proposed Specific Plan would not result in any new significant impacts to infrastructure improvements, water supply, wastewater services, and solid waste beyond the less than significant impact conclusions of the General Plan Update EIR. Future development under the Alternative 1 would decrease the development potential by 1,338 residential units which would result in reduced infrastructure and utility demands compared to what was identified for the proposed Specific Plan. Therefore, impacts would be less than the proposed Specific Plan. (*Less*)

5.4.2 Alternative 2: Increased Residential Development for Main Street and Crossroads Districts Alternative

The Increased Residential Development for Main Street and Crossroads Districts Alternative consists of the proposed Specific Plan modified that would apply the Specific Plan development incentives identified in Section 2.4.4, "Development Incentives," of Chapter 2, "Project Description," to the Main Street and Crossroads Districts shown in Figure 2-6 to increase residential development beyond the proposed Specific Plan. Buildout under Alternative 2 would consist of 8,197 residential dwelling units (population of 25,944) and nonresidential development of 2,058,666 square feet of nonresidential uses (5,541 jobs). All other aspects of the proposed Specific Plan would remain the same under Alternative 2.

AESTHETICS

As discussed in Section 3.1, "Aesthetics," of this Draft SEIR, the proposed Specific Plan would result in less-than-significant impacts to visual quality and views and new sources of substantial light and glare from new development. Alternative 2 would result in a further intensification of development in the Main Street and Crossroads Districts with the inclusion of 3,021 residential units beyond the proposed Specific Plan that could result in increased building mass and height. Alternative 2 would still be subject to Specific Plan Objective Design Standards that would address visual character within the Specific Plan Area. However, denser and taller development under this alternative would result in increased visual and lighting impacts. (*Greater*)

AIR QUALITY

As discussed in Section 3.2, "Air Quality," of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts associated with consistency with the 2017 Clean Air Plan and General Plan, exposure to toxic air contaminants, and odor impacts. Alternative 2 would increase the service population by 9,560 (31,485 service population [residences and jobs]) as compared to the proposed Specific Plan. This increase in service population would result in increases in operational emissions beyond the proposed Specific Plan. Alternative 2 would not result

in any new sources of toxic air contaminants and odor impacts. Therefore, impacts would be greater for Alternative 2 than under the project. (*Greater*)

BIOLOGICAL RESOURCES

As discussed in Section 3.3, “Biological Resources,” of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts to biological resources. While Alternative 2 would result in the intensification of development in the Main Street and Crossroads Districts, it would not expand the development footprint of the Specific Plan Area or propose development of natural habitat areas. Therefore, biological resource impacts associated with this alternative would be similar to those under the project. (*Similar*)

CULTURAL AND TRIBAL CULTURAL RESOURCES

As noted above, the proposed Specific Plan would result in new significant and unavoidable impacts to historical resources, archaeological resources, and tribal cultural resources under project and cumulative conditions beyond what was evaluated in the General Plan Update EIR. While Alternative 2 would result in the intensification of development in the Main Street and Crossroads Districts, it would not expand the development footprint of the Specific Plan Area. Therefore, impacts associated with this alternative would be similar to those under the project. (*Similar*)

ENERGY

Section 3.5, “Energy,” of this Draft SEIR, identified less than significant impacts for the proposed Specific Plan energy demand and consistency with applicable energy plans. Alternative 2 would increase the service population by 9,560 (31,485 service population [residences and jobs]) as compared to the proposed Specific Plan. This increase in service population would result in increases in energy use beyond the proposed Specific Plan. Alternative 2 would be subject to energy efficiency and renewable energy sources provisions of the City’s 2022 CAP. Therefore, impacts would be greater for Alternative 2 than under the project. (*Greater*)

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

As discussed in Section 3.6, “Greenhouse Gas Emissions and Climate Change,” of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts associated with greenhouse gas (GHG) emission increases and consistency with GHG reduction plans and strategies. Alternative 2 would increase the service population by 9,560 (31,485 service population [residences and jobs]) as compared to the proposed Specific Plan. This increase in service population would result in increases in GHG emissions from mobile and stationary sources beyond the proposed Specific Plan. Alternative 2 would be subject to GHG reduction measures identified in the City’s 2022 CAP. Therefore, impacts would be greater for Alternative 2 than under the project. (*Greater*)

LAND USE AND PLANNING

Section 3.7, “Land Use and Planning,” of this Draft SEIR concludes that the proposed Specific Plan would not result in significant impacts related to physical division of established communities or conflicts with policies that protect the environment. While Alternative 2 would result in the intensification of development in the Main Street and Crossroads Districts, it would not expand the development footprint of the Specific Plan Area or create physical obstructions (e.g., new highway or rail facilities) that would physically divide existing communities. Alternative 2 would also not result in any conflicts with plans or policies that address environmental resources in the Specific Plan Area. Therefore, impacts associated with this alternative would be similar to those under the project. (*Similar*)

NOISE AND VIBRATION

As discussed in Section 3.8, “Noise and Vibration,” of this Draft SEIR, the proposed would not result in new significant impacts related to construction noise or vibration and long term noise exposure (stationary and traffic noise sources). Future development under the Alternative 2 would increase the development potential by 3,021 residential units that would further increase traffic noise conditions that were identified as a significant and unavoidable impact under the General Plan Update EIR. Development under this alternative would result in greater traffic noise impacts from increased and denser development. (*Greater*)

POPULATION AND HOUSING

Section 3.9, “Population and Housing,” of this Draft SEIR concludes that the proposed Specific Plan would not result in significant impacts related to population growth or displacement of housing and residents. Future development under the Alternative 2 would increase the development potential by 3,021 residential units that would increase the City’s buildout population, but would provide additional housing opportunities. Therefore, population growth impacts would be greater than the proposed Specific Plan. (*Greater*)

PUBLIC SERVICES AND RECREATION

As discussed in Section 3.10, “Public Services and Recreation,” of this Draft SEIR, the proposed Specific Plan would generate additional residents, which would increase the need for additional fire protection and law enforcement services and additional parks. However, these services are funded through a variety of sources (e.g., property taxes, development impact fees, fees for services) and are expanded as needed to accommodate additional population growth. Future development under the Alternative 2 would increase the development potential by 3,021 residential units. Therefore, impacts to public services and recreation would be greater as a result of the additional units under this alternative. Because this alternative would result in additional units, which would have the potential to result in additional residents as compared to the proposed Specific Plan, impacts would be greater. (*Greater*)

TRANSPORTATION

As discussed in Section 3.11, “Transportation,” of this Draft SEIR, the proposed Specific Plan would not result in new significant impacts to compliance with circulation plans, safety, or emergency access beyond the less than significant impact conclusions of the General Plan Update EIR. The proposed Specific Plan would also not worsen significant and unavoidable vehicle miles traveled (VMT) impacts identified under the General Plan Update EIR. Alternative 2 would increase the service population by 9,560 (31,485 service population [residences and jobs]) as compared to the proposed Specific Plan. This increase in service population would result in increases in total VMT generated beyond the proposed Specific Plan. Therefore, impacts would be greater. (*Greater*)

UTILITIES AND SERVICE SYSTEMS

As discussed in Section 3.12, “Utilities and Service Systems,” of this Draft SEIR, the proposed Specific Plan would not result in any new significant impacts to infrastructure improvements, water supply, wastewater services, and solid waste beyond the less than significant impact conclusions of the General Plan Update EIR. Future development under the Alternative 2 would increase the development potential by 3,021 residential units that would result in increased infrastructure and utility service demands beyond what was identified for the proposed Specific Plan. Therefore, impacts would be greater. (*Greater*)

5.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As identified in Table 5-1, the No Project Alternative would be the environmentally superior alternative. However, the No Project Alternative would not meet the objectives of the project as presented above in Section 5.2.

As shown in Table 5-1 Alternative 2 would not avoid or lessen significant environmental impacts of the proposed Specific Plan, but would be consistent with the project objectives and would provide additional housing opportunities beyond the proposed Specific Plan.

Table 5-1 Summary of Environmental Effects of the Alternatives Relative to the Proposed Specific Plan

Environmental Topic	Proposed Specific Plan	Alternative 1: No Project Alternative	Alternative 2: Increased Residential Development for Main Street and Crossroads Districts Alternative
Aesthetics	Less Than Significant	Similar	Greater
Air Quality	Less Than Significant	Similar	Greater
Biological Resources	Less Than Significant	Similar	Similar
Cultural, and Tribal Cultural Resources	Significant and Unavoidable	Less	Similar
Energy	Less Than Significant	Greater	Greater
Greenhouse Gas Emissions and Climate Change	Less Than Significant	Greater	Greater
Land Use and Planning	Less Than Significant	Similar	Similar
Noise	Significant and Unavoidable (Traffic Noise Only)	Similar	Greater
Population and Housing	Less Than Significant	Less	Greater
Public Services and Recreation	Less Than Significant	Less	Greater
Transportation	Significant and Unavoidable (VMT Only)	Greater	Greater
Utilities and Service Systems	Less Than Significant	Less	Greater

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6 OTHER CEQA SECTIONS

6.1 GROWTH INDUCEMENT

California Environmental Quality Act (CEQA) Section 21100(b)(5) specifies that the growth-inducing impacts of a project must be addressed in an environmental impact report (EIR). Section 15126.2(d) of the State CEQA Guidelines provides the following guidance for assessing growth-inducing impacts of a project:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also, discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can induce growth directly, indirectly, or both. Direct growth inducement would result if a project involved construction of new housing. Indirect growth inducement would result, for instance, if implementing a project resulted in any of the following:

- ▶ substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises);
- ▶ substantial short-term employment opportunities (e.g., construction employment) that indirectly stimulates the need for additional housing and services to support the new temporary employment demand; and/or
- ▶ removal of an obstacle to additional growth and development, such as removing a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area).

Growth inducement itself is not an environmental effect but may foreseeably lead to environmental effects. If substantial growth inducement occurs, it can result in secondary environmental effects, such as increased demand for housing, demand for other community and public services and infrastructure capacity, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, conversion of agricultural and open-space land to urban uses, and other effects.

The State CEQA Guidelines do not distinguish between planned and unplanned growth for purposes of considering whether a project would foster additional growth. Therefore, for purposes of this SEIR, to reach the conclusion that a project is growth inducing as defined by CEQA, the SEIR must find that it would foster (i.e., promote, encourage, allow) additional growth in economic activity, population, or housing, regardless of whether the growth is already approved by and consistent with local plans beyond what was evaluated in the General Plan Update EIR. The conclusion does not determine whether induced growth is beneficial or detrimental, consistent with Section 15126.2(e) of the State CEQA Guidelines.

If the analysis conducted for the SEIR results in a determination that the project is growth-inducing beyond what was evaluated in the General Plan Update EIR, the next question is whether that growth may cause adverse effects on the environment. Environmental effects resulting from induced growth (i.e., growth-induced effects) fit the CEQA definition of "indirect" effects in Section 15358(a)(2) of the State CEQA Guidelines. These indirect or secondary effects of growth may result in significant environmental impacts. CEQA does not require that an EIR speculate unduly about the precise location and site-specific characteristics of significant, indirect effects caused by induced growth, but a good-faith effort is required to disclose what is feasible to assess. Potential secondary effects of growth could include consequences – such as conversion of open space to developed uses, increased demand on community and public services and infrastructure, increased traffic and noise, degradation of air and water quality, or degradation or loss of plant and wildlife habitat – that are the result of growth fostered by the project.

The decision to allow those projects that result from induced growth is the subject of separate discretionary processes by the lead agency(ies) responsible for considering such projects. Because the decision to allow growth is subject to separate discretionary decision making, and such decision making is itself subject to CEQA, the analysis of growth-inducing effects is not intended to determine site-specific environmental impacts and specific mitigation for the potentially induced growth. Rather, the discussion is intended to disclose the potential for environmental effects to occur more generally, such that decision makers are aware that additional environmental effects are a possibility if growth-inducing projects are approved. The decision of whether impacts do occur, their extent, and the ability to mitigate them is appropriately left to consideration by the agency responsible for approving such projects at such times as complete applications for development are submitted.

6.1.1 Summary of Growth-Inducing Impacts

The timing, magnitude, and location of land development and population growth in a community or region are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and nonresidential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. Because the General Plan of a community defines the location, type, and intensity of growth, it is the primary means of regulating development and growth in California.

6.1.2 Growth-Inducing Impacts of the Specific Plan

GROWTH-INDUCING IMPACTS ASSOCIATED WITH POPULATION GROWTH

Implementation of the Specific Plan would foster long-term economic growth within the City as a result of construction of 1,338 additional units that would be allowed under the Specific Plan beyond what is allowed under the General Plan currently. The proposed Specific Plan implements the General Plan policies that would change the development currently allowed under the General Plan which would result in an increase in housing potential within the Specific Plan Area. Development buildout under the proposed Specific Plan would result in expanding residential capacity under the General Plan by an additional 1,338 units for a total allowable 5,176 units.

The Specific Plan would provide housing that exceeds the projections in the City of Milpitas's current planning documents, including the adopted Midtown Plan and General Plan. In addition to the General Plan, ABAG's Plan Bay Area 2050 projects regional forecasts till 2050, which extends past the City's current General Plan 2040 planning horizon. As part of the forecast process for Plan Bay Area 2050, ABAG compiled jurisdictions' data at the local and regional levels to project population, household, and jobs growth for the region through 2050. The population projections from Plan Bay Area 2050 were used to determine ABAG and its member jurisdictions regional housing needs allocation (RHNA), which assigns proportional housing needs to help achieve the State's housing goals. Through this process, the City was assigned an RHNA of 6,713 units for the 2023-2031 planning cycle. Adoption and implementation of the proposed Specific Plan would aid the City in achieving its current and future RHNAs through higher-density and mixed-use intensities, development incentives, and other programs to help foster targeted growth within the Specific Plan Area. As the growth projected under the proposed Specific Plan would be aligned with ABAG's Plan Bay Area 2050 growth projections, development under the Specific Plan would not induce unplanned growth within the city or the region. The environmental impacts associated with these direct growth-inducing effects are described in Sections 3.1 through 3.12 of this Draft SEIR.

GROWTH-INDUCING IMPACTS ASSOCIATED WITH REMOVAL OF BARRIERS TO POPULATION GROWTH

The proposed Specific Plan would establish a bonus system to allow for additional floor area and/or residential density for qualified projects beyond the base development potential under the Specific Plan identified in Table 2-6

in Chapter 2, Project Description. The purpose of bonuses is to incentivize the provision of certain project attributes, such as providing sustainable design features and/or open space, furthering economic development, and supporting the rehabilitation of existing buildings. Bonuses would only be available within the Specific Plan focus areas. The provision of development bonuses would be subject to review and demonstration of the achievement of the criteria in Table 2-6. Development bonuses shall not exceed the maximum allowances described below:

- ▶ Maximum FAR or Density Bonus Increase of 50 percent in the Crossroads District and 40 percent within other Focus Area districts; and
- ▶ Maximum Height Increase of 2 stories in the Crossroads District and for the parcels directly fronting Calaveras Boulevard and 1 Story within other Focus Area districts.

Although the development incentives would eliminate an obstacle to growth, maximum density, intensity, and/or bonuses may not be achievable on all sites, as superseding development regulations or site constraints is anticipated to reduce actual development potential. Prior to issuance of a planning permit for a development project receiving a development bonus, the project developer would be required to sign a community benefit agreement, committing to the provision of the agreed upon project attributes in exchange for the development bonus. If the developer does not fulfill the obligations specified in the agreement, the developer would be subject to a financial penalty equal in cost to the value of the project attribute at the time that the occupancy is granted. The extent of this additional development potential that may occur would be based on economic conditions at an individual project basis. Based on these circumstances, the extent of this growth inducement impact would be speculative and no further analysis is provided consistent with State CEQA Guidelines Section 15145.

The proposed Specific Plan emphasizes pedestrian and bicycle safety improvements as a way to improve safety for all roadway users. The Specific Plan does not include increases to vehicle capacity, however Caltrans' Calaveras Boulevard Improvement Project would include changes to vehicle capacity along Calaveras Boulevard within the Specific plan Area as well as other traffic and intersection improvements including implementation of complete streets improvements on Calaveras Boulevard and the widening of Calaveras Boulevard to provide three through lanes between I-880 and I-680 in both directions.

The proposed Specific Plan would eliminate an obstacle to growth through the extension and provision of utilities and services within the Specific Plan Area. Implementation of the Specific Plan would increase the allowable housing potential within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. The WSA prepared for the Specific Plan (Appendix E) calculated the increase in water demand associated with future development under the Specific Plan. Based on the WSA, implementation of the Specific Plan would decrease water demand by 105,875 gpd as compared to buildout under the General Plan. As discussed under Impact 3.12-2, the proposed water infrastructure provisions would help to reduce water demand associated with buildout of the Specific Plan. Additionally, as discussed under Impact 3.12-3, implementation of the Specific Plan would not result in a new significant effect related to wastewater conveyance and treatment and the impact on wastewater conveyance and treatment would be less than significant. The proposed Specific Plan includes several provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area, including requiring development to obtain a building permit issued by the City prior to being entitled to wastewater treatment capacity; participating in fair share contributions to downstream improvements that were identified as deficient in the 2021 Sewer Master Plan, and any other improvements identified in subsequent updates to the Sewer Master Plan; and upgrading and expanding the sanitary sewer system in accordance with the Sewer Master Plan and to the satisfaction of the City Engineer, ensuring it meets the needs of new development in the Specific Plan Area. All future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. These improvements are intended to improve existing conveyance issues and not future development beyond the project. Future development under the Specific Plan would directly connect to existing utility infrastructure (water, wastewater, natural gas, and electricity) and would not facilitate additional development through expansion of regional facilities (e.g., water treatment plants, wastewater treatment plants, electrical substations) beyond that which was planned for within the General Plan Update for City buildout.

6.2 SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The State CEQA Guidelines Section 15126.2(b) requires EIRs to include a discussion of the significant environmental effects that cannot be avoided if the proposed project is implemented. The General Plan Update EIR identified significant and unavoidable impacts to traffic noise (Impact 3.12-1), vehicle miles traveled (Impact 3.14-2), cumulative noise (Impact 4.12), cumulative impacts on the transportation network (Impact 4.14), and irreversible effects (Impact 4.17).

As documented throughout Chapter 3 (Sections 3.1 through 3.12) and Chapter 4, "Cumulative Impacts," of this Draft SEIR, after implementation of the recommended mitigation measures, all of the impacts associated with the project would be reduced to a less-than-significant level or remain significant and unavoidable as identified in the General Plan Update EIR, with the exception of the following impacts identified for the proposed Specific Plan that would be significant and unavoidable:

- ▶ Impact 3.4-1 (Cause a Substantial Adverse Change in the Significance of a Historical Resource)
- ▶ Impact 3.4-2 (Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources)
- ▶ Impact 3.4-3 (Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource)
- ▶ Cumulative Impact 4.4.4-1 (Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources)
- ▶ Cumulative Impact 4.4.8-2 (Contribute to Cumulative Traffic Noise Impacts)
- ▶ Cumulative Impact 4.4.11-1 (Contribute to Cumulative Impacts Related to Vehicle Miles Traveled)

6.3 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines require a discussion of any significant irreversible environmental changes that would be caused by the project. Specifically, the State CEQA Guidelines section 15126.2(c) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The Specific Plan would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation, including the following:

- ▶ construction materials, including such resources as soil, rocks, wood, concrete, glass, roof shingles, and steel;
- ▶ land area committed to future facilities; and
- ▶ energy expended in the form of electricity, gasoline, diesel fuel, and oil for equipment and transportation vehicles that would be needed for construction and operation.

The use of these nonrenewable resources is expected to account for a minimal portion of the region's resources and would not affect the availability of these resources for other needs within the region. Construction activities would not result in inefficient use of energy or natural resources (see Section 3.5, "Energy," for a further discussion of the Specific Plan's energy use). Long-term operation would not result in substantial long-term consumption of energy and natural resources.

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Chapter 5 Alternatives

No references are used in this chapter.

Chapter 6 Other CEQA Sections

No references are used in this chapter.